



Step-by-Step Disciplinary Guide (UK)

Accurate as of September 2025 (England, Wales & Scotland). Northern Ireland has some different rules. Read this alongside the Acas Code of Practice on Disciplinary and Grievance Procedures.

Important: Check your company's disciplinary policy and employment contracts BEFORE you start. Follow your policy if it meets or exceeds the Acas Code. If the policy promises more generous steps, you should usually honour them. If you're unsure, HR Support Group can help: www.hrsupportgroup.co.uk

Core principles

- Act fairly, consistently and without unreasonable delay.
- Separate roles where possible: different people for investigation, hearing chair and appeal chair.
- Carry out a reasonable investigation before deciding there is a case to answer (apply the 'reasonable belief after reasonable investigation' test).
- Tell the employee exactly what they are accused of and share the evidence you rely upon before any hearing.
- Allow the employee to be accompanied at any disciplinary hearing by a colleague or trade union representative.
- Decide an outcome that is reasonable in all the circumstances and confirm the right of appeal.

Step 1 — Triage & plan

- Define the allegation(s) clearly (e.g., misconduct, performance, gross misconduct).
- Identify who will investigate, who will chair any hearing, and who will hear an appeal.
- Check conflicts of interest; brief managers on confidentiality and impartiality.
- Secure and preserve evidence (CCTV, emails, rosters, systems data). Consider data protection obligations.

Step 2 — Consider suspension (only if necessary)

- Use suspension only where there is a serious allegation and it is necessary to protect the business, people, or the investigation.



- Suspend on full pay and benefits (unless contractually different) and confirm in writing, keeping the decision under regular review.
- Consider alternatives: temporary relocation, changed shifts, supervision, restricted systems access.

Step 3 — Investigation

- Create an investigation plan: what facts you need, who to interview, what documents to collect.
- Invite the employee to an investigatory meeting if needed (there is no statutory right to be accompanied at an investigatory meeting unless your policy grants it, but do consider reasonable adjustments).
- Interview witnesses and obtain signed, dated statements; remind witnesses not to discuss the matter.
- Keep open mind; follow relevant leads; consider evidence that points both ways.
- Produce an investigation report with findings and recommendation (e.g., proceed to hearing or not).

Step 4 — Decide next steps

- No further action (close and confirm in writing), or
- Informal management action (e.g., coaching) where appropriate, or
- Proceed to a formal disciplinary hearing if there is a case to answer.

Step 5 — Invite to a disciplinary hearing

- Send a written invite with: allegations in full, date/time/place, names of attendees, right to be accompanied, the possible outcomes (including that dismissal is a possibility where applicable).
- Include the evidence bundle you will rely on (witness statements, documents, CCTV stills, policies).
- Give reasonable notice so the employee can prepare (typically a few days).
- Ask the employee to confirm their companion (work colleague or trade union representative).
- Arrange reasonable adjustments (e.g., extra time, accessible location, interpreter).



Step 6 — Hold the disciplinary hearing

- Chair opens the meeting, explains the process and checks the employee received the papers and understands the allegations.
- Present the management case; allow questions. The employee (and companion) can ask questions, present their case and call reasonable witnesses.
- The companion may address the hearing and confer with the employee but may not answer questions on their behalf.
- Adjourn to consider the evidence before deciding on outcome; investigate any new points raised if needed.

Step 7 — Decide outcome and communicate it

- Decide what is reasonable in the circumstances, taking account of the evidence, any mitigation, live warnings, and consistency with past cases.
- Potential outcomes: no action; informal action; first written warning; final written warning; dismissal with notice; summary dismissal for gross misconduct.
- Confirm the decision in writing without unreasonable delay. Set out allegations, findings, sanction, duration of any warning, expectations for improvement and consequences of non-improvement, and the right of appeal.

Step 8 — Appeal

- Offer the right of appeal and explain how and when to appeal (a short, reasonable timeframe).
- Where possible, a more senior or otherwise independent manager should hear the appeal.
- Decide whether the appeal is a review or a rehearing; share the approach in advance.
- Invite in writing, allow a companion, and confirm the appeal outcome in writing.

Step 9 — Record-keeping and data protection

- Retain investigation notes, statements, evidence, letters, minutes, and outcome decisions securely.
- Follow your retention schedule and data protection laws. Limit access to those with a need to know.
- Keep notes factual; avoid subjective or unnecessary commentary.



Step 10 — Special situations

- Criminal allegations: manage based on evidence available to you; do not wait for a criminal process to conclude if the workplace issue can be decided.
- Grievance raised during disciplinary: consider pausing the process to investigate the grievance, especially if it relates to bias or discrimination.
- Trade union officials or employee reps: liaise with the union before action where appropriate.
- Disability or health issues: consider medical advice and reasonable adjustments; capability routes may be more appropriate than conduct.
- Pregnancy/maternity, whistleblowing, discrimination and safeguarding matters require particular care—take advice.

Typical sanctions & guide (non-exhaustive)

Sanction	When it may be appropriate	Typical live period
No action / informal	Insufficient evidence or minor issue; coaching appropriate	n/a
First written warning	Misconduct or performance issue with some mitigation	6–12 months
Final written warning	Serious misconduct or repeat misconduct	12–24 months
Dismissal with notice	Further misconduct with live final warning or serious issues not gross	Contractual/Statutory notice
Summary dismissal	Gross misconduct making continued employment impossible	Immediate (no notice)



Manager checklist

- ☐ Policy checked and followed (or updated)
- ☐ Roles allocated (investigator, chair, appeal)
- ☐ Suspension considered and documented (if applicable)
- ☐ Investigation plan and evidence log completed
- ☐ Investigation report reviewed (case to answer?)
- ☐ Hearing invitation sent with evidence bundle and right to be accompanied
- ☐ Hearing conducted fairly; notes taken; adjournment for decision
- ☐ Outcome letter issued; appeal offered
- ☐ Records stored securely; learning captured

Need support at any stage? HR Support Group can guide or run the process for you.

Visit www.hrsupportgroup.co.uk to call or email us.