



A Quick Overview of Running a Disciplinary Case*

1. The employee should receive details of the precise charges and allegations against the employee in writing.
2. The employee should receive all particulars of all allegations against the employee and the basis under which they are being made.
3. The employee should receive copies of any witness statements.
4. The employee should receive copies of any other documentation or evidence which will be relied upon such as CCTV.
5. There should be a clear distinction and separation between an investigation and a disciplinary process. Where it is possible the person who is investigating whether or not disciplinary action should be taken should not then be part of the disciplinary process.
6. The decision maker must be able to show that they acted independently. This means that they are without influence by those who conducted the investigation and the disciplinary process.
7. Make sure that all evidence against an employee is furnished to the employee in advance.
8. There should be a clear agenda of meetings. The employee must be made aware of the topics which the employee will be required to address and to answer.
9. Minutes of meetings whether or not agreed should be made available to the employee. This means that proper records of the employees responses to any allegations are fully recorded.
10. The employee should be given an opportunity to comment on the minutes and to make any amendments that the employee feels are appropriate or at least to have them recorded.
11. Where possible an independent party should hear any appeal. It is important in every case following any disciplinary sanction that the employee is given an opportunity to appeal and is advised of same in writing.
12. The employee should be offered the right to be accompanied at any meeting.
13. Where dismissal may be an option the employee should always be advised of this at the earliest opportunity. Where an employee is being advised that the disciplinary process may



include dismissal it is advisable that if the employee requests legal representation that this is granted.

*in contentious cases a solicitor may not charge fees or expenses as a percentage or proportion of any award or settlement.

Before acting or refraining from acting on anything contained herein legal advice should always be obtained from a solicitor.