

How to have a legally-compliant 'disciplinary' policy that doesn't shame, blame or punish

By People Support Co-op & RadHR

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All organisations with paid employees need to have a disciplinary procedure in place. When we talk about employees and employers it's important to work out who we mean. We could mean all of us in the organisation—for example in a worker co-operative we may all be member directors and therefore as well as being employees, we also hold collective responsibility as employers. Or we may have a separate board of directors who take responsibility as our employers, or a particular committee designated to hold employment responsibilities on behalf of the board of directors.

Many of us work in non-hierarchical organisations without line managers, or in small, team-led organisations with one person in a coordination role, and standard disciplinary policies don't really translate to our circumstances. The aim of this guide is to provide something different to the many resources you can find online – we're taking a radical HR approach to help you write a procedure that makes sense for your organisation and the principles and values that underpin what you do and how you want to work together.

Although only organisations with paid employees **have** to have disciplinary procedures, we would suggest other organisations have some sort of process for how they'll deal with conflict in place early on.

What does the law say?

It's a requirement under *The Employment Rights Act 1996* that employers specify in written statements of terms and conditions (employment contracts) where employees can access their organisation's disciplinary procedure.

All employers are expected to follow a full and fair procedure in line with the [Acas Code of Practice on disciplinary and grievance procedures](#), and employment tribunals are legally required to take the Acas Code of Practice into account.

Disciplinary procedures set out how an employee can be lawfully dismissed for misconduct – this is important to understand because unlawfully dismissing someone by not following a legally-fair procedure could lead to legal action being taken against your organisation.

What are our legal rights as employees?

We have the **statutory right to be accompanied** by a colleague or Trade Union official to any formal disciplinary meetings which could result in disciplinary action being taken against us.

While the law doesn't give employees the legal right to ask to bring a friend or relative instead, organisations can certainly write policies that broaden the level of support that is available to employees, including the option to be accompanied by a friend or family member. We need to tell our employer in advance of the meeting who will accompany us.

We have the **right to appeal** against disciplinary decisions.

(When we have less than two years continuous employment with our organisation, in most cases we do not have the right to take legal action for unfair dismissal if our employer has not followed the full Acas code – exceptions include automatically unfair reasons for being dismissed that apply from day one of employment, including discrimination. Although the law does not offer protection from unfair dismissal for newer employees, we can still write policies that entitle them to be treated fairly in the same way as longer-term employees.)

What are our legal rights as employers?

We have the right to dismiss an employee on the grounds of misconduct if they have seriously breached our agreed policies and procedures, as long as we have followed a legally-fair procedure before doing so.

What's wrong with standard disciplinary procedures?

Even the term disciplinary is problematic. Disciplining one another does not fit well with the ethos of co-operation, solidarity and mutual aid!

Standard disciplinary procedures are written for hierarchical organisations. They assume we all have line managers, and senior managers, and that people make decisions based on their level of seniority. Many of us are proud to be part of non-hierarchical organisations and want to think outside of having a boss who makes decisions for and about us, and many of us won't have a line manager to discipline us.

Standard policies are also based on 'impartiality'—the idea that someone (usually a manager) not directly involved in the situation will be able to investigate a disciplinary matter objectively, purely focussing on the facts. In reality the idea of impartiality is problematic—it doesn't take into account the influence of power dynamics and privilege, and the impact of gender, class, educational background and race. How do we approach this in non-hierarchical, progressive spaces? Is it possible to be impartial if we're a small team with everyone deeply involved and invested in our organisation? Do we collectively buy into the idea of objectivity and impartiality?

One of the things that we can do is to invite everyone in the organisation to help shape our policies and procedures so that we can address these questions together. We can intentionally choose to move away from individualism and the standard approach of blaming someone, and instead choose to look at our organisation's systems and processes to work out how we can address the dynamics of harm. This will be most successful when we make sure that the people with the least power and privilege are able to actively participate within, and help to shape, our collective agreements.

We can also make sure that everyone understands how our policies and procedures work in practice. This helps mitigate the power imbalance of just one person (the manager or HR person) knowing the rules.

What about confidentiality?

Confidentiality is an important part of the employment relationship. Employers must comply with data protection legislation to keep details about employees

confidential, particularly information that is classed as sensitive data such as health and medical conditions. For disciplinary procedures we should be mindful of the need to maintain confidentiality—the standard approach would be to make everything confidential, and for any witnesses to be told that they should not discuss any details of an investigation with colleagues, including the fact that an investigation is happening.

