The Disciplinary Process

Learning outcomes:

- Understand the difference between misconduct and gross misconduct.
- Apply the steps within a formal disciplinary process.

What you will need:

- Handout 3 – Managing misconduct flowchart
- Handout 4 - Dealing with misconduct
- 'Bad or very bad' activity cards
- Misconduct/gross misconduct/depends mats
- 'Order Order' activity cards
- Sticky notes

Content and suggested timings:

Introduction	10 mins
Misconduct or gross misconduct	20 mins
The disciplinary process	20 mins
Do's and don'ts of the disciplinary process	10 mins
Total duration:	**1 hour**

Introduction

It is important to have a clear process to follow when dealing with difficult situations. As covered in the previous module there is a legal requirement for this, but also having clear, documented and shared processes is good for working relationships.

It is vital that everybody is treated in the same way in similar circumstances, to ensure issues are dealt with fairly and reasonably.

The CIPD state that disciplinary procedures are needed to:

▶ Let employees know what is expected of them in terms of standards of performance or conduct (and the likely consequences of continued failure to meet these standards)

- ▶ Identify obstacles to individuals achieving the required standards (for example training needs, lack of clarity of job requirements, additional support needed) and to enable employers to take appropriate action

- ▶ Enable employers and employees to agree suitable goals and timescales for improvement in an individual's performance or conduct

- ▶ Try to resolve matters without recourse to an employment tribunal

- ▶ Act as a point of reference for an employment tribunal, should someone make a complaint about the way they have been dismissed

Source: CIPD factsheet on discipline and grievances at work

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