



SEDGWICK LEGAL

# Things to remember when holding a Disciplinary Hearing

## 1. Establish the facts of the case

This should be done without any unreasonable delay and consists of the employer assembling evidence that may be used at a Disciplinary Hearing. It will often involve taking statements from witnesses, collating relevant documents and, on occasions, holding an investigatory meeting with the employee concerned. All the evidence must be recorded in writing.

## 2. Arrange a Disciplinary Hearing

If it is decided that there is a disciplinary case to answer then the employee should be notified of this in writing together with details of where and when the meeting will take place and sufficient details of the allegations to enable the employee to prepare his response. Copies of the written evidence that will be used at the hearing should be provided. The employee should also be told in the letter what the possible disciplinary outcomes of the meeting are as well as the fact that he may be accompanied at the meeting by a Trade Union official or a work colleague.

## 3. Conduct the Disciplinary Hearing fairly

The complaint against the employee should be explained during the Disciplinary Hearing and the evidence gone through. The employee must then be given the opportunity to answer each of the allegations and to present his case. A full note of what is said at the meeting must be kept.

## 4. Decide on the appropriate action

After the hearing consider all the evidence that has been presented by both sides and decide whether the allegations have been made out. If they have, you must then decide what disciplinary action should be taken. This would normally take the form of a written warning. Only in very serious cases would a decision to dismiss the employee be justified.

## 5. Inform the employee of the decision

The employee should receive written notification of the outcome of the Disciplinary Hearing within a reasonable period of time after it has finished. He should also be told of his right to appeal and how to go about making it. Any appeal should be heard without any unreasonable delay and should be conducted by a manager who has not previously been involved with the matter.

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**If you have any queries about the procedure for a Disciplinary Hearing, or any other aspect of Employment Law, please contact Roger Dennerly on 0161 653 5299 or email at [roger.dennerly@sedgwick-legal.co.uk](mailto:roger.dennerly@sedgwick-legal.co.uk)**

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