

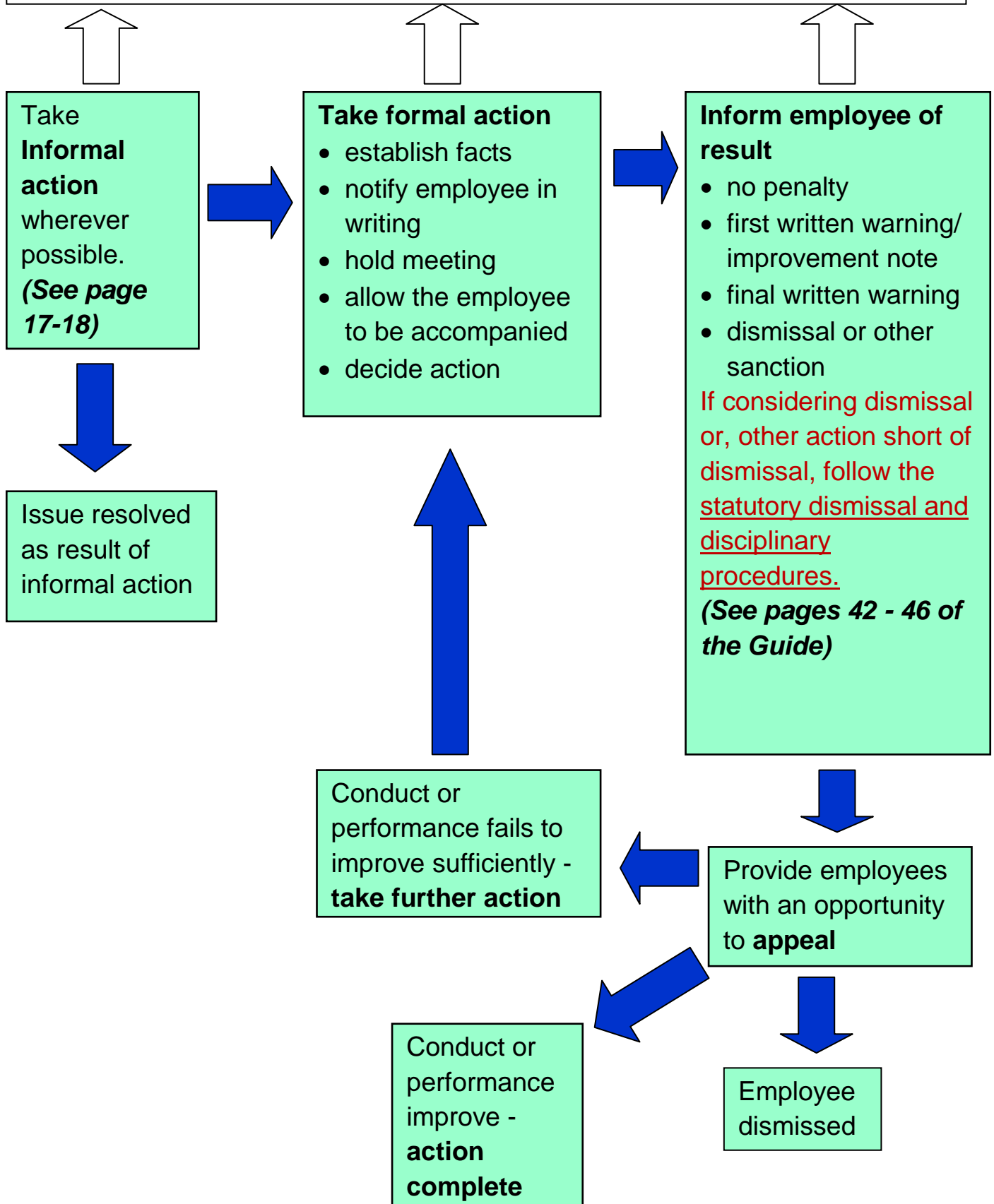


Handling Discipline and Grievances at Work

Flowcharts

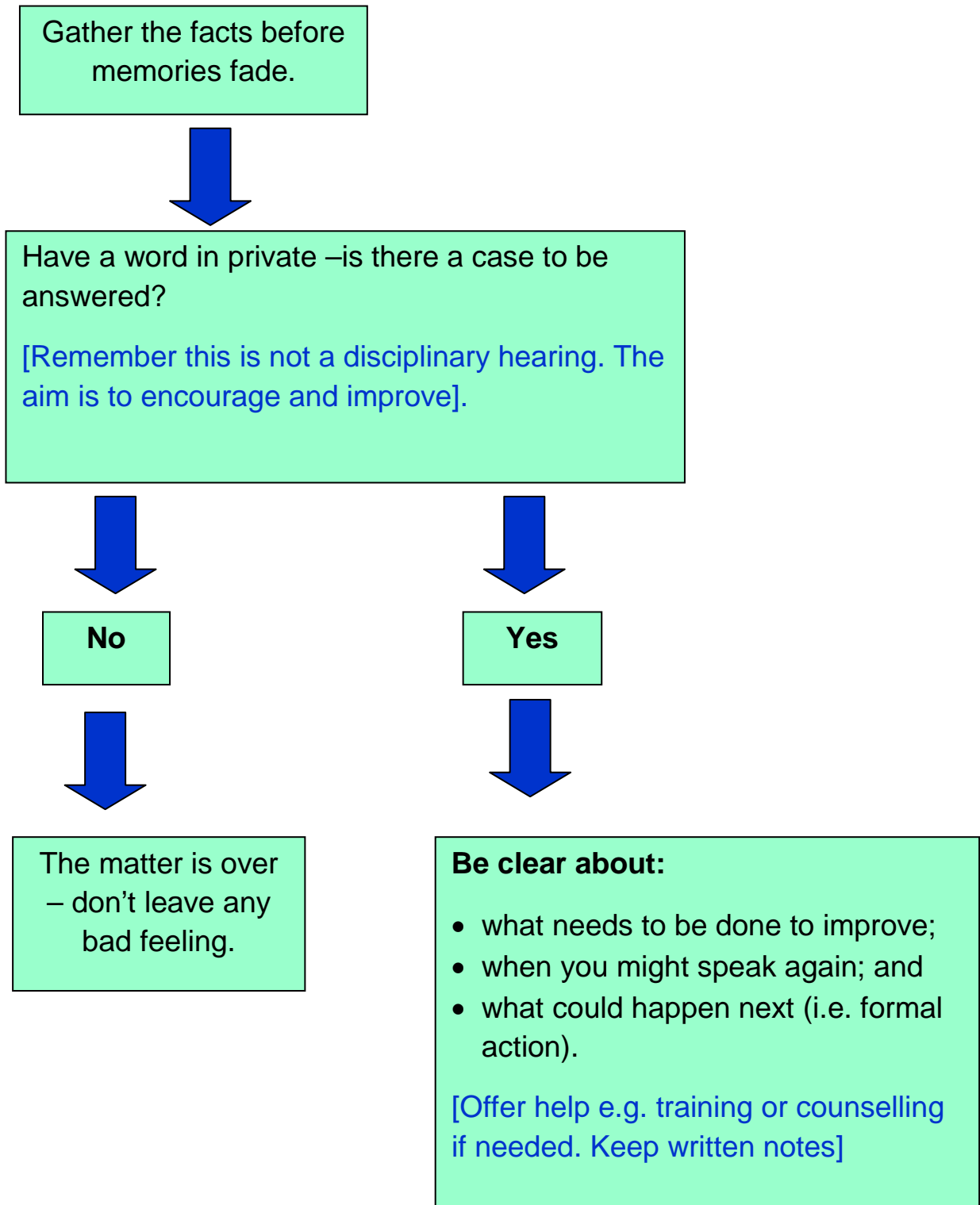
Handling discipline – an overview

- Always follow the Labour Relations Agency's Code of Practice (**Code**) on disciplinary and grievance procedures
- It may be helpful to consider mediation at any stage - **see page 6 of the Advisory guide (Guide).**



