

Disciplinary FAQs

Disciplinary action can range from an oral warning to dismissal.

Disciplinary hearing, what does that mean?

Where will I find a disciplinary procedure?

I am worried that I might face disciplinary action, what should I do?

I have just been advised that I am to be disciplined, what should I do?

Shouldn't I have a solicitor to represent me?

What kinds of acts will be regarded as constituting gross misconduct?

Disciplinary hearing, What does that mean?

Disciplinary action can range from an oral warning to dismissal.

Examples of a disciplinary may involve

1. Demands from a manager relating to work performance or conduct.
2. Being asked to an interview with a manager.
3. Being faced with a written or oral warning.
4. Be asked to attend a disciplinary hearing.
5. Suspension from work pending a hearing in some cases.

Where will I find a disciplinary procedure?

You can obtain the disciplinary procedure from your employer or via your UNISON representative.

I am worried that I might face disciplinary action, what should I do?

You should contact your UNISON steward and arrange to discuss this with them. The earlier you are able to raise this issue with your union, the more scope there is to resolve matters. Too often members leave it until action is pending before seeking help and this can limit their options.

When you meet your UNISON steward it would be helpful if you took with you and material such as papers, documents, reports e.t.c that you may feel are useful for your steward to see.

I am a member of UNISON and I have just been advised that I am to be disciplined, what should I do?

You should contact your UNISON steward straight away and arrange to meet them.

When you meet your UNISON steward it would be helpful if you took with you and material such as papers, documents, reports e.t.c that you may feel are useful for your steward to see.

UNISON stewards are trained and well informed about the procedures and will advise and represent you through the whole process and if necessary obtain legal advice on your case.

Shouldn't I have a solicitor to represent me?

Members sometimes feel that they would be best help by having a solicitor involved in their case. Disciplinary hearings are not legal hearings and while there are laws that apply, it is not the case that a solicitor will be your best advisor.

You need someone who understands the employer's policies and what outcomes can be achieved. Your UNISON branch has access to legal advice if this is needed and if your case does need legal support, UNISON has solicitors who can take up cases if this is needed. The vast majority of disciplinary cases are resolved by local representation and not by legal action.

What kinds of acts will be regarded as constituting gross misconduct?

Employers regards certain acts to be so serious as to render the member of staff liable to summary dismissal, e.g. without previous warnings, notice or payment in lieu of notice

Gross misconduct is where the misconduct is serious enough to destroy the employment contract between the employer and the member of staff and make any further working relationship and trust impossible.

In situations where there is potential gross misconduct, a formal disciplinary interview MUST still be held.

In cases which appear to involve gross misconduct, the member of staff can expect to be suspended while the facts are being gathered.

The following are examples of gross misconduct that could result in dismissal, unless there are exceptional circumstances or genuine mitigating factors.

(The list is not exclusive or exhaustive).

- Performance/conduct which puts at risk your employers reputation.
- Dishonesty, theft, fraud, falsification of records
- Fighting, assault, sexual abuse, serious verbal abuse, written abuse
- Improper use or handling of equipment
- Sending inappropriate email or material in email
- Illegal copying of computer software, downloading or using unauthorised software.
- Deliberately access web sites containing offensive material
- Deliberately accessing, downloading and/or circulating pornographic material, either verbal or pictorial
- "Hacking" into internal or external systems
- Deliberate or grossly negligent sabotaging and/or interfering with internal or external computers systems
- Deliberate damage to Employers property
- Serious incapacity through alcohol, illegal drugs or solvent abuse
- Serious negligent conduct or performance
- Flagrant disregard of a reasonable management instruction
- Deliberate refusal to attend work
- Flagrant disregard of health and safety procedures
- Race, sex, disability, age, sexual orientation or religious discrimination
- Flagrant disregard of harassment policies
- Bullying, harassing or intimidating behaviour
- Breach of Confidentiality

Outstanding accrued holiday entitlement will be paid in the case of dismissal for gross misconduct in line with current legal requirements.