

Disciplinary procedure

Step 1: Understanding the options

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

- 'misconduct' – this is unacceptable or inappropriate behaviour
- 'capability' – this is the ability to perform the job properly

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.

There are things employers should do to help an employee improve if there are problems with their performance at work. These might include:

- mentoring or coaching
- training

Employers should try these things first before starting a formal disciplinary procedure.

Some employers might use a separate 'capability procedure' instead of a disciplinary procedure. This must still be in line with the [Acas Code of Practice on disciplinary and grievance procedures](#).

[Find out more about dealing with problems with an employee's performance](#)

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' – for example, refusing to do work
- being [absent without permission](#) – also called '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 misconduct is and whether it could affect 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 must still carry out an investigation and a fair 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' – this means a serious lack of care to their duties or other people
- serious insubordination – for example, refusing to follow policies or take 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.