

Advice Portsmouth

Conduct Factsheet

Conduct

Conduct issues are a common cause of disciplinarys. Conduct isn't defined in law but there are a number of activities which are widely accepted as likely leading to a potential dismissal for conduct reasons. These include

- Theft
- Violence
- Disobedience
- Unauthorised Absence
- Threatening or Abusive Language
- Being under the influence of drugs or alcohol.

Some of these can be classed as Gross Misconduct whereby if found to have committed the act then you can be dismissed without notice.

Suspension

When an allegation is made against an employee, it may be necessary for the employee to be suspended whilst the matter is investigated, If suspension occurs then this should unless specified in an employee's contract be a suspension with pay. The suspension should be kept as short as possible.

Investigation

Once an allegation has been made then a full and fair investigation should take place so that the employer can decide as to what the facts of the case and decide on whether a disciplinary is required. During the investigation an employee may be called on for a meeting to discuss the matters that are under

investigation. Unlike in a disciplinary meeting there is no right to be accompanied to these meetings

Disciplinary

If a disciplinary is decided as necessary then the employee should be notified of this and they should be provided with the evidence that the employer has found. They should be advised of their right to be accompanied by a work colleague or trade union rep and also notified of the potential outcome for example dismissal without notice if the potential misconduct is considered to be gross misconduct.

Appeal

Once a decision is made and this is communicated to the employee, the employee should at the same time be advised of their right to appeal the decision. If the company is big enough then this appeal should be heard by someone who has not been involved in the investigation or disciplinary process. To appeal you need to show good grounds for doing so.

Employment Tribunal

After an appeal an employee may have the option of going to an Employment Tribunal. They need two years' continuous employment and any claim must be made within 3 months of the dismissal. If you are in this position then please ensure you seek advice and assistance. You can contact us on 023 92794 340 or email us at advice.portsmouth@theyoutrust.org.uk.