

Key Considerations When Managing a Disciplinary, Dismissal or Grievance Matter

Reviewing the circumstances and planning the procedure carefully can help employers reach a fair decision and reduce the risk of procedural errors.



Your Policies and Procedures

Check the organisation's disciplinary and grievance policies before taking formal action. The process should also reflect the minimum standards contained in the Acas Code of Practice.



The Nature of the Concern

Establish whether the issue relates to misconduct, capability, attendance, a grievance or another workplace concern. Correctly identifying the issue helps determine which procedure should be followed.



Informal Resolution

Gather relevant evidence and give the individuals involved an opportunity to explain their position. The investigation should be impartial and proportionate to the seriousness of the allegations.



A Fair Investigation

Check who has authority to begin an employment procedure, negotiate an exit or approve the individual's removal. Conflicts of interest and voting restrictions may need to be considered.



Suspension

Do not assume suspension is automatically required. It should be considered only where there is a reasonable justification, kept as brief as possible and reviewed throughout the investigation.



Protected Issues

Consider whether the matter involves discrimination, disability, whistleblowing, family leave or another protected right. These issues may create additional legal risks and require adjustments to the usual process.

The Employee's Rights

Give the employee clear information about the allegations or grievance and a reasonable opportunity to respond.

Employees and workers may also have a legal right to be accompanied at relevant disciplinary and grievance hearings.

Consistency

Review how similar cases have previously been handled while considering the particular facts of the matter. Consistent treatment can help reduce allegations of unfairness or discrimination.

The Proposed Outcome

Ensure that any warning, dismissal or other action is proportionate and supported by the evidence. A fair reason alone may not make a dismissal fair if the employer has not also acted reasonably and followed an appropriate procedure.

Records and Appeals

Keep clear records of the evidence, meetings, decisions and reasons for the outcome. The employee should be informed of their right to appeal a disciplinary or grievance decision.



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