If we intend to take a collaborative approach and involve more people in the process we will need to think carefully about how we will balance confidentiality with openness.

How should we approach writing our procedure?

We know that we need to have a disciplinary procedure, but that doesn't mean we need to replicate mainstream, corporate culture when we design one for our organisation. We recommend you take the time to work out the details with input from as many people as possible to create a procedure that genuinely works for all of you.

Disciplinary action is based on two key areas (both of which count as potentially fair reasons for dismissing someone):

1. Conduct = how we behave at work

- a. Disciplinary procedures deal with misconduct (inappropriate behaviour or action that breaches workplace rules) and gross misconduct (serious misconduct e.g. physical violence or theft or fraud)

2. Capability* = how capable we are of carrying out our work (our performance)

- a. Performance management is a process used to support employees to improve specific aspects of their performance within an agreed timeframe

*Being absent or unable to fulfil all of our work duties because we're unwell is legally dealt with as a capability issue. In mainstream HR it is very common for people to be subjected to disciplinary action for becoming unwell, and to risk losing their jobs as a result. We address this more fully in our guide '[how to write a radical sickness policy](#)'.

We recognise that classing conduct and capability together as disciplinary issues is hugely problematic. Do we really want to say that if someone is struggling to do their job (for any number of reasons) that we use the same policy as for someone who has, for example, punched a colleague during a meeting? Would we rather have a separate policy for performance which is based on identifying and offering additional support for differing needs in our organisation? If you would like to do this, you can create two separate policies, one for performance (capability) and one for conduct. We address this more fully in our guide ['how to create a policy which supports capability rather than judging performance'](#).

If we embrace abolitionist values can we design a procedure to handle acts of harm or conflict in non-disciplinary ways? One option would be to treat capability and conduct in the same way and approach both under a 'disciplinary' procedure that starts with seeking mutual understanding and identifying support needs. So for conduct we would work together to explore why the behaviour was not appropriate and what we need to do to make sure we're all acting in a way that meets our values and aligns with our approach to how we want to work together.

Standard disciplinary procedures focus on the different punitive measures that employers can apply before dismissing someone fairly, as set out in the Acas code. This is usually a three step process: 1) first written warning, 2) final written warning and 3) dismissal. The code also covers gross misconduct, i.e. something that is serious enough to lead to dismissal without notice.

For a radical policy we have several things to think about. Firstly, we have a lot of space in the informal approach set out in our policy to embrace a collaborative approach to supporting one another and addressing issues without attaching blame to individuals. Secondly, as long as we create something that clearly sets out our formal approach to 'disciplinary' action, with clear steps between the different stages of our procedure, then we do not have to follow the three steps set out in the Acas code.

We can reject a punishment-based approach and decide on our own language and understanding of the different stages that we will follow. It will be important (for this to be legally fair) to clearly set out the steps, to keep a written record of some sort that records which step has been taken that clearly states the behaviour in question was unacceptable and cannot occur again without triggering the next step in the procedure, which may include dismissal. Within that framework, the approach we adopt and the language we want to use to describe it is open for us to decide.

What should we include in the policy?

Introduction and scope

The introduction sets out your approach to the disciplinary procedure, and includes your aims and principles.

Things to think about

- * What are your workplace rules? Are they all written down? How are employees expected to understand and follow them? If you have a code of conduct or group agreement of some sort, you should reference it in this section of your policy.
- * What are the key values and principles in your organisation that you could include in this section?
- * How do you want to address people's support needs - what can you say here to make such a difficult subject less intimidating to people?
- * How do we avoid embedding discriminatory practice in our organisation if we treat performance issues as questions of discipline, rather than requirements for additional support to meet different people's needs?
- * What does abolitionism mean in the context of a disciplinary policy? Do we fundamentally believe that it is more effective and more aligned with our values to handle acts of harm or conflicts in non-disciplinary ways? Are we able to express this in a way that checks the legal boxes, or are we in a position of needing to challenge the legal framework that stipulates the need to handle some situations punitively?

Scope

The scope states who the procedure will apply to. In this case, because of the legal rights and responsibilities of the employment relationship, a grievance procedure would usually only apply to employees. A separate policy would usually be drawn up for any non-employee volunteer members or freelance workers who are involved with an organisation. You can choose to include everyone in your procedure, as long as you understand that there are potential risks involved in the event of legal action. One of the criteria used to determine whether someone is

legally classed as an employee (or a worker or a freelancer) is whether or not grievance and disciplinary policies apply to them. That means that someone could be classified as an employee by an employment tribunal, which could make your organisation liable for unpaid holiday pay and other entitlements. (Guidance on employment status is [here](#)).

