



Disciplinary Skills - SAMPLE PAGES

Delegate Manual



COURSE OUTLINE

9.00 Welcome and Setting the Scene

Knowledge/Skill Checklist
Getting to Know You Exercise

Disciplinary Procedure Overview
Consequences of a Badly Handled Process

Quiz: Facts, Figures and all That

10.45 BREAK

Roles and Responsibilities: Manager and Human Resources

Implementing Performance Management Plans
Factors to Consider prior to Implementation
How Employment Law Works: Case Studies

Structure of the Disciplinary Process

Preparation Steps to the Disciplinary Interview

12.45 LUNCH

Chairing the Disciplinary Interview
Announcing the Decision from the Interview
Documentation and Audit Trail

Role Plays: Preparation

3.00 BREAK

Role Plays: Delivery
Role plays: Debrief

Friday the 13th Exercise: Handling the Difficult Employees at Interview

Summary of the Day
Knowledge/ Skill Checklist and Review of Learning
Close

4.30 CLOSE

KNOWLEDGE / SKILL CHECKLIST

In order to ensure that learning objectives are met by the course:

BEFORE THE COURSE: Rate your ability on a competence scale of 1-5 as follows:-

1= No knowledge/skill

2= A little knowledge/skill but considerable development required

3= Some knowledge/skill but development required

4= Good level of knowledge/skill displayed, with a little development required

5= Highly competent - no/very little development required

WRITE your numerical rating in the 1st column. **AFTER THE COURSE:** Repeat the exercise, writing your new rating, in the 2nd column

COMPETENCE	PRE. (1-5)	POST (1-5)
1. Understands how the disciplinary procedure fits into performance management and why we have it		
2. Understands the consequences of a badly handled disciplinary process, including the financial implications for the company		
3. Knows the difference between disciplinary for incapability and conduct and can recall examples of both		
4. Can define the meaning of constructive dismissal		
5. Is aware of a range of behaviours that could constitute gross misconduct		
6. Can quote the 'test' that managers are required to pass which judges their behaviour in the handling of any disciplinary process		
7. Can define the steps to implement the disciplinary procedure		
8. Can confidently prepare for a disciplinary interview		
9. Can confidently deliver a disciplinary interview		
10. Deals professionally with a range of difficult interviewees (e.g. the silent; the angry; they storm out; they burst into tears)		
OVERALL COMPETENCE		
PERCENTAGE CHANGE (2 nd column total minus 1 st ; divide answer by 1 st column total; Multiply answer by 100): %		

"The average man finds life very uninteresting as it is. And I think that the reason why, is that he is always waiting for something to happen to him instead of setting to work to make things happen."

AA MILNE

DISCIPLINARY PROCEDURE OVERVIEW

The Disciplinary Procedure is:

- Designed to correct the behaviour of an individual, by means of a formal company driven framework

Disciplinary procedures provide a clear and transparent framework to deal with difficulties which may arise as part of their working relationship between manager and employee.

They are necessary to ensure that everybody is treated in the same way in similar circumstances, to ensure issues are dealt with fairly and reasonably, that employers are compliant with current legislation and follow the Acas Code of Practice for handling disciplinary issues (2009).

Disciplinary procedures are needed:

- So employees know what is expected of them in terms of standards of performance or conduct (and the likely consequences of continued failure to meet these standards)
- To identify obstacles to individuals achieving the required standards and take appropriate action
- As an opportunity to agree suitable goals and timescales for improvement in an individual's performance or conduct
- To try to resolve matters without recourse to an employment tribunal
- As a point of reference for an employment tribunal should someone make a complaint about the way they have been dismissed

Why Have A Disciplinary Procedure?

- Shows that we are a 'fair and reasonable' employer/ manager
- Everybody needs boundaries - rules set the standards of conduct
- Need to have by law
- Other methods haven't worked e.g. performance counselling
- Severity of the offence requires a formal process

QUIZ: FACTS, FIGURES AND ALL THAT

1. Under what conditions would an employee be suspended prior to implementing a disciplinary process?
2. For an employee who has been taken through every stage of the disciplinary procedure (e.g. informal warning; written warning etc) due to poor standards of work, what alternative could there be to dismissal?
3. What does the term constructive dismissal mean?
4. What does the abbreviation E.T. stand for?
5. According to research, do women have a better or worse chance of winning a tribunal for unfair dismissal?
6. Who can be chosen as a companion for the employee in a disciplinary interview?
7. What is the companion's role?

