

This is an information note only and it should not be regarded as a legal interpretation of legislation relating to disciplinary procedures. Professional advice should always be sought from an appropriately qualified and experienced source in the interpretation and application of disciplinary procedures. This guideline contains an outline of a disciplinary procedure, which may be adapted by an organisation to suit their particular needs.

## **Disciplinary Procedure Guideline**

### **Stage 1 Verbal warning**

This should be made by *<insert relevant person e.g. immediate line manager/supervisor>*, specifying the area of infringement of standards. This verbal warning will be confirmed in writing and included in the warning would be the action which the employee will be liable for should a subsequent failure to reach the required standard occur. This will be recorded on the employee's personnel record and should remain active for *<specify period of time>*.

### **Stage 2 Formal warning**

A repetition or failure to meet the required standards would justify a formal warning from *<insert relevant person e.g. immediate line manager/supervisor>*. This formal warning will be confirmed in writing and it would specify the failure which has occurred and/or elaborate on the exact misconduct. Included in the formal warning will be the action which the employee will be liable for should a subsequent failure to reach the required standard occur. This will be recorded on the employee's personnel record and will remain active for *<specify the period of time>*.

### **Stage 3 First written warning**

A repetition or failure to meet the required standards will justify a first written warning from *<insert relevant person e.g. immediate line manager/supervisor>*. This will specify the failure which has occurred or elaborate on the exact misconduct. Included in the first written warning will be the action to which the employee will be liable should a subsequent failure to reach the required standard occur. This will be recorded on the employee's personnel record and should remain active for *<specify the period of time>*.

### **Stage 4 Final written warning/Suspension without pay**

A repetition or failure to meet the required standards after receiving both verbal and written warnings (or for more serious reasons justifying more advanced disciplinary action) will justify a final written warning. The employee may also be suspended without pay for a prescribed period. This warning will specify the failure which has occurred or elaborate on the exact misconduct. Included in the final written warning will be the action to which the employee will be liable for should a subsequent failure to reach the required standard occur. This will be recorded on the employee's personnel record and should remain active for *<specify the period of time>*.

### **Stage 5 Dismissal**

A repetition or failure to meet the required standards after receiving verbal, written and/or final written warnings will justify dismissal. Dismissal may also be appropriate for instances of "gross misconduct". This refers to offenses which are so serious that dismissal is the only appropriate disciplinary action. So as not to breach the *Unfair Dismissals Acts 1977 to 2007*, the employer must be satisfied that an alleged "act of gross misconduct" has taken place following a thorough investigation. "Gross misconduct" is not defined in the legislation, therefore the disciplinary procedure should give a non-exhaustive list of examples of what constitutes gross misconduct within the organisation.

In cases of exceptionally grave misconduct an employee may be summarily dismissed (i.e. without minimum notice) without previous verbal and written warnings. As with "gross misconduct", grounds for dismissal should also be outlined clearly in the procedures.

**Points to note**

The procedures should outline the employee's right to representation by a work colleague or trade union representative at any stage of the disciplinary procedures.

In accordance with the principles of "natural justice", the procedures must also outline the internal mechanism for appeal and it is important to note that the management representative hearing the appeal should not have been involved in any way in the disciplinary decision, otherwise it could be considered in breach of these principles.

An employee should be suspended with pay pending the outcome of an investigation into an alleged disciplinary breach, including any appeals process if invoked.