

CHECKLIST FOR HANDLING A DISCIPLINARY SITUATION

This checklist sets out the key steps that any organization should consider when handling a disciplinary performance matter. All organizations, regardless of size, should observe the principles of fairness outlined below.

- 1. Gather all relevant facts.**
 - Do this promptly, before memories fade.
 - Take statements, collect documents.
 - In serious cases, consider suspension with pay while an investigation is conducted.
- 2. Be clear about the performance shortfall.**
 - Is action needed at this stage?
- 3. If so, decide whether the action should be:**
 - advice and counseling
 - formal disciplinary action.
- 4. If formal action is required, arrange a disciplinary interview.**
 - Make sure that the individual is aware of the nature of the shortfall, and that the interview is a disciplinary one.
 - Tell the individual where and when the interview will take place, and that they have the right to bring someone.
 - Try to arrange for a second member of management to be present.
- 5. Start by introducing:**
 - those present and the purpose of the interview
 - the nature of the shortfall
 - the supporting evidence.
- 6. Allow the individual to state his/her case.**
 - Consider and question any explanations put forward.
- 7. If any new facts emerge:**
 - Decide whether further investigation is required.
 - If it is, adjourn the interview and reconvene when the investigation is completed.
- 8. Except in very straightforward cases, call an adjournment before reaching a decision.**
 - Get a clear picture of the facts.
 - If they are disputed, decide on the balance of probability: What version of the facts is true?
- 9. Before deciding the penalty, consider:**
 - the gravity of the offense and whether the policies or regulations provide guidance
 - the penalty applied in similar cases in the past
 - the individual's disciplinary record and general service
 - any mitigating circumstances
 - whether the proposed penalty is reasonable in all the circumstances
- 10. Reconvene the disciplinary interview to:**
 - Clearly inform the individual of the decision and the penalty, if any.
 - Explain the right of appeal and how it operates.
 - In the case of a warning, explain what improvement is expected, how long the warning will last, and what the consequences of failure to improve are.
- 11. Record the action taken.**
 - If other than an oral warning, confirm the disciplinary action to the individual in writing.
 - Keep a simple record of the action taken for future reference.
- 12. Monitor the individual's performance.**
 - Disciplinary action should be followed up to encourage improvement.
 - Monitor progress regularly, and discuss it with the individual.