

# Disciplinary Hearings

## Employment

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When a disciplinary issue arises, it is important that you deal with matters properly. Whilst minor incidents of misconduct can usually be dealt with informally, there will be times when the issue is serious enough for you to need deal with things formally.

The following guidance note sets out the steps you should follow when dealing with disciplinary issues.

### **1. Investigation**

In order to decide whether disciplinary action is necessary, you need to conduct a thorough investigation into the alleged misconduct as soon as possible after the incident has occurred. You should write to the employee and ask them to attend an investigation meeting and as the investigation meeting is not considered to be part of the disciplinary procedure, employees do not have the right to be accompanied at this stage. The investigation should be carried out by the 'investigating manager' who will then review the evidence to decide whether there is a case to answer. If there is a case to answer, then the matter will progress to a disciplinary hearing.

### **2. Invitation to a disciplinary hearing**

You should then write to your employee invite them to a formal disciplinary hearing. The disciplinary meeting should not be conducted by the investigating manager. A different manager who has been independent of the investigation should take over instead.

In the letter you should outline the allegation the employee faces in sufficient detail so that the employee can understand your concerns. You should also state that the employee is entitled to bring a work colleague or trade union representative to the meeting. If you consider that this is a case of gross misconduct and you are thinking of dismissal, you must notify the employee of that fact in the letter.

### **3. Holding the disciplinary hearing**

At the meeting you should explain that the purpose of the meeting is to consider whether disciplinary action should be taken against the employee. You should explain that you will make your decision after the meeting having considered all evidence and the employee's representation. It is important that you give the employee a chance to state their case and to respond to any allegations made. Make sure accurate notes of the meeting are made.

### **4. Following the disciplinary hearing**

After the meeting follow up and investigate any points raised by the employee before making your decision. When you have made your decision, write to the employee to inform them of what you have decided and remember at the end of your letter you need to offer them the right of appeal.