You should also state whether this policy applies to new employees in their probationary period. It's good practice to follow a full procedure for all employees but you can choose to create a separate, shorter process for newer staff members.

Example introduction statement from an organisation in the RadHR network:

- * The purpose of this disciplinary procedure is to provide a fair process that applies equally to all employees.*
- * Our aim is to support and encourage everyone to achieve our agreed standards of conduct and accountability in their work, and create a culture that seeks to understand the root causes of difficulties we may encounter in meeting those standards.*
- * This procedure sets out how we will approach mutually-supporting each other to work through difficulties that arise, and the formal procedure we are legally-obligated to provide when informal, supportive action is unable to resolve the issues raised.*
- * We know this is likely to be a difficult process with some hard conversations along the way, so we want to take steps to make it easier for everyone involved. If you have particular ideas or suggestions about how to make this more accessible to you, we'd like to hear it.*
- * This procedure applies to employees with more than six-months employment. For newer employees, in the first six months of your employment your performance will be assessed through the review process. Steps will normally be taken to offer support before any final action is taken should there be concerns about performance or conduct.*

Stage one: Informal Approach

This is where you set out your approach to informal action to try and resolve matters before a formal disciplinary process is started. Use this section to set out how you would like to handle issues informally to try and resolve them early on, in a way that does not seek to blame or punish people for making mistakes or for struggling to keep up with their workload.

The law does not constrain you here - as long as the informal approach is fairly applied to everyone in your organisation before you move into formal action, you can include anything that works for you.

This could include (for example):

- * Additional one-to-one support from other staff/members
- * External training or coaching in particular work areas
- * Signposting to external services for personal issues that may be impeding work
- * Practical adjustments to working hours, physical arrangements or other aspects of the role that are proving difficult
- * Other ideas that are raised together with the staff or members involved

Again, informal does not necessarily mean unstructured. Try to make sure your informal processes allow everyone room to be heard in ways that work for them, and be aware of how unseen aspects of power and privilege can potentially play out.

Things to think about:

- * What does a supportive culture that doesn't seek to blame, punish and exclude people look like in practice in your organisation?
- * What actions do you take to create and sustain a supportive culture? The informal approach section needs to say how you will actually do it.
- * You should explain how the disciplinary procedure links to your other policies e.g. peer review; code of conduct; wellbeing; drugs & alcohol...

What about drugs and alcohol at work?

Employers are under a legal duty to act or they risk breaking the law if:

- * an employee under the influence of excess alcohol is knowingly allowed to work (Health and Safety at Work Act);
- * controlled substances are produced, supplied or used on an employer's premises (The Misuse of Drugs Act);
- * drivers of road vehicles and transport system workers are under the influence of drugs while driving or unfit through drugs while working (The Road Traffic and the Transport and Works Act).

Negligence

- * Legal action can be taken for negligence. The common law duty of care requires all employers to take reasonable care of their employees, and allowing an employee to remain at work while under the influence of drugs or alcohol risks breaching this duty. Employers may also be vicariously liable for the negligence of their employees if an employee causes damage or injury as a result of intoxication.
- * Employees also have an individual legal responsibility for their own health and safety and that of their colleagues.

What does all this mean for our policy?

We can certainly include in our informal approach options to help and support employees as our first response. Ideally we'll have broader policies on health and wellbeing which will include support options for a range of issues, including drug and alcohol related problems. Instead of treating alcohol or drug use as an automatic disciplinary issue, we can consider treating it like any other health issue, and offering support appropriate to the means of the organisation, such as:

- * Agreeing time off to access support under your sick leave policy
- * Encouraging the person to see their GP and/or signposting to relevant support services
- * Partially or fully supporting the cost if NHS options are unavailable
- * Considering flexible working arrangements, including adjustments to hours and / or duties to reduce stress or other difficulties that are contributing to the situation, and to ensure that the organisation is able to fulfil all of its functions appropriately.

