

### **Standard statutory dismissal and disciplinary procedure**

(This is a summary of the statutory procedure which is set out in full in Schedule 2 to the Employment Act 2002)

This procedure applies to disciplinary action short of dismissal based on either conduct or capability. It also applies to dismissals (except for constructive dismissals) including dismissals on the basis of conduct, capability, expiry of a fixed term contract, redundancy and retirement.

#### **Step 1 Statement of grounds for possible action and invitation to meeting**

- The employer must set out in writing the employee's alleged conduct or characteristics, or other circumstances, which lead them to contemplate dismissing or taking disciplinary action against the employee.
- The employer must send the statement or a copy of it to the employee and invite the employee to attend a meeting to discuss the matter.

#### **Step 2 The meeting**

- The meeting must take place before action is taken, except in a case where suspension is imposed.
- The meeting must not take place unless:
  - a) The employer has informed the employee what the basis was for including in the statement under Step 1 the ground or grounds given in it; and
  - b) The employee has had a reasonable opportunity to consider their response to that information.
- The employee must take all reasonable steps to attend the meeting.
- After the meeting, the employer must inform the employee of their decision and notify them of the right to appeal against the decision if they are not satisfied with it.
- Employees have the right to be accompanied at the meeting by a trade union representative or a work place colleague.

#### **Step 3 Appeal**

- If the employee wishes to appeal, they must inform the employer in writing.
- If the employee informs the employer of their wish to appeal, the employer must invite them to attend a further meeting.
- The employee must take all reasonable steps to attend the meeting.

- The appeal meeting need not take place before the dismissal or disciplinary action takes effect.
- Where reasonably practicable, the appeal should be dealt with by a more senior manager than attended the first meeting (unless the most senior manager attended that meeting).
- After the appeal meeting, the employer must inform the employee of their final decision.
- Employees have the right to be accompanied at the appeal meeting by a trade union representative or workplace colleague.