

Disciplinary policy template

Every employer has to tell staff in writing what its disciplinary rules and procedure are, or where to find them, within two months of their start date. That comes from section 3 of the Employment Rights Act 1996. This template is the document that note points to. It follows the Acas Code, because a tribunal can raise an award by up to 25% where an employer unreasonably failed to.

Download the policy ? PDF • edit the [bracketed] parts

The template

Replace each [bracketed placeholder]. Copy it from this page, or download the PDF above.

1. Purpose and scope

This procedure sets out how [Company name] deals with concerns about conduct. It applies to all employees. Its aim is to help people meet the standards expected of them, and to make sure that where formal action is needed it is fair, consistent and prompt. Concerns about capability or ill health are dealt with under [the capability procedure]. This procedure is not contractual and may be updated; the current version is at [location].

2. Informal resolution first

Most concerns are resolved by a manager raising them promptly and privately, explaining what needs to change and agreeing how. A note of the conversation may be kept but it is not a disciplinary warning. The formal procedure is used where an informal approach has not worked or the matter is too serious for one.

3. Investigation

Before any disciplinary hearing we will establish the facts without unreasonable delay. Where practicable, the person who investigates will not be the person who hears the case. You may be asked to attend an investigation meeting; this is a fact-finding meeting and no disciplinary action will be decided at it.

4. Suspension

In some cases we may ask you to stay away from work while a matter is investigated. Suspension is on full pay, is kept as short as possible and is reviewed [weekly]. It is not a disciplinary sanction and does not mean a decision has been made.

5. Notice of a hearing

If there is a case to answer you will be told in writing. The letter will set out the allegation, the possible consequences, and the date, time and place of the hearing, and will enclose the evidence we intend to rely on, including any witness statements. You will be given reasonable time to prepare, normally at least [48 hours / three working days].

6. Your right to be accompanied

You have a statutory right to be accompanied at a disciplinary hearing by a fellow worker, a trade union representative or an official employed by a trade union. Tell [role] who your companion will be before the hearing. Your companion may put your case, sum it up, respond to views expressed and confer with you, but may not answer questions on your behalf. If your companion cannot attend, you may propose another time within five working days of the original date.

7. The hearing

At the hearing the manager will explain the allegation and go through the evidence. You will be able to set out your case, answer the allegation, ask questions, present evidence and call relevant witnesses if you have told us in advance. You must take all reasonable steps to attend. If you fail to attend without good reason, the hearing may go ahead in your absence on the evidence available.

8. Outcomes

You will be told the decision in writing without unreasonable delay. The possible outcomes are: no action; a first written warning, which stays active for [6] months; a final written warning, which stays active for [12] months; or dismissal. A warning will say what the misconduct was, what change is needed and by when, and what may happen if there is no improvement. No one is dismissed for a first offence unless it amounts to gross misconduct.

9. Gross misconduct

Some conduct is serious enough to justify dismissal without notice for a first offence. Examples include theft or fraud, physical violence or bullying, deliberate and serious damage to property, serious misuse of company property or name, serious insubordination, unlawful discrimination or harassment, serious breach of health and safety rules, and being incapable at work through alcohol or illegal drugs. This list is not exhaustive. The procedure above is still followed before any decision is made.

10. Appeal

You may appeal against any formal outcome by writing to [role] within [five working days] of receiving it, setting out your grounds. The appeal will be heard without unreasonable delay, where possible by a manager who has not been involved in the case. You have the same right to be accompanied. The appeal decision will be confirmed in writing and is final.

Using it well

- Separate the roles if you can. One person investigates, a second hears, a third hears the appeal. In a very small company that may be an owner, a co-director and an outside adviser.
- Send the evidence with the invitation. A hearing where the employee first sees a witness statement in the room is the commonest procedural failure.
- Write warnings that can be acted on. "Improve your attitude" cannot be measured. "Arrive by 9.00 on every working day for the next eight weeks" can.
- Keep conduct and capability apart. Someone who cannot do the job needs support and time, not a misconduct warning: see capability vs conduct.

- Do not skip steps for short-serving staff. From 1 January 2027 the qualifying period for unfair dismissal falls from two years to six months, and the cap on the compensatory award is removed on the same date.

The steps are walked through with examples in the disciplinary procedure for a small business, and the borderline cases in gross misconduct examples. The matching document for complaints raised by staff is the grievance procedure template.

What the Acas Code does and does not cover

The Code applies to misconduct and poor performance. It does not apply to redundancy dismissals or to the non-renewal of a fixed-term contract when it expires. Failing to follow it is not unlawful in itself, but a tribunal will take it into account, and may increase an award by up to 25% if the employer's failure was unreasonable, or reduce it by up to 25% if the employee's was.

A free template from CoDash - codash.co.uk/templates. Edit it to match how your company actually works, and take advice on anything unusual.