

## Step 5 Deciding the outcome

After following a fair disciplinary procedure, the employer should decide on the best outcome based on:

- the findings from the investigation and meetings
- what is fair and reasonable
- what their organisation has done in any similar cases before

Each organisation might have its own versions of disciplinary outcomes. They should be written in your organisation's disciplinary policy or guidelines.

For a disciplinary outcome that's not a dismissal, the employer should give the employee specific goals and timeframes for improvements.

### Telling the employee

The employer should tell the employee of the outcome as soon as possible and in writing. For example in a letter or email.

If the employee's conduct or performance has not improved in the timeframe set, the employer should repeat the disciplinary procedure.

The employer should repeat the procedure until either:

- improvements are made
- dismissal is the only fair and reasonable option

[Use our letter templates for giving disciplinary outcomes](#)

### When no action is needed

When it's decided there was no misconduct or performance issue, the employer should end the disciplinary procedure.

To keep good working relationships, the employer should talk in private with anyone involved with the disciplinary procedure.

They should make clear there is no longer anything to worry about and should help the employee get back to work as normal.

The employer should keep a note of how they carried out the procedure for future reference.

### Informal warning

If the misconduct or performance issue was found to be small and not serious, the employer might just have an informal talk with the employee. Your organisation might call it a 'verbal warning'.

The employer should still keep a confidential written record of informal or verbal warnings for future reference.

## Written warnings

A written warning is a formal warning that the employer can give the employee at the end of the disciplinary procedure.

A first or final written warning should say:

- what the misconduct or performance issue is
- the changes needed, with a timescale
- what could happen if the changes are not made
- what could happen if there is further misconduct or no improvement to performance
- how long the warning will stay in place
- any support or training the employer will provide, if related to a performance issue

### First warning

A first written warning is usually the first step an employer will take when misconduct or poor performance is confirmed.

### Final warning

After the first written warning, the employer can give a final written warning if, within a set timeframe, the employee either:

- repeats or commits another misconduct
- does not improve performance

In cases of serious misconduct or poor performance, the employer does not have to give a first written warning and can instead go straight to a final written warning. For example, where the employee's actions have, or could, cause serious harm to the business.

If an employee does not meet the requirements of their final written warning in the timeframe set, it could lead to dismissal. The employer should make this clear to the employee.

## Taking other disciplinary action

The employer might look at other disciplinary action depending on the seriousness of the misconduct or performance issue.

For example, instead of dismissal, the employer could decide to demote the employee. This means moving the employee to a role with less responsibility.

Employers must first check what the employment contract allows and discuss it fully with the employee. The employee has the right to be accompanied in this meeting.

You can find more detailed advice on other disciplinary actions in the [Acas guide to discipline and grievances at work](#).

## Dismissal

The employer might dismiss the employee. They could end their contract in either of these cases:

- 'gross misconduct' – when the employee has done something that's very serious or has very serious effects, for example fraud or physical violence
- the disciplinary procedure has had to be repeated and the employee previously had a final written warning

Dismissal should only be decided by a manager who has the authority to do so. You can check your organisation's policy on this.

As soon as possible, the employer should tell the employee:

- the reasons for the dismissal
- the date the employment contract will end
- the notice period
- their right of appeal

The employer must follow a fair and reasonable disciplinary procedure before deciding on dismissal. An employment tribunal takes this into account if an employee claims unfair dismissal.

[Find out more about dismissals](#)

## **The employee's right of appeal**

The employer should offer the employee the right of appeal.

This is so the employee can raise an appeal if they feel:

- the outcome is too severe
- any stage of the disciplinary procedure was wrong or unfair

[Find out more about appealing a disciplinary outcome](#)