

EMPLOYMENT POLICIES AND A DISCIPLINARY PROCEDURE

You can easily find yourself on the losing side of an employment law case, simply because your procedures or paperwork have not been sufficient. To prove you are right, it's important to document any incident as it happens.

The worst cases are when everything was done correctly but not written down – as it's almost impossible to prove you are compliant if you have no record of your actions.

Here are a few ways you can ensure you have the best chance of demonstrating you are using best practice, and avoiding legal action by disgruntled staff:

1 Write down all your policies, processes, procedures and practices and keep them filed somewhere you can easily refer to them and know where they are. Make sure you give staff copies of them when they start working for you, and preferably get them to sign a form saying they are aware of them and agree to comply.

2 Don't ever be tempted to instantly 'fire' someone, even if the staff member admits they are in the wrong.

3 Always follow a formal written process for any disciplinary, and allow staff to argue their case in an appeal as part of the procedure. You can find the Acas recommended policy here:

<https://bit.ly/ACASDisciplinaryPolicy>

4 Try to take notes of each point in any meetings you have with your staff regarding a disciplinary issue.



5 If you do have any communication between meetings remember to make notes as soon as you can after the conversation – this does not have to be a big long formal statement just a few jotted down notes can serve as evidence of the content of the conversation. 5



6 Keep copies of any written correspondence. Emails, letters and notes. It may also be useful to keep any voicemails or texts relevant to the situation.



7 Try and avoid going straight to a formal disciplinary procedure and instead get your facts right first. Speak to all those involved and do some research into any till receipts, bookings etc that help you to get the right information to make an informed judgement.



8 You might need to suspend the staff member, however, while carrying out your investigation if the allegation amounts to gross misconduct.



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