



An overview of the disciplinary process

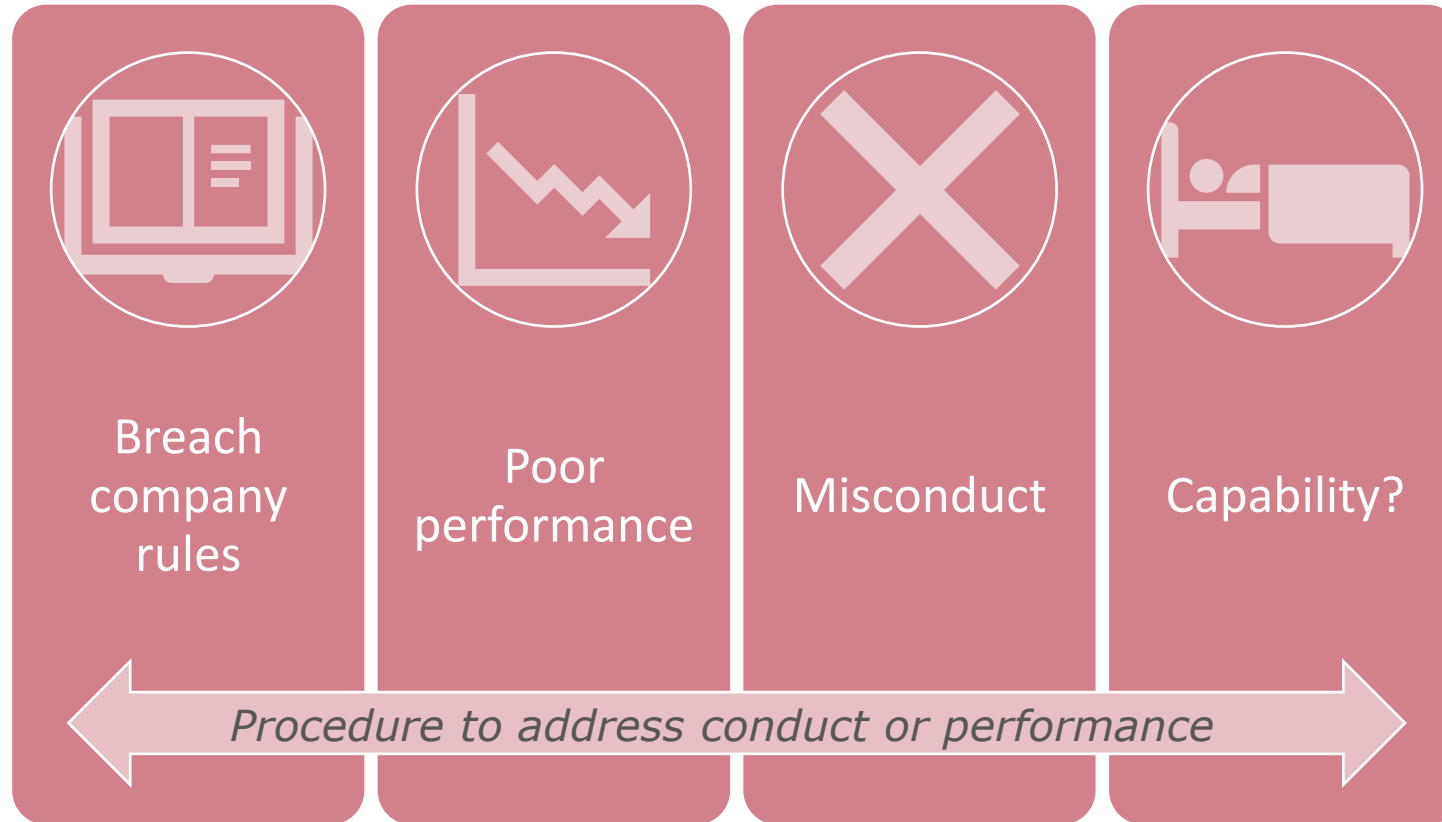
In conjunction with Casanovas Recruitment Solutions

Julie Temple and Karen Morovic

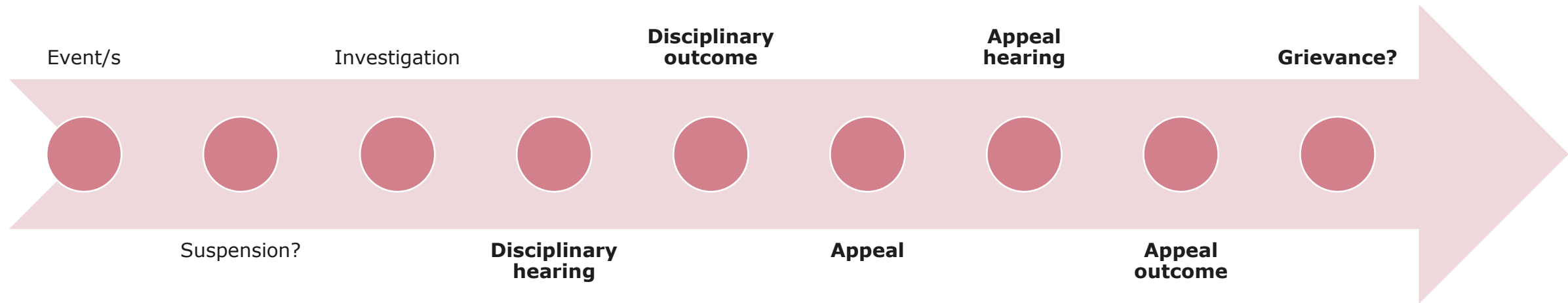
Agenda

- Welcome and introductions
- An overview of the disciplinary process
- Case law review
- Breakout group session
- Feedback from groups
- Questions

What is a disciplinary?