Example informal approach statements from organisations in the RadHR network:

- * *The co-op's aim is to encourage and support all members to achieve any identified improvements in individual conduct or performance. In the first instance we will seek to resolve tensions around accountability and conduct through open discussion in our co-op meetings, and we will always aim to keep an open mind about how any one individual member's difficulties may well relate to collective responsibilities and accountabilities that we need to address collaboratively. We will hold regular sociocratic performance reviews to offer appreciation and constructive feedback for each other's work, and any member may request a performance review meeting at any time.*

Stage two:

Formal Action

This is where the Acas code is important. As highlighted above, we do not have to follow the three steps set out in the Acas code, and we can reject a punishment-based approach and decide on our own language and understanding of the different stages that we will follow. However, the way we describe this procedure is of critical importance to protect our organisation from legal action. If someone were to be dismissed and decided to take the organisation to an employment tribunal to claim unfair dismissal, we have to be confident that our procedure would be seen by the tribunal judge as legally fair and consistent with the Acas code of conduct. The biggest risk would be if our procedure was classed as 'informal action'.

Therefore, we need to create something that clearly sets out our formal approach. It will be important (for this to be legally fair) to describe each of the steps, to keep a written record of some sort that records which step has been taken and clearly states what the behaviour was and why it was unacceptable (hence the step being taken) and that it cannot occur again without triggering the next step in the procedure, which may include dismissal. Within that framework we can decide the details of the approach we adopt and the language we want to use to describe it.

The first step in the Acas code is an investigation - we may decide to give this a

different name, but whatever we call it we need to include a step in our procedure where named people are tasked with finding out what happened.

Step one

Investigation

An investigation is an important element - it simply means finding out the facts related to the issue. An investigation could be a very quick process depending on what the issue is, or a longer process in more complex situations. Either way the aim is to carry it out as quickly as possible so that the issue in question is dealt with without unreasonable delay.

The first step is to decide who will carry out the investigation and set out the terms of their investigation. They will need to look at the available evidence (e.g. any emails), consult the relevant policies (including of course your disciplinary policy, as well as any others that are relevant to the issue e.g. your anti-bullying and harassment policy, or your drugs and alcohol policy,) and interview anyone with relevant information, including a fact-finding meeting with the employee concerned where necessary.

It is very helpful to the person or people leading the investigation if they have a clear procedure to follow. Try searching for policies on the site to get a sense of what others' procedures look like. Acas also provides a [step-by-step guide](#) to investigations.

The investigator's job is then to produce a written account, outlining the evidence and their conclusion (including the reasons why they've reached it). They are not tasked with deciding what action should be taken, but they may be asked to make a recommendation on what should happen next, i.e.

- a) recommend that formal action should be taken, or
- b) recommend a particular course of informal action (e.g. mediation), or
- c) recommend that no further action is required.

If formal action is recommended, it will be for the people undertaking the disciplinary hearing to decide what that action should be.

Things to think about:

- * Who will conduct the investigation? Should we have more than one person involved?
- * Do we want to broaden the terms of an investigation so that we don't just

investigate the employee, but we also intentionally investigate whether our systems for mutual responsibility and accountability may have been inadequate, and we ask for recommendations to improve them?

Example investigation statement:

Before taking any action, we will appoint two members to fully investigate what happened and produce a report.

The investigation will consider the available evidence, consult the relevant policies, and speak to anyone with relevant information. All investigations will start with a written plan stating:

- * What is being investigated*
- * Who is carrying out the investigation*
- * Who will be spoken to to find out more about what happened*
- * What evidence will be used e.g. emails, online meeting recordings etc*
- * What policies or workplace guidelines need to be taken into account*
- * The expected timeframe*
- * Any other relevant information*

The investigation report will set out:

- * The terms of reference of the investigation (what was being investigated)*
- * Name(s) of investigator(s) and dates*
- * Evidence collected*
- * Any evidence that couldn't be collected (and why)*
- * List of everyone interviewed*
- * Summary of evidence*

- * *Summary of interviews*
- * *Facts established*
- * *Inconclusive points (anything that couldn't be established)*
- * *Mitigating factors*
- * *Any other relevant information*
- * *Recommendation*

Step two

Formal meeting

If the result of the investigation is a recommendation for formal action the next step in the Acas code is a formal disciplinary meeting - again we may choose to give this a different name and take a very different approach, but we will need to decide who will be responsible for this step, and we will need to inform the employee in writing as soon as possible, usually within five working days. They need to be told that they have the right to be accompanied to this meeting.

