

Disciplining and Dismissing – The Right Way



HELPING YOU LEAD THE WAY

With more than forty years combined experience working in HR across the private and public sector, we are experts in our field and not only that, we have a genuine passion for it.

We offer advice and guidance on everything from recruitment to dismissals, and anything in between. Nothing makes us happier than seeing a business succeed.

The key ingredients to your success include exceptional leadership and a style of people management which will both motivate and engage your staff. Danton HR will work with you on delivering simple, workable solutions to your challenges. Cutting out the jargon, we will provide you with straightforward, comprehensive advice and practical steps to get started on right away.

Get in touch today and see how we can help you lead the way.

The Danton Team



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If an employee has broken a rule or breached one of your procedures, you need to take action to make sure it does not happen again. Discipling or dismissing an employee can be done without issue, but you need to ensure that you follow the right steps.

The prospect of disciplining an employee, can understandably make a lot of managers nervous. It comes with an element of risk and there are a plethora of legal “danger zones” to navigate. In order to protect employees across the UK there are many strict rules and procedures in place that employers must follow. We have put together the following advice to help you minimise the risk of a tribunal.

Step 1: Review your Policies and Procedures

The purpose of the Disciplinary Policy and Procedure is to set and maintain standards of conduct within the organisation. Ensure that your policies and procedures are current and robust.

A general rule, everyone in the organization should have a clear understanding of your company policies and if any updates are made to them, they should be issued to all staff and in return they should acknowledge receipt of them. When policies are not clear, enforcing them can become inconsistent. In these circumstances, discipline and termination may appear unfair and could open the business up to costly tribunal claims.

Step 2: Investigate Before Acting

If you are in a rush to correct wrongdoing or poor performance, you may act hastily and discipline an employee before understanding the full picture. Actions like this may leave the employee feeling resentment, fear, and distrust. The situation may also get awkward if the terminated employee can then prove that they didn't do what they were accused of doing.

It is so important to get this part right. The investigation will help you collect information on the alleged misconduct. You will need to look in the right places, speak to the right people, and record your findings. You might need to suspend the employee while you investigate.

**Speak to the team at Danton for advice on a specific situation
on 01527 306760.**



Step 3: Write and Invite to a Disciplinary Hearing

The employee should be invited to a disciplinary hearing. Getting your wording right is important: give enough detail of the alleged misconduct, so that your employee knows exactly what they will have to defend. Always remember to give reasonable notice for the employee to prepare and get your letter reviewed by an HR representative.

Step 4: Hold a Disciplinary Meeting

Hold a hearing, remembering that the employee has a right to bring a companion. Set out the alleged misconduct and ask the employee to explain their actions. Following the meeting, decide on the appropriate outcome, which may range from a warning with corrective action, to a dismissal - depending on the severity of the conduct.

A written warning should be written by the employee's line manager (to detail the specific cause for concern). Before confirming your decision in writing and giving your employee the right to appeal, have the letter reviewed by an HR representative. The representative will ensure that the letter is factual, unemotional and relates back to a company policy. They will also ensure that it is consistent with how others have been given written warnings previously.



Step 5: Appeal

If your employee appeals, hold an appeal hearing. Don't skip this part because you think it won't make a difference; the employee may be able to provide new evidence to show your decision wasn't the right one.

Remember: Stick to any contractual disciplinary procedures you have, particularly when deciding on the level of sanction. If you decide to dismiss someone, it must be a reasonable decision to apply in those circumstances. However, an employment tribunal has the power to decide if it was an unreasonable decision. If in doubt, ask the experts.

How we can help your business

This is a complex area and one that may require specialist HR support. Our HR Consultants are here to help take the headache away so you can focus on your core business. Whether its high level or detailed advice, get in touch.

Call Danton HR today

We provide outsourced HR solutions to businesses who don't have in house HR support, acting as their virtual HR partner and taking the lead on the full range of HR management and administration issues, including:

- People strategy and implementation
- Resourcing, recruitment and onboarding
- HR systems implementation and management
- Performance management and development
- Sickness and absence management
- Appraisal management
- Individuals / team development and coaching
- Settlement agreements
- Pandemic and contingency support
- Pay benchmarking
- HR Compliance through to best practice
- Restructure and redundancies

Get in touch today ...

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