The disciplinary process



Initial considerations on a disciplinary process

Check requirements of relevant policies

Options to resolve – informal or formal?

Choosing an appropriate investigator

Is suspension appropriate?

'without unreasonable delay'

Interplay between policies and procedures

Availability of support

Suspension?

- Not knee jerk
- Appropriate in serious misconduct or incompetence
- Continued presence makes an investigation difficult
- Working relations broken down
- On full pay
- Confirm in writing



Disciplinary investigation



Purpose → Establish the facts



Must be reasonable



Always be required to some degree



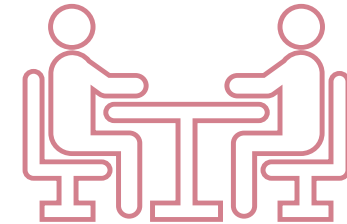
Covered by the Acas Code of Practice on disciplinary and grievance

Disciplinary hearing

Purpose → decide whether the disciplinary allegations are well founded and, if so, decide sanction

During the disciplinary meeting:

- Summarise the allegations
- Give individual an opportunity to:
 - ✓ ask questions
 - ✓ present their version and produce evidence
- Summarise the discussions
- Give the individual the chance to clarify



Disciplinary outcome

- Adjourn
- Two considerations:
 - ✓ Are the disciplinary allegations founded
 - ✓ If so, what should be the sanction (if any)
- Decision communicated/confirmed in writing
- Inform right to appeal



Disciplinary appeals -

A way to correct past mistakes?

Key points

- Consider appeal grounds carefully
- Have mistakes been made?
- Rehearing or reconsideration?

Khan V Stripestar Ltd [2016]

Making use of an appeal to correct failings in the disciplinary process:

- The employee was dismissed following a disciplinary hearing that lasted around six minutes
- The appeal manager suspended the hearing to investigate
- The investigation was full and thorough
- The dismissal stood
- The employee unsuccessfully claimed unfair dismissal
- A disciplinary process can be remedied where the appeal process is thorough and reasonably conducted and there is sufficient evidence of gross misconduct

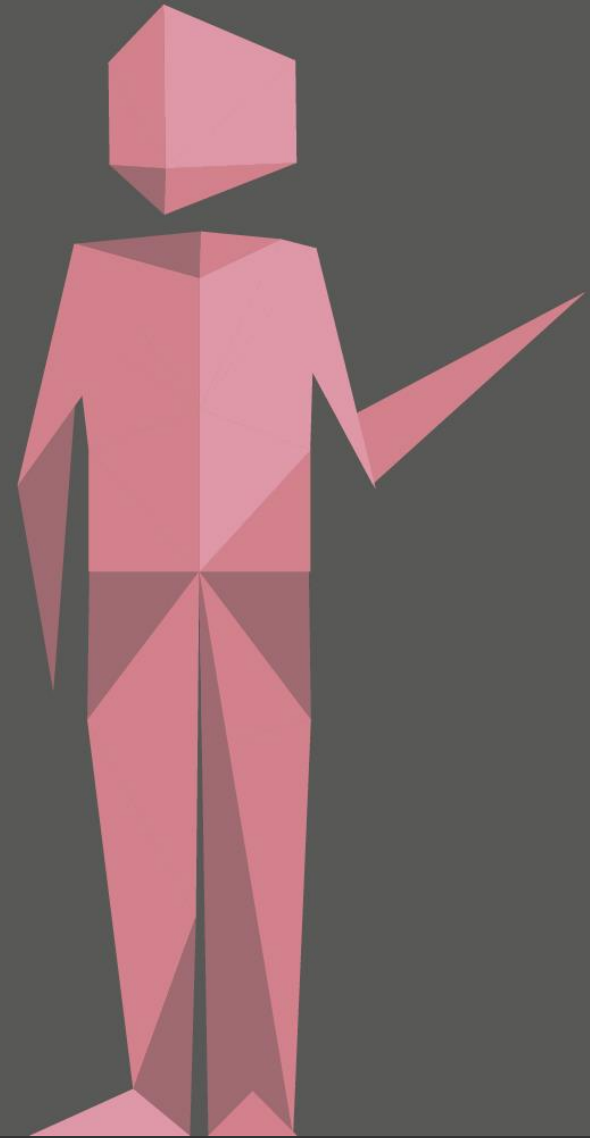
Marangakis v Iceland Foods Limited [2022]

