

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.

Not having a procedure or not following it can be a serious problem at an Employment Tribunal.

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.

Standard 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

Employment tribunals 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 establishes 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.