Things to think about:

- * What is an alternative approach we can take here? Could we design a dialogue-based approach to a formal disciplinary meeting?
- * What ideas do we have to help build trust and mutual accountability into the process?
- * Who should conduct the formal meeting and make the decision on what action to take? Should we include more than one person, perhaps an advocate for the person facing disciplinary action, an advocate for any other employee if the disciplinary issue relates to something that has caused them harm, and an 'impartial' person.
- * Should we bring in someone external to lead the meeting and make the decision?
- * What will the decision-making process be if the meeting is held by more than one person? Would we choose a simple majority vote or a consensus decision? Or if we followed the suggestion above of two advocates and someone impartial, would the impartial person be tasked with the final decision? For legal compliance it's crucial that

we set out clearly in the procedure who has the decision-making authority.

Example formal disciplinary meeting statement:

Following the investigation, if disciplinary action is warranted, you will be given a letter detailing the allegation, the possible consequences and an invitation to a disciplinary meeting. The letter will be accompanied by copies of all documentation and supporting evidence to be presented at the meeting to provide you with a reasonable opportunity to consider your response. If possible, the meeting shall be held within 10 working days.

You have the right to be accompanied by a colleague, trade union official, friend or family member. If you are unable to attend a disciplinary meeting due to sickness absence or another reason, we will rearrange the meeting, or allow you to provide your response in writing or via your chosen representative.

Meeting procedure:

- * *Where possible a note taker, who must be uninvolved in the case, will take down a record of the meeting. Alternatively a recording will be made with the consent of all those present.*
- * *The Personnel Committee will open the meeting with an explanation of its purpose and will read aloud the allegations.*
- * *If there are any witnesses, they will not be present throughout the meeting. They will be called in, one by one, to give evidence and asked to leave once they have done so.*
- * *You will have an opportunity to ask questions, including to any witnesses called, and to respond to the allegations or concerns, sharing any mitigating circumstances to be taken into account.*
- * *Following the meeting, the Personnel Committee will consider the details and decide whether the case against you has been established on the balance of probabilities. They will*

consider appropriate disciplinary action, taking into account any special mitigating circumstances, how the co-operative has dealt with similar cases in the past and whether the proposed action is reasonable in view of all the circumstances.

- * *You will be provided with written confirmation of the decision, normally within 10 working days of the meeting.*

Penalties

This section sets out the different types of action that can be taken, and how long each warning will remain on the employee's file. It usually follows the Acas code with the following steps:

- * First written warning or improvement note
- * Final written warning
- * Gross misconduct
- * Dismissal

Things to think about:

- * Do we want to come up with our own shared language and systems for an equivalent to a written warning, improvement notes and final written warning? It will need to be clearly described so everyone understands it, and fairly applied to everyone.
 - * For example, if we're looking at a 'performance' issue, instead of issuing improvement notes based on disciplinary action, could we encourage all employees to create and maintain personal development plans covering the skills and areas they want to work on and any related requests they want to make of others in relation to feedback and support? That way any new issues identified around performance could be added into the person's plan and reviewed in the same manner as everyone else's.
- * If we decide to issue an equivalent to a written warning, what do we want to call it and how long do we want to keep it on an employee's file? What would a warning mean in our context?

- * If we're looking at a conduct issue, what options could we have that take an alternative approach to blame and punishment, while still taking steps to address harm and ensure people's safety?
- * What do we define as gross misconduct? There is no legal definition of gross misconduct, so we can define our own list of what we consider to be such serious offences that (following an investigation) an employee may be dismissed. The crucial thing is that we need to be consistent and apply our rules fairly to everyone. Taking into account your group, what are your red lines for gross misconduct? Examples can include:
 - * Serious negligence, including health & safety breaches
 - * Violence at work
 - * Bullying - this is not defined in law, but Acas states that bullying may be characterised as “offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient”.
 - We may want to think about this in terms of how racialised and gendered stereotyping can play out in what we consider to be bullying behaviour.
 - * Harassment - this has a specific legal meaning: “unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.”
 - Protected characteristics are: Age; Sex; Disability; Gender reassignment; Marriage and civil partnership; Pregnancy and maternity; Race (including colour, nationality and ethnic origins); Religion or belief (or lack thereof); Sexual orientation.
 - It is important to add that grievances about harassment can be made by others who do not necessarily share the protected characteristic. E.g. an employee may raise a grievance relating to others being victimised for their sexual orientation on the basis that intolerance in the organisation makes them uncomfortable.
 - * Theft or fraud

- * Serious insubordination (something serious enough to break trust and confidence* between employer and employee)

*Mutual trust and confidence is known as an ‘implied contractual term’ (i.e. it is not written into an employment contract, but it is understood in employment law to be a key part of the contract we enter into). Employers and employees need sufficient trust and confidence in each other to fulfil the employment contract between them, and if either side acts in a manner that is “calculated and likely to destroy or seriously damage the relationship of trust and confidence between employer and employee”, the employment contract is breached. An employer can dismiss an employee on the basis of a breach in trust and confidence, and an employee can leave their job and make a claim for constructive unfair dismissal (if they have two year’s continuous employment).