- Summary dismissal
- Appeal and initially requests reinstatement
- Later requested apology and compensation
- Appeal upheld and reinstatement with a final written warning
- Employee did not return to work and dismissed
- Claim based on original dismissal
- Successful appeal meant the dismissal vanished

Collins v ILC Manchester Ltd t/a International Learning College [2012]

Always remember the statutory right to be accompanied:

- The employee had been employed for two months
- Called to a meeting
- The employee requested a companion and asked for adjournment
- This was refused and he was dismissed
- The employee was awarded one week's pay



a perfect
balance
of skills
for your
HR needs

let's talk

Training for your staff

A range of training to help your staff move forward with knowledge and confidence:

- **Managing misconduct**
- **Managing performance & early intervention**
- **Investigations**
- **Disciplinary hearings**
- **Equity, diversity, inclusion and belonging in the workplace**
- **Bullying and harassment in the workplace**

<https://www.birkettlong.co.uk/site/in-business/employment-hr/hr-and-employment-law-training-for-your-business/>

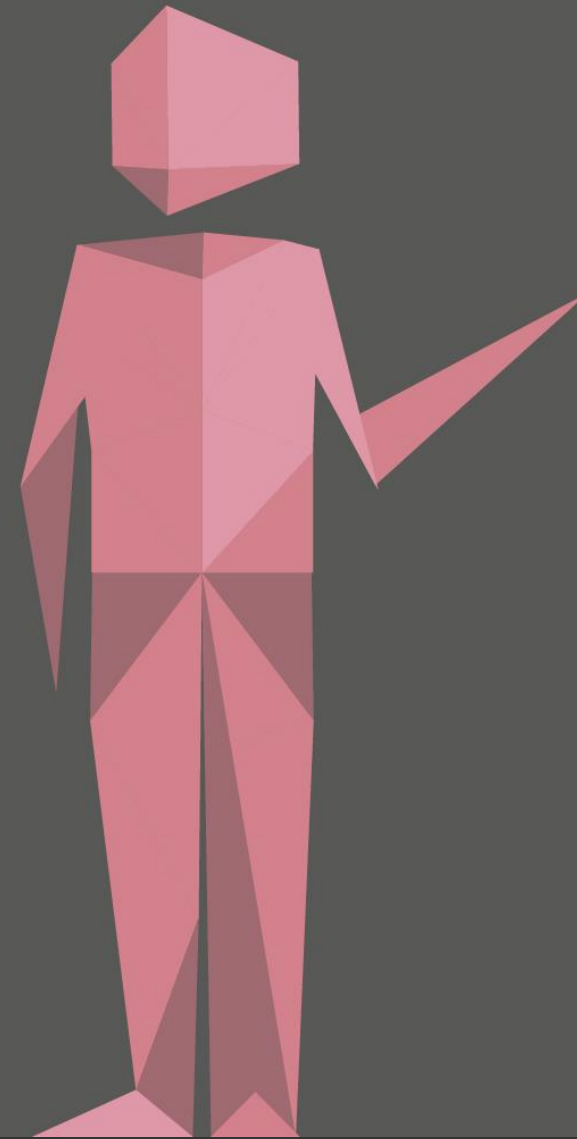
BLHR

Need a one stop shop HR and employment law solution? Or do you just want to pick and mix from our services what you need...when you need it?

Let's talk!

Visit the link below to find out what the BLHR Employment team can do for you.

www.birkettlong.co.uk/chatterbox



a perfect
balance
of skills
**for your
HR needs**

let's talk

Sign up to our newsletter

Email us -

events@birkettlong.co.uk



Follow us on socials

 **LinkedIn: @birkettlong**

 **Instagram: @birkett_long**

 **Facebook: @birkettlong**

 **X (Twitter): @birkettlong**

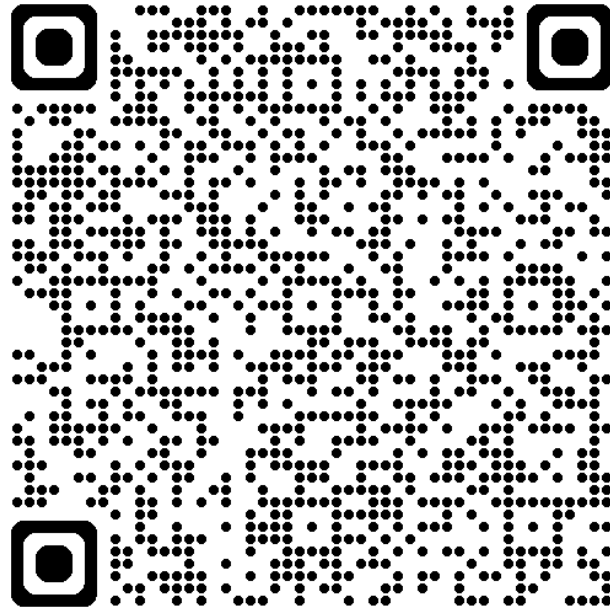
Breakout groups

- Disciplinary invite letter
- Disciplinary hearing
- Disciplinary appeal invite letter

Questions?



Birkett Long is going green! Please help support our NetZero initiative and use the following link to access the slides, feedback survey and other relevant links from today:



Thank you

