

# As principles of the acas code of

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As defined by the Employment Rights Act, there are five possible causes for dismissal and these are listed as per

below: · Capability · Conduct · Statutory ban · Redundancy ·

Some other substantial reason  
The first step in carrying out a disciplinary situation is to follow the basic principles of the Acas Code of Practice: Disciplinary and Grievance Procedures. The rules and procedures developed in the handling of these cases must be clear, fair and transparent and adhered to all at times throughout the process. In all instances employers should act consistently, promptly and investigate and establish all facts before informing an employee of the problem. In situations where an employee's capability to perform a job adequately is an issue, then it is of the view that the employer seeks to discuss what additional support/ training etc is required to bring them up to the relevant level of performance. Time needs to be given to allow the employee adequate time to improve before any warning is issued - at least two warnings must be issued before any dismissal is considered.

Issues of conduct are separated into two categories - misconduct and gross misconduct, which means there are two different procedures to be followed when investigating. Misconduct covers less serious issues, for example, poor attendance or performance. In this situation the same procedure for capability issues should be followed, with the aim of supporting the employee in progressing to the necessary standard. If the situation does not improve over a reasonable timeframe, warnings are to be issued and dismissal to take place if no improvement has been made. Gross misconduct is for all serious acts, such as violence, gross negligence, theft etc and as long as a fair

procedure is followed, an instant dismissal should occur whilst investigations commence. Upon completion of investigations, time should be allowed for the employee to respond before deciding to dismiss. Once investigations have been completed, a decision on whether it merits a disciplinary meeting will be made and the employee to be informed of this in writing.

Sufficient evidence of the allegations in question must be provided, along with any other relevant documentation. Employees are entitled to be accompanied at most disciplinary and grievance hearings by a fellow worker or a trade union official of their choice, provided they make a reasonable request to be accompanied (Acas, 2018). A decision on the appropriate action to be taken should be discussed and the employee to be informed in writing and a right to appeal provided. For all those acts deemed as gross misconduct an instant dismissal without notice can be issued, providing a fair procedure was followed throughout for it to be considered lawful. All of the above, as per the Acas Code of Practice: Disciplinary and Grievance Procedures need to be followed to ensure a clear process which are dealt with satisfactorily and fairly by those carrying out the investigations this will ultimately decrease the chances of employees raising an unfair dismissal claim.