

## Disciplinary procedure

### Step 1: Understanding the options

A disciplinary procedure is a formal way for an employer to deal with an employee's:

- 'misconduct' (unacceptable or improper behaviour)
- 'capability' (performance)

Before starting a disciplinary procedure, the employer should first see whether the problem can be resolved in an informal way. This can often be the quickest and easiest solution.

The employer should try solving the issue with their employee by:

- privately talking with them and any other staff involved
- listening to their point of view
- agreeing improvements to be made
- setting up a training or development plan, if it's a performance issue

### Dealing with capability issues

Capability or performance is about an employee's ability to do the job.

Some employers might have a separate [procedure for dealing with capability or performance issues](#) that should be based on:

- support
- training
- encouragement to improve

Whether the employer deals with the issue under a capability or disciplinary procedure, they must do so fairly.

### What counts as misconduct

Misconduct is when an employee's inappropriate behaviour or action breaks the organisation's rules.

Some misconduct examples include:

- bullying
- harassment
- 'insubordination' (refusing to do work)
- being [absent without permission](#) (some people call it absent without leave or 'awol')

But your organisation might have its own examples.

## If misconduct happens outside work

An employee could face disciplinary action for misconduct outside work.

For example, where an employee's behaviour in front of external clients at the work Christmas party reflects badly on the company.

It depends on how serious the employer sees the misconduct and whether it could have a bad effect on the business.

It's important the employer carries out a thorough investigation and can show the effect on the business.

## When there is gross misconduct

Some acts count as 'gross misconduct' because they are very serious or have very serious effects.

If an employer finds there has been gross misconduct, they should still carry out an investigation and the full disciplinary procedure.

They might then decide on [dismissal without notice](#) or payment in lieu of notice.

Examples of gross misconduct at work could include:

- fraud
- physical violence
- 'gross negligence' (serious lack of care to their duties or other people)
- serious insubordination, for example refusing to take lawful and reasonable orders from a supervisor

What is seen as gross misconduct can depend on the organisation. Your organisation might have its own policy or rules with examples.