FIT NOTES

- The doctor will also provide general details of the functional effect of the individual's condition
- While you won't have to act on the doctor's advice in a 'may be fit for work' statement, it may help you make simple and practical adjustments to help your employee return to work and reduce unnecessary sickness absence
- if it is not possible for an employer to provide support for the employee to return to work the employer can use the statement for sick pay purposes as if the GP. had advised 'not fit for work'
- On the fit note the GP should have stated how long their advice will last for. The employer should then agree a return to work plan with any appropriate adjustments in place for a temporary period
- If the employee cannot then return to their normal duties, long term changes may be necessary taking into account the provisions of the Disability Discrimination Act

" The only place where success comes before work is in the dictionary"

VIDAL SASSOON

CASE STUDY 3: Theft Outside Work

One afternoon you get a phone call from the local police station asking for confirmation that a particular person works for you. You establish that this individual was caught stealing a Mars bar from the local shop at lunchtime that day. This employee was not detained and was back from lunch on time.

What would you say or do in this situation?

"78% of people who leave jobs leave because of their boss"
SUNDAY TIMES (Dec 2004)



DISCIPLINARY INTERVIEW: PREPARATION

What preparation needs to be undertaken prior to the disciplinary interview being undertaken? List each item of preparation under the appropriate heading below. Flip chart your group's findings.

Environment	Employee	Manager

CHAIRING THE DISCIPLINARY INTERVIEW - PART 2

A time gap must be demonstrated between part 1 and part 2 of the interview to show that due consideration has been taken to the evidence heard. This applies even if it is 'an open and shut case' where the employee admits the misdemeanour and there are no mitigating circumstances.

When deciding whether a disciplinary penalty is appropriate and what form it should take, consideration should be given to:

- Whether the rules of the organisation indicate what the likely penalty will be as a result of the particular misconduct
- The penalty imposed in similar cases in the past
- Whether standards of other employees are acceptable, and that this employee is not being unfairly singled out
- The employee's disciplinary record (including current warnings), general work record, work experience, position and length of service
- Any special circumstances which might make it more appropriate to adjust the severity of the penalty (e.g. domestic situation or provocation)
- Whether the proposed penalty is reasonable in view of all the circumstances
- Whether any training, additional support or adjustments to the work are necessary

Always seek appropriate advice from your line manager, Human Resources department or your company's legal team.

Eliminate the Gap

- Communicate the decision verbally and in writing (warning/ dismissal, other action e.g. re-training or no action)
- Confirm any review periods/ dates for the future
- If a warning to be issued communicate:
 - Level of warning and duration on file
 - Consequence of not rectifying the behaviour
 - The appeal procedure (what it is and how long have they got to submit the appeal)

DISCIPLINARY INTERVIEW: GUIDELINES FOR OBSERVER FEEDBACK

As an Observer, your role is crucial in helping the Disciplining Manager understand what they did/said, and how they might change their behaviour as a result of your feedback.

The form attached is designed for you to capture what you observe. Try to capture the exact words used or the exact behaviour observed.

Example 1: -

Good summary of what had happened e.g. “Just to summarise how I see things. On Tuesday last you came in at ten past nine and you know the department expects you to be ready for work at your station at 8.55am ready for the phones to open. If you remember I did speak to you then about it

Example 2: -

Aggressive body language - sits with hand on hips - very little eye contact - points a lot with finger.

Feedback Process:

1. Ask the Manager how it went:

- What went well?
- What would they do differently next time?

2. Ask the Employee:

- What was it like being on the receiving end?

2. Give Observer feedback (from what you've recorded overleaf):

- Positives first
- Then development areas

If one person says that you are a horse, smile at them.
If two people say that you are a horse, give it some thought.
If three people say you are a horse, go out and buy a saddle.

PROVERB

Disciplinary Role Play 1: Time Keeping

EMPLOYEE Brief

- You are the Warehouse Assistant. Your boss is the Warehouse Manager
- You are required to be on the premises, ready for work, at 8.00am. Most of the time you are on the department by 7.45am, as your bus gets in early
- Recently there have been road works on your bus route, and so you have been a little late a few times in recent weeks - no big deal really. You still get your work done by the end of the day. Anyway, it's not your fault
- You are one of the boss's best workers, a fact that you like to stress whenever you can
- Your Manager has invited you to attend a Disciplinary Interview

PLAY a character with an attitude that it's no big deal and anyway there's nothing you can do about it. Threaten to resign, and tell him you could easily get a better job elsewhere.

EXERCISE: FRIDAY THE 13TH!

In a disciplinary interview, what would you do if the employee: -

1. Burst into tears?

2. Start Swearing?

3. Storm Out?

4. Is Silent?

"Always look on the bright side of life."
MONTY PYTHON