

Step by step guide to conducting a disciplinary interview

1. Disciplinary interviews are conducted in the context of a Company's formal discipline procedure. Make sure that you are familiar with the procedure. Ensure that the employee has been given written details of the aspects of his conduct or performance which will be the subject of discussion and that he has had adequate time to consider them (normally at least 48 hours.).
2. Make suitable arrangements for the employee to be accompanied by a work colleague or trade union representative, if this has been requested.
3. Arrange for another member of the management team to be present and to take notes.
4. Have all documents related to the case to hand and in order. Read any papers again immediately before the interview, so that they are fresh in your mind.
5. Ensure that you will not be disturbed. Leave strict instructions that you will not be available to answer the telephone during the interview. If this is impossible, conduct the interview in a room with no telephone.
6. Make sure the seating arrangements are adequate.
7. By their nature disciplinary interviews are stressful. Try to be calm. Allow time to clear your desk and your thoughts. Do not rush around at the last minute. You should appear focused not fraught.
8. Start on time and take breaks as and when required.
9. Keep meticulous notes of the interview. The person who accompanies you is the best person to do this. Your notes will ensure that you do not forget what is actually said. Retention of the notes will make it more difficult for Tribunal claimants to word Employment Tribunal applications in a way that manipulates the record of what was said. If the employee agrees, you may wish to tape record the interview.
10. When the employee enters, ask whether he/she understands that the interview about to be conducted is of a disciplinary nature. Note the answer.
11. If the employee has not brought a work colleague or trade union representative along, ask specifically whether the employee wishes to have a colleague or union representative of his/her choice present. Note the answer. If he/she does wish to have a colleague or union representative present, ask who it is and allow time for that person to be brought in before the interview commences. Note the name of the person and then proceed with the interview. If the employee brings a colleague or union representative with him/her, then simply note that person's name and proceed with the interview.
12. Start the interview by introducing yourself and the person who is accompanying you.
13. Review the nature of the complaint against the employee. If you are at a later stage of the discipline procedure, review the previous discussions and the warnings issued.
14. Give the employee precise details of the complaint against him/her that has lead to this particular interview. Note what is said.
15. When you have finished speaking, ask the employee if he/she has anything to say in response to the matters raised. The employee's work colleague or trade union representative is entitled to address the meeting and confer with the employee but may not answer questions on the employee's behalf. Allow the employee as much time as he/she wishes to answer the points you raised, in whichever manner or order he/she chooses. Do not interrupt or contradict but note the employee's points.

16. When the employee finishes, answer the points made systematically, clearly and unemotionally. Note any mitigating circumstances which the employee has raised and be prepared to take them into account when you make your decision.
17. If necessary, adjourn briefly (for perhaps 10 or 15 minutes) to consider what the employee has told you. If you do adjourn, tell the employee why you are doing so. In some cases, where further investigation is indicated, it may be necessary to adjourn for a longer period, even days. During such an adjournment, the employee can, if appropriate, be suspended on full pay. Once again, the reason for the adjournment should be explained.
18. Make your decision and inform the employee of the action which is to be taken.
19. Make sure that the employee understands what he is required to do or refrain from doing in the future. If his/her conduct is to be reviewed, confirm when this will take place. Explain the consequences if he/she repeats the misconduct or fails to make the required improvement i.e. what the next stage of the discipline procedure will be.
20. Tell the employee that he/she has the right to appeal against the decision, to whom he/she should address the appeal and any time limit to be imposed.
21. Confirm everything to the employee in writing, including a summary of the interview, the decision and the right of appeal. If the employee makes a request, let him/her have a copy of the interview notes.