

Disciplinary Procedures

A disciplinary procedure is a formal way of resolving disputes between employer and employee.

Employers must put their disciplinary procedure in writing and make it easily available to employees. It should include the rules, what performance and behaviour might lead to disciplinary action, and what action the employer might take.

By law, there are certain minimum steps that must be included in a disciplinary procedure - these are known as the 'statutory minimum procedures'. Dismissal without following this process will normally be 'automatically unfair'.

You normally need at least a year's service before you can make an unfair dismissal claim. There are exceptions however so please contact us.

Statutory Minimum Procedures

The employer must:-

- give notice in writing to the employee of the problem
- arrange for a meeting to take place to discuss the matter
- give the employee an opportunity to appeal

Employment Act 2008

In April 2009 the Employment Act 2002 (Dispute Resolution) Regulations 2004 will be repealed and will be replaced by a new framework based on the provisions of the Employment Act 2008.

From 6 April 2009, the mandatory "three-step" processes for disciplinary and dismissal procedures raised by an employer and for grievances raised by an employee will be repealed. Employment tribunals will decide cases on the basis of what is 'fair and reasonable' and a revised ACAS Code of Practice and non-statutory guidance on disciplinary and grievance procedures will establish the principles of what an employer and employee should do. Employment tribunals will have discretionary powers to adjust awards by up to 25% if an employee or employer has acted unreasonably in not following the principles in the new ACAS Code.

As a result, employees and employers will have greater flexibility to deal with workplace discipline and grievance issues in a way which suits them best.