

# Disciplinarys

## Top Ten Tips



It is a stressful experience to be suspended and invited to a disciplinary hearing. It is important to try and keep a clear head and try to give yourself the best chance of avoiding disciplinary action or in the worst case, dismissal. Hopefully, with these tips, you can feel more confident and better prepared.

1. Use any period of suspension to think carefully about the possible allegations made by your employer and take the time to write down all you can remember about the possible incidents that have led to this. Employees are not always given full details of the reasons for suspension. Having your own written record will help you collate your thoughts. The more time elapses, the more difficult it becomes to remember exactly what happened.
2. Think hard about whether you have any witnesses to the alleged events. If so, you should contact those witnesses and ask that they provide you with statements in support of your case, unless you are suspended and ordered not to contact anyone. If you are suspended and not allowed to contact witnesses, you should give witness details to the Employer and make sure they are spoken to as part of the investigation.
3. Consider what documents you need to support your arguments. Make a list of any documents, emails, letters or other information you feel would be helpful to your case. Make sure the employer provides copies to you. It is important to remember that your employer can only make a decision based on the information it has at the time - if the information is not presented it is very difficult to rely upon it in a later Tribunal claim.
4. Make sure you read the ACAS Code of Practice regarding grievances and disciplinarys, along with your employer's own disciplinary procedure. Your employer may be breaching both and it is important that you point out those failures as evidence of unfair treatment. You could be entitled to up to 25% more compensation in the future if your employer does not comply with the ACAS Code.
5. Make sure that you comply with the ACAS Code of Practice regarding grievances and disciplinarys. If you have grounds to pursue a claim and you

fail to follow the Code it could result in a reduction to any compensation that might be awarded of up to 25%. For example, do not unreasonably refuse to attend disciplinary meetings.

6. Make sure you secure a trade union representative or colleague to attend any disciplinary meeting with you. If you are not a trade union member, taking a colleague with you helps to ensure you have a witness and that colleague can take full notes of the discussions which you might need at a later stage. A refusal to allow you to be accompanied might entitle you to compensation.
7. If notes or minutes of the disciplinary meetings are taken by your employer, make sure you are provided with a copy of them and that you have an opportunity to confirm the accuracy of those notes. If those notes are incorrect, make sure you write down the misrepresentations or omissions and present them in writing to the employer before it makes a disciplinary decision.
8. Try to make sure that the person investigating the disciplinary issue is different from the person making the final decision at the disciplinary hearing.
9. The person hearing the disciplinary should be independent from the incident in question e.g. if possible disciplinary action arises from an altercation between an employee and a Manager, it would not be fair for that Manager to make a decision regarding disciplinary action.
10. Do not be misled into thinking that an appeal process against disciplinary action or dismissal extends the time limits for pursuing a Tribunal claim. If you are dismissed from employment, the 3 month less 1 day time limit within which to lodge a Tribunal claim runs from the date your employment ends - not the date of the appeal. If your appeal has not been dealt with before this time limit expires you will need to lodge a Tribunal claim regardless.

Being well prepared for a disciplinary hearing ensures you are well prepared for possible future proceedings. And always remember, if the information in your defence is not given to the employer before it decides on disciplinary action, it is difficult to rely on it later in a Tribunal.

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