**Formal Disciplinary Procedure Checklist**

ISME would always advise members to ensure their Company disciplinary policy is up to date and in line with the code of practice. The below checklist can be used as a tool in conjunction with your policy to ensure you manage the disciplinary procedures fairly and consistently.

In certain instances (if appropriate) it would be advisable for the company to manage an employee’s shortcomings informally. However, this is not always viable, if the situation is serious the company may need to escalate the matter of concern via the formal disciplinary route.

The formal procedure may be invoked in the example circumstances below:

* Where the situation has failed to be resolved through the informal procedure.
* Where the informal procedure is not appropriate as the allegation could be considered as a serious form of misconduct or gross misconduct and formal disciplinary action is necessary.
* Where an earlier stage of the formal procedure was invoked and failed to resolve the issue, the next step may need to be another formal disciplinary step.

It is important to note that the code of practice encourages that levels of disciplinary sanctions be imposed progressively or proportionate to the offence.

Below we have outlined a step by step guide to assist you manage the formal stage of the Disciplinary Process:

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| **Recommended Process and Guide** | **Actioned** | **Not Actioned** |
| Prepare and send a formal letter to the employee inviting them to the disciplinary hearing. This letter should be sent in advance (recommended practice would advise at least 24 hours’ notice to be given).  The letter will include the following:   * Confirmation that this meeting is a disciplinary hearing * Copy of the disciplinary policy and the policy which the employee is alleged to have breached (if relevant) * Outline the allegation and ensure to include if this allegation may be considered as gross misconduct * Offer the employee the opportunity to bring a representative to the hearing and request the employee advises who they intend to bring before the meeting * Include any relevant evidence being used as part of the process. For example- training records, witness statements and/or CCTV footage * Time, date, location of the meeting , disciplinary officers name and note takers name should all be included in the invite letter | ○ | ○ |
| Meeting preparation:  The disciplinary officer must consider the nature of the offence, all evidence gathered and what questions need to be covered to get a full understanding of the situation and alleged offence. | ○ | ○ |
| If the allegation is being considered as gross misconduct, there may be a need to consider suspension and this must be communicated in writing to the employee in question. If you are considering suspension, it would be advisable to seek further HR advise before taking this step. | ○ | ○ |
| Disciplinary Hearing:   * Introduce the meeting as a disciplinary hearing and outline who is present and their role at the meeting * Confirm that the purpose of the disciplinary meeting is to discuss the allegation and confirm what this allegation is * Present evidence and any relevant documents that are being used in this disciplinary hearing * Ask the employee to respond to the allegation and the evidence presented and allow the employee time to respond and explain their perspective of the situation. The Disciplinary Officer must then consider the responses and any mitigation put forward * The note taker must taken notes to ensure the conversation is recorded | ○ | ○ |
| The disciplinary officer may want to take a short adjournment to consider all the information and ensure everything has been covered before concluding the hearing. | ○ | ○ |
| The disciplinary officer should not make a decision at this meeting. They should consider all the information and evidence collected and revert with a decision to the employee in the following days. The disciplinary officer should then determine, on the balance of probabilities, whether or not the offence is upheld or not and what the outcome will be. One of the following conclusions will be reached:  a. On the balance of probability the allegation(s) is/are upheld it may be appropriate to impose a disciplinary sanction.  b. If may be found that further investigation of the matter is necessary, or that further meetings with the Employee are necessary. The disciplinary hearing may be resumed.  c. No case to answer. | ○ | ○ |
| The disciplinary officer should communicate the outcome to the employee and ensure to draft an outcome letter confirming the same in all instances.  Where the appropriate sanction is a warning, ensure that the appeals process is outlined in the warning document. The warning should also contain an expiry date as per the company disciplinary policy. | ○ | ○ |

It is fundamental that all written records of the disciplinary process be retained and held on the employee file. It is important that all steps you take are in line with the companies disciplinary policy.

Please also refer to the following documents that will assist with this process:

* Your company disciplinary policy
* ISME ‘*Disciplinary Plan’*
* ISME ‘*Terms of Reference’*
* ISME guide ‘*Formal Disciplinary Procedure Checklist’*

Note: All templates can be found on the HR Hub here - [Performance Management | ISME](https://isme.ie/members-area/hr-hub/performance-management/). There are also letter template available on the ISME HR Hub that will assist you in this process.