

The Manager's Guide to Discipline

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Introduction

The use of disciplinary procedures is quite common in the UK, and surveys have suggested that between 3 per cent and 5 per cent of the working population receive some form of disciplinary sanction each year. This means around 50 disciplinary cases in an organisation of 1,000 employees.

So what should 'disciplinary action' be trying to achieve? There is a range of options:

- (a) Retribution/punishment – disciplinary action is seen as a punishment for wrongdoing; typically this would be serious or gross misconduct often ending in dismissal.
- (b) Deterrent/caution – disciplinary action is used to highlight the adverse consequences of future actions; perhaps a warning for breaching health and safety.
- (c) Rehabilitation/corrective – disciplinary action is viewed as correctional and a training opportunity, typically poor performance or poor attendance issues.

A dictionary gives several other definitions of discipline before 'correction and chastisement':

- instruction

- imparting knowledge
- training
- a system of rules for performance or conduct.

Discipline therefore should *not normally* be seen as chastisement and punishment. In fact the ACAS Code (which can be downloaded or viewed at www.acas.org.uk) suggests that discipline is aimed at bringing about an improvement in an employee's conduct, performance or behaviour.

On occasions serious misconduct or gross misconduct will justify a rapid move towards the termination of employment, but most cases of discipline and dismissal do not involve serious or gross misconduct. Whilst dismissals for issues like fighting or theft tend to grab the headlines, the most frequent reasons for embarking upon disciplinary action usually relate to offences involving poor attendance or failing to reach performance standards. However, in recent years the rapid growth of technology in the workplace, in particular access to the Internet, has led to a sharp increase in disciplinary offences for Internet related reasons.

Discipline should be about setting **standards** of behaviour and performance and letting staff know what those standards are. It is also about helping staff to achieve and maintain those standards by setting an example:

- through training
- through guidance
- through communication.

It is worthwhile remembering that management (in broad terms) has been responsible for the recruitment and/or promotion (and training) of these individuals who may now have performance problems.

The aim of this manual is to provide a practical insight into the handling of disciplinary and dismissal issues.

First of all, it is important to read this document in conjunction with your company's own 'Disciplinary Procedures'. **Tribunals always expect the employer to follow their Disciplinary Procedure closely.** (Appendix I provides a draft example of a Discipline Procedure, and Appendix II, an example of a Capability Procedure).

The policy should incorporate but expand upon any statutory dismissal and disciplinary procedures which are set out in the ACAS Code.

This Manager's Guide is a tool to assist you with putting the Company Disciplinary Procedures policy into practice, giving consideration to employment law and best practice. This not only covers the procedure in more detail, but also highlights the actions that need to be taken, the decisions that need to be made and the considerations managers need to take when making those decisions.

The appendices include checklists on how to prepare and conduct a disciplinary hearing and standard letters to help with the process. These should enable the company to demonstrate that not only has the policy been adhered to, but that there is a clear record showing what the circumstances were and how it was handled in the event of any dispute or tribunal claim.