Disciplinary Procedures: 15 Common Questions Answered

When disciplinary concerns arise, a fair process matters as much as the decision itself. These answers cover the questions managers commonly face, from an initial allegation through to the outcome and appeal.

1. Before a disciplinary hearing

1. Can we deal with a minor concern informally?

Often, yes. A timely conversation, clear expectations and an agreed improvement may be appropriate where the matter is minor. Keep a proportionate note of what was discussed.

2. Do we have to investigate first?

Employers should establish the relevant facts before deciding whether formal disciplinary action is needed. The scope depends on the allegation; a complex case may need witnesses and records.

3. Must the investigator and decision-maker be different people?

Where practicable, use different people, particularly for serious matters. Smaller employers should still ensure the decision is impartial and supported by evidence.

4. Can we suspend someone while investigating?

Suspension should not be an automatic response or treated as punishment. Consider alternatives, explain the terms, keep it under review and normally maintain pay.

5. What must the invitation to a hearing contain?

Explain the allegation, possible consequences, meeting arrangements and evidence in enough detail for the employee to prepare. Explain their right to be accompanied where applicable.

2. At the hearing

6. Does an employee have a right to be accompanied?

At a qualifying disciplinary hearing, an employee generally has the statutory right to a fellow worker or trade union representative. There can also be reasonable-adjustment considerations.

7. What if the employee is absent or unwell?

Check why they cannot attend and consider reasonable rearrangements or alternative ways to participate. Do not simply treat one missed date as refusal.

8. Can new evidence be introduced?

If significant new evidence emerges, give the employee a fair opportunity to consider and respond to it before deciding the outcome.

9. Should we keep notes?

Yes. A reliable record should capture who attended, the issues considered, responses given and the decision-making steps. Allow factual corrections where appropriate.

10. How do we decide whether conduct is serious?

Consider the evidence, policies, circumstances, past treatment of similar cases and whether trust has been affected. Gross misconduct is not an automatic reason to dispense with a fair process.

3. Decisions, warnings and appeals

11. What outcomes are possible?

Depending on the facts: no action, an informal resolution, a written warning, a final warning or dismissal. Alternatives may be appropriate if permitted by policy and contract.

12. How long should a warning last?

Follow the employer's published procedure, consider seriousness and consistency, and tell the employee when an active warning expires.

13. Must we explain the decision in writing?

Yes, communicate the decision promptly, including the reasons, any required improvement or warning period, and how to appeal.

14. What should an appeal do?

Offer a genuine review of the decision or process, preferably by someone not previously involved and with suitable authority.

15. What if we do not follow the Acas Code?

Failure to follow the Acas Code can affect tribunal outcomes, including a potential adjustment to compensation in relevant cases. A fair process should be followed even when the outcome appears obvious.

4. A practical decision path

Stage	Employer action
Concern raised	Record allegation and determine immediate risks.
Investigation	Collect evidence and decide whether a hearing is warranted.
Hearing	Explain case, consider response and allow accompaniment.
Outcome	Give reasoned decision in writing and explain appeal.
Appeal	Arrange an impartial review and document the final result.

How Assyst helps employers support a consistent process

Assyst includes a dedicated disciplinary and grievance case-management facility within its HR platform. Authorised HR staff can create a case and record the allegation or grievance, investigation steps, hearing details, employee and witness statements, documents, notes, decisions and the final outcome in one place on the employee's HR record. Related letters and communications can be issued directly through the platform's letters and communications facilities, retaining a connected case history instead of separate paper or electronic files. Role-based permissions restrict access to confidential case information to HR users with the required specific permissions, helping protect sensitive evidence and ensure a controlled, auditable process.

Discuss your workforce requirements with Assyst

Assyst Workforce Management is a workforce management platform for multi-site employers, bringing together HR and paperless onboarding, time and attendance, workforce scheduling, payroll calculations, task management and a mobile staff app. To find out more or discuss how Assyst could support your business, visit www.assyst.uk and contact us through the website.

Useful official sources

Acas — Discipline and grievance | https://www.acas.org.uk/discipline-and-grievance

GOV.UK — Disciplinary investigations and hearings | https://www.gov.uk/taking-disciplinary-action/disciplinary-investigations-and-hearings

GOV.UK — How disciplinary procedures work | https://www.gov.uk/disciplinary-procedures-and-action-at-work/how-disciplinary-procedures-work

General guidance for employers in Great Britain, reviewed November 2026. Contract terms and individual circumstances may require professional advice.