Flowchart 1: Informal action

(See paragraphs 13 - 14 of the Code)



Flowchart 2 - The disciplinary meeting (See paragraphs 15 to 21 of the Code)

Carry out a thorough investigation before any meeting



Before the meeting

Tell the employee *in writing*:

- what they are alleged to have done wrong;
- the time and place for the meeting (making sure that the employee has had a reasonable opportunity to consider their response);
- they have the right to be accompanied; and
- rearrange another meeting within five days if the employee or their accompanying person cannot make it to the meeting.



At the meeting:

- give the evidence again;
- let the employee present their case;
- let the accompanying person (if any) ask questions, but not answer directly questions put to the employee; and



Adjourn the meeting to consider any action and think about:

- action taken for other employees in similar circumstances in the past;
- the employee's record, including current warnings; and
- any special circumstances that could explain the employee's behaviour

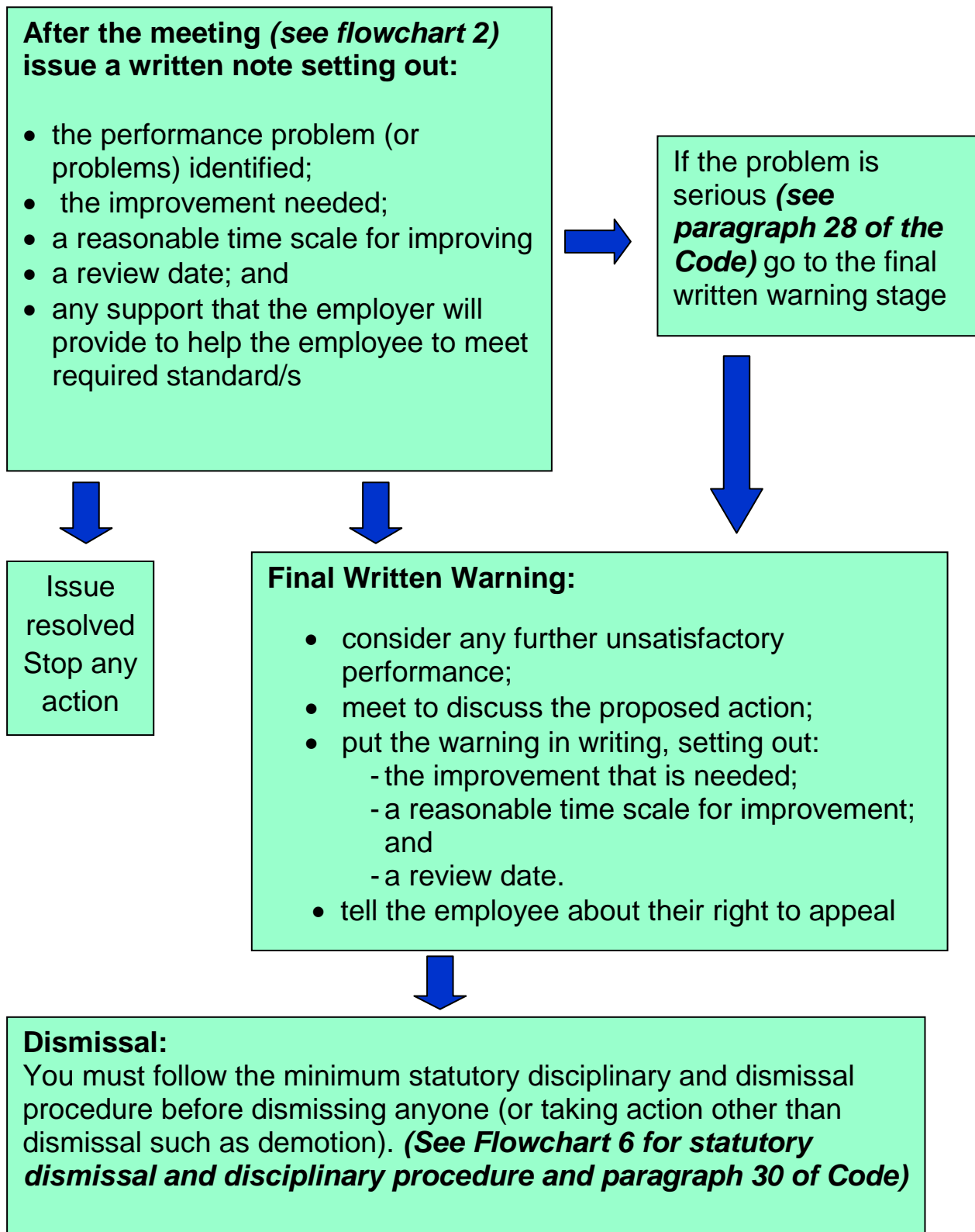


Make your decision

- tell the employee the decision and their right to appeal (**See chart 3 'Taking disciplinary action' and chart 4 'Disciplinary appeals'**)

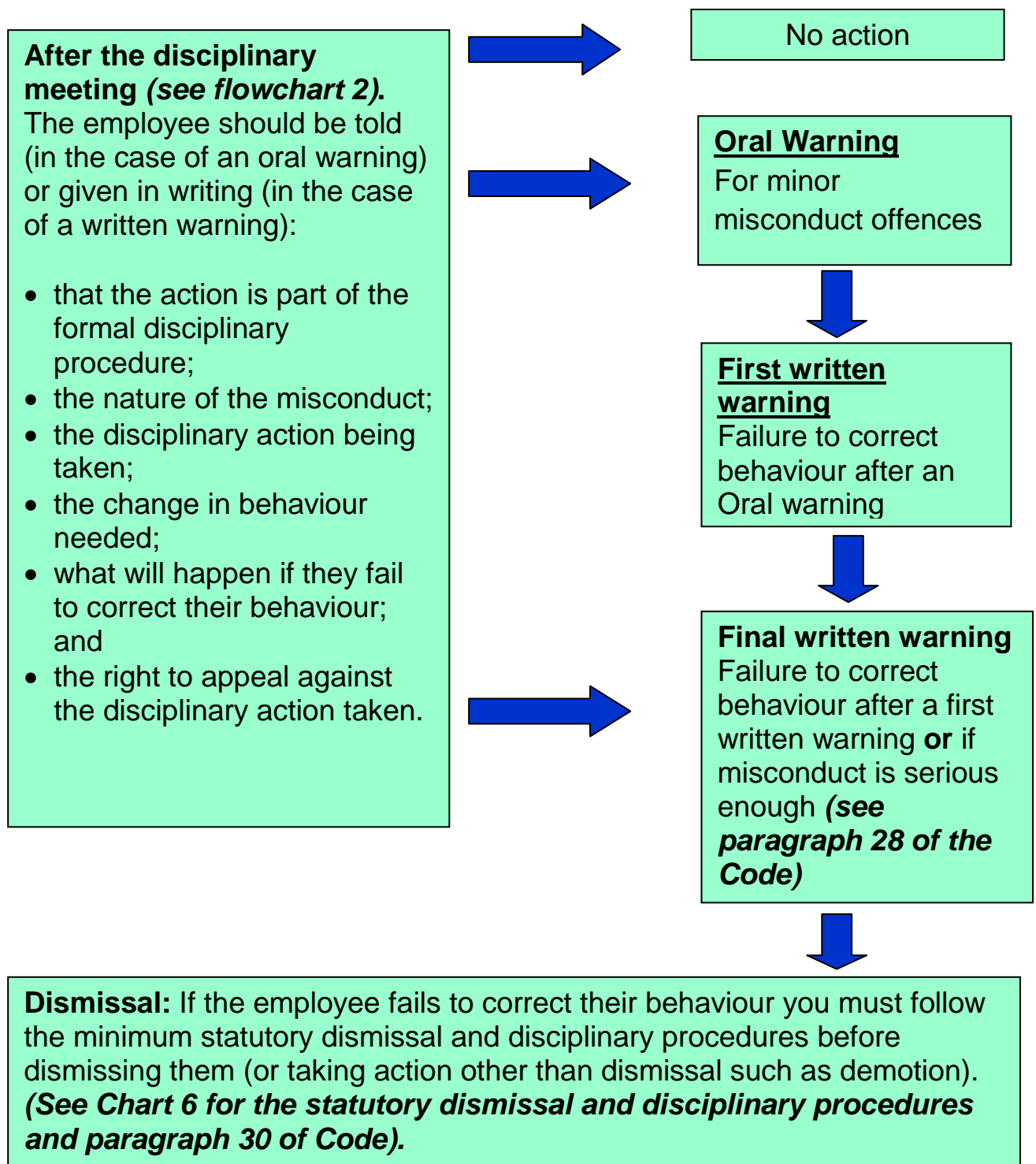
Flowchart 3 - Taking disciplinary action – Unsatisfactory performance