What about drugs and alcohol?

An organisation may agree to suspend disciplinary action where alcohol and/or drug misuse is a factor, on condition that the employee follows a suitable course of action to access support. This can be written into your policy here.

Example ‘Penalties’ statements from organisations in the RadHR network:

Formal Action

Step one:

First facilitated conversation and improvement plan

- * If your conduct is found to be unsatisfactory, we may invite you to a first facilitated conversation to discuss what happened in detail and work with you to create an improvement plan. Notes of this meeting will be kept on file for six months. You will be supported to achieve the actions listed in your improvement plan with regular check-in meetings.
- * If conduct of a similar nature or any other unacceptable conduct is repeated within the six-month term of this improvement plan, we may

proceed to step two.

- * We may agree to suspend formal action in cases where the investigation highlights that alcohol and/or drug misuse is a factor, and where you agree to a suitable course of action in line with our drugs and alcohol policy. If you do not adhere to the agreed course of action, formal proceedings may recommence.

Step two:

Final facilitated conversation and improvement plan

- * If your conduct is sufficiently serious, or there is no improvement after step one, we may invite you to a final facilitated conversation to discuss what happened in detail and work with you to create a new improvement plan. Notes of this meeting will be kept on file for six months. You will be supported to achieve the actions listed in your improvement plan with regular check-in meetings.
- * If conduct of a similar nature or any other unacceptable conduct is repeated within the six-month term of this improvement plan, we may proceed to step three and you may be at risk of dismissal.

Step three:

Three-month urgent action plan

- * If your conduct is sufficiently serious, or if there is no improvement from step two, we may invite you to a session to draw up a three-month urgent action plan. You will be asked to attend regular check-ins at agreed intervals. If at the three month point there has been insufficient improvement, you may be at risk of dismissal.

Dismissal

Where we find that the misconduct is sufficiently serious to justify dismissal or if your conduct or performance has

failed to improve despite following improvement and action plans, you may be dismissed. You will be provided with the reason for your dismissal in writing, including the date on which your employment will terminate, and your right to appeal.

Gross misconduct

If you are accused of an act of gross misconduct, you may be suspended from work on full pay, normally for no more than five working days, while the alleged offence is investigated. If we are satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

We consider offences of the following nature to constitute gross misconduct (the list is not exhaustive):

*

Appeals

All employees have the right to appeal the decision of the disciplinary meeting.

Things to think about:

- * Who should hear this appeal? It is important that there is a high level of trust in them, and in the process itself.
- * Usually the appeal marks the final stage and the decision taken is final. Should an additional step be added for particularly complex situations?

The person or people hearing the appeal will make their decision based on the evidence collated in the investigation, the decision taken at the disciplinary meeting, and any new evidence presented. They will need to decide whether to uphold the original decision or make a different judgement.

Example appeal statement:

If you wish to appeal against a disciplinary decision, you must do so in writing within ten working days of receiving written notification of the

disciplinary action, stating the reason for the appeal. Any documents submitted in support of the appeal must be attached.

An appeal panel of up to three members, who have not been involved in an earlier stage of the procedure, will meet within 10 working days to consider the matter. However, if this is not possible, you will be informed of the reason for any delay.

You are entitled to be accompanied by a fellow employee, a trade union official, a friend or family member.

If you are unable to attend the appeal meeting because of circumstances beyond your control, you should inform us as soon as possible. If you fail to attend without explanation, or if it appears that you have not made sufficient attempts to attend, the meeting may take place in your absence based on your appeal letter and any other supporting documentation available.

Following the appeal meeting, we will inform you in writing, usually within 10 working days, of the outcome. The outcome of the appeal is final.

Disclaimer

We have endeavoured to draft useful guidelines to assist progressive organisations to produce policies that meet best practice in employment law standards. However, employment law is constantly evolving and we recommend that all organisations seek up-to-date advice to be confident that their policies are both legally compliant and fit for purpose for their individual circumstances. People Support Co-op and RadHR cannot be held liable for any loss suffered as a result of reliance being placed upon these guidelines.

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