

Getting it Right

acas

# Discipline at work

agreement

minimum procedure

timekeeping

final written warning

conduct

rules of  
behaviour

absence

inform

advise

train

work  
with you

## What if I get it wrong?

If disciplinary cases are handled badly, the performance of employees may suffer. Some employees may feel that they have cause to complain to an employment tribunal.

## What are the legal requirements?

You must, in the Written Statement of Terms and Conditions of Employment, specify:

- any disciplinary rules you have
- the person to whom employees apply if they wish to appeal against any disciplinary decision, and explain how to make such an application.

Employment tribunals are legally required to take the *Acas Code of Practice on disciplinary and grievance procedures* into account when considering relevant cases. Tribunals may adjust any compensatory awards by up to 25 per cent for unreasonable failure to comply with any provision of the Code.

## What are the advantages of a procedure for handling disciplinary matters?

A procedure can help you deal fairly and consistently with disciplinary problems including those that may involve dismissal.

## How do I get it right?

- ✓ Write down some basic rules of behaviour. These will vary with the type of organisation but may cover such matters as:
  - conduct
  - timekeeping
  - absence
  - health and safety
  - use of telephones, email and internet
  - examples of acts considered gross misconduct. These vary between organisations but might include things such as theft or fraud, physical violence, gross negligence or serious insubordination.
- ✓ Set standards of performance so that employees know what is expected of them.
- ✓ Try to deal with matters informally whenever possible. Often a quiet word is all that's needed to nip in the bud problems of unsatisfactory performance or conduct. At any stage consider independent help – eg a trained mediator.
- ✓ Write a procedure or review your existing procedure. The '*Acas guide: Discipline and grievances at work*' gives advice on what a procedure should contain and example procedures that you can adapt to suit your organisation.
- ✓ Follow *Acas Code of Practice on disciplinary and grievance procedures*. Briefly this says you should:
  - establish the facts by carrying out necessary investigations without delay
  - inform the employee of the problem in writing. Give sufficient information about the alleged misconduct or poor performance and its possible consequences. Provide copies of any written evidence including any witness statements.

Give details of the time and place for the disciplinary meeting and advise the employee of their right to be accompanied at the meeting.

- hold the meeting without unreasonable delay but allow the employee time to prepare their case
- allow the employee to be accompanied at the meeting. Workers have a statutory right to be accompanied at most disciplinary meetings
- decide after the meeting whether or not disciplinary or any other action is justified and inform the employee. Disciplinary action commonly takes the form of:
  - *first warning*: if conduct or performance is unsatisfactory, the employee will be given a written warning or performance note
  - *final written warning*: if the offence is serious, or there is no improvement in standards, or if a further offence of a similar kind occurs
  - *dismissal or action short of dismissal*: if the conduct or performance has failed to improve. Action short of dismissal may include demotion, disciplinary transfer or loss of seniority (as allowed in the contract).

Disciplinary action should be confirmed in writing setting out what improvement is required, the consequences of a failure to improve performance or conduct and how long the disciplinary action will remain current.

Some acts termed gross misconduct may call for dismissal without notice for a first offence. A fair disciplinary process should always be followed, before dismissing for gross misconduct.

- give employees the opportunity to appeal if they feel disciplinary action is wrong or unjust. The appeal should be dealt with impartially and wherever possible, by a manager who has not previously been involved in the case.

## Where can I get more information?

*Acas Code of Practice on disciplinary and grievance procedures*

*Discipline and grievances at work: the Acas guide*

to order, call Acas Publications on 08702 42 90 90 or order online at [www.acas.org.uk](http://www.acas.org.uk).

Acas national helpline – 08457 47 47 47 –gives free advice on employment matters.

For details of Acas training on discipline see the Acas website at [www.acas.org.uk/training](http://www.acas.org.uk/training)

This information is intended to be a brief introduction to the subject. Legal information is provided for guidance only and should not be regarded as an authoritative statement of the law.

# Acas can help with your employment relations needs

## We inform

We answer your questions, give you the facts you need and talk through your options. You can then make informed decisions. Contact us to keep on top of what employment rights legislation means in practice – before it gets on top of you. Call our helpline **08457 47 47 47** or visit our website **[www.acas.org.uk](http://www.acas.org.uk)**.

## We advise and guide

We give you practical know-how on setting up and keeping good relations in your organisation. Look at our publications on the website or ask our helpline to put you in touch with your local Acas adviser. Our Equality Direct helpline **08456 00 34 44** advises on equality issues, such as discrimination.

## We train

From a two-hour session on the key points of new legislation or employing people to courses specially designed for people in your organisation, we offer training to suit you. Look on the website for what is coming up in your area and to book a place or talk to your local Acas office about our tailored services.

## We work with you

We offer hands-on practical help and support to tackle issues in your business with you. This might be through one of our well-known problem-solving services. Or a programme we have worked out together to put your business firmly on track for effective employment relations. You will meet your Acas adviser and discuss exactly what is needed before giving any go-ahead.