(See paragraphs 22 to 23 of the Code)



Flowchart 4 - Taking disciplinary action – misconduct

Different rules apply to cases of alleged 'gross misconduct'. (See paragraphs 38 - 39 of the Code).

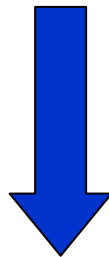


Flowchart 5 - Disciplinary appeals

(See paragraphs 47 - 52 of the Code)

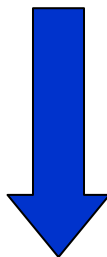
An appeal should:

- usually be made within five working days of the disciplinary decision; and
- be heard by someone senior to the manager who made the original disciplinary decision (wherever possible).
- Allow the employee their right to be accompanied at the appeal meeting.



At the appeal meeting:

- listen to why the employee is not satisfied with the original decision
- consider any new evidence
- allow the employee to comment on any new evidence; and
- do not be afraid to overturn a previous decision



Appeal finding:

- tell the employee the result of the appeal and the reason for the decision
- confirm the decision in writing

Flowchart 6 - The statutory dismissal and disciplinary procedure
(See Annex A of the Code for full details and page 71 of the Advisory guide for a statutorily compliant dismissal procedure)

Step 1:

- You must set out in writing the employee's alleged conduct or characteristics, or other circumstances, which lead you to consider dismissing them or taking disciplinary action against them.
- You must send the statement (or a copy of it) to the employee and invite them to attend a meeting to discuss the matter.

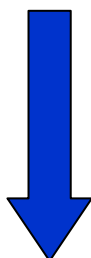
In certain limited cases, the three-step procedure will not apply to employers and employees. (See Annex D of the Code).



Step 2:

- Hold a meeting with the employee and their colleague or trade union representative (if they wish to be accompanied)
- Tell the employee your decision

The meeting must not take place unless you have told the employee your reasons for calling the meeting and given them the relevant information which has been obtained after investigation, before the meeting. The employee should be given a reasonable opportunity to consider their response to that information.



Issue resolved



Step 3:

- If the employee wants to appeal, you should hold an appeal meeting offering the right to be accompanied
- Tell the employee your final decision

Handling grievances – an overview

- Always follow the Labour Relations Agency's Code of Practice on disciplinary and grievance procedures
- It may be helpful to consider mediation at any stage - **see page 6 of the *Advisory Guide***
- Train managers and employee representatives to handle grievances

