

Sample disciplinary form

Here is a sample disciplinary form. ACAS has a more detailed version called 'The ACAS Code of Practice on Discipline and Grievance', which you can download at www.acas.org.uk.

1. Purpose of the policy

The aim of this policy is to support good conduct and performance. This policy sets out the action which will be taken when disciplinary rules are breached.

(Guidance Notes 1: The purpose should remind people that the policy is not designed as a dismissal procedure, but as a means of encouraging personal assistants to meet a good standard.)

2. Principles

If you are subject to disciplinary action:

- the procedure is designed to establish the facts quickly and to deal consistently with disciplinary issues. No disciplinary action will be taken until the matter has been fully investigated
- at every stage you will be advised of the nature of the complaint, be given the opportunity to state your case, and to be represented or accompanied by an advocate of your choice (this could be a fellow employee, a union representative or a friend)
- you will not be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will normally be dismissal without notice and without pay in lieu of notice
- you have a right to appeal against any disciplinary action taken against you.

(Guidance Notes 2: Employers often lose at employment tribunals because they did not comply with the procedure – so always follow the procedure.)

3. Informal discussions

Before taking formal disciplinary action, I will make every effort to resolve the matter through informal discussions with you. Only where this fails to bring about the desired improvement will the formal disciplinary procedure be implemented.

(Guidance Notes 3: Make sure that personal assistants understand the difference between a routine complaint and action taken under the policy.)

4. First warning

If your conduct or performance is unsatisfactory, you will be given a written warning. This warning will be recorded, but disregarded after (insert number of months - usually six or 12 months) months of satisfactory work. You will be informed that a final written warning may be considered if there is no sustained satisfactory improvement or change. (Where the first offence is serious, for example, because it is having a serious harmful effect, I may move directly to a final written warning.)

(Guidance Notes 4: It can be unfair to keep details of warnings on an employee's file indefinitely. Unless a warning is for a very serious matter, it should be disregarded after a reasonable amount of time, for example, six months to a year. The written warning should accurately record the warning given at the disciplinary interview. Do not write the warning before the interview.)

5. Final written warning

If the offence is serious, there is no improvement in standards, or if a further offence of a similar kind occurs, a final written warning will be given. This will include the reason for the warning and a note that if no improvement results within (insert number of months - usually six or 12 months) months, you will be dismissed.

(Guidance Notes 5: The warning should state clearly that dismissal will result from a failure to comply. Except in cases of gross misconduct, employees should receive notice or payment in lieu.)

6. Statutory discipline and dismissal procedure

If you face dismissal, the minimum statutory procedure will be followed. This involves:

- step one: a written note to you setting out the allegation and the basis for it
- step two: a meeting to consider and discuss the allegation
- step three: a right of appeal including an appeal meeting.

You will be reminded of your right to be accompanied by an advocate.

7. Gross misconduct

If, after investigation, it is confirmed that you have committed an offence of the following nature, the normal consequence will be dismissal without notice or payment in lieu of notice: theft, damage to property, fraud, incapacity for work due to being under the influence of alcohol or illegal drugs, physical violence, bullying and gross insubordination.

(Note: the list is not exhaustive)

While the alleged gross misconduct is being investigated, you may be suspended, during which time you will be paid your normal pay rate. Any decision to dismiss you will be taken by me only after full investigation.

8. Appeals

If you wish to appeal against any disciplinary decision you must appeal in writing within five working days of the decision being communicated to you. Someone who was not involved in the original disciplinary action will hear the appeal and decide the case as impartially as possible. (Note: you will need to think in advance who this might be, for example, a local advocacy agency, independent living advisor, direct payment support service or user led organisation.)

(Guidance Notes 6: Operating the disciplinary procedure. The 'ACAS Advisory Handbook – Discipline and Grievances' at work gives some useful information. You can download it at www.acas.org.uk/dgcode or order it from 08456 06 16 00.)

Before taking disciplinary action using the procedure, it will be ensured that:

- the matter cannot be resolved through informal counselling
- the matter has been fully investigated
- you are told that you will be interviewed and have the right to be accompanied by a fellow employee, friend or a trade union official of your choice.

At the disciplinary interview, it will be ensured that:

- you know the details of the allegation
- you have the opportunity to put across your side of the matter
- any disciplinary measure is appropriate to the circumstances.

If a warning is given, it will tell you:

- the level of improvement required
- the date by which it is to be achieved
- what will happen if it is not
- how to appeal.