



# The **disciplinary issues** guide for line managers



Learn what a fair disciplinary procedure looks like in practice, what the law expects of you, and - just as importantly - what's your job and what's HR's.

Managing a team comes with a lot of responsibility - and most of it, you learn on the job. One area where that's particularly true is disciplinary issues. It's not something most managers get formal training in, and yet when something goes wrong with someone in your team, it tends to land with you first.

The instinct is often to deal with it quickly - to have a word, make a call, sort it out. But acting fast without following the right process is one of the most common and costly mistakes a manager can make.

This guide will walk you through what a fair disciplinary procedure looks like in practice, what the law expects of you, and - just as importantly - what's your job and what's HR's.

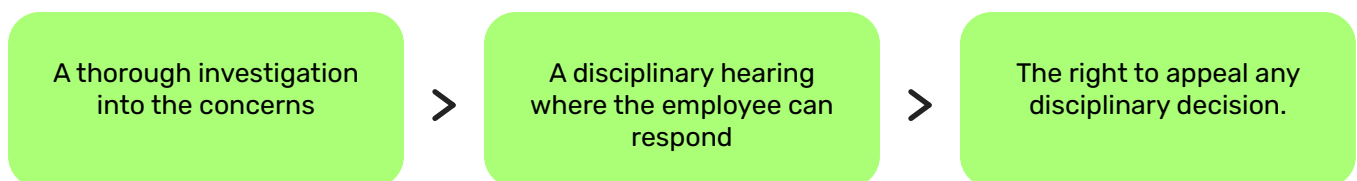
## What is a disciplinary procedure?

A disciplinary procedure is a formal process used by employers to manage and address employee misconduct or poor performance. It gives everyone involved - the employee, the manager, and the business - a clear, fair framework to follow.

Having a written disciplinary procedure in place provides a pre-defined process for managers and HR to address conduct or capability matters. It also helps protect both the employer and the employee by ensuring fairness throughout.

A clear disciplinary policy is also important for maintaining high standards of conduct and competence within the workplace - and it should be communicated to all staff so everyone understands the behaviours that may lead to disciplinary action.

From a legal perspective, a fair disciplinary procedure involves three stages:



For a step-by-step breakdown of how to work through each stage, use the line manager's disciplinary procedure checklist on the [Breathe Growth Academy](#), alongside this guide.

## Understanding misconduct: what are you actually dealing with?

Before anything else, it helps to understand what kind of issue you're facing. Disciplinary issues generally arise from two areas: **misconduct and capability**.

### Capability

Capability is about how the employee's skill, aptitude or health affects their work. It's not about their behaviour. So, for capability issues, it's best to follow a formal capability procedure. You can learn more about how to handle the capability procedure in the 'Performance and capability' module in the employment law for line managers course on the [Breathe Growth Academy](#).

## Misconduct

Misconduct is when an employee's behaviour or action breaks the organisation's rules. It's a broad category, and knowing where something sits on the spectrum affects how you respond.

→ **Minor misconduct** is typically inappropriate behaviour that breaks company rules but doesn't do any major harm. This might be lateness to work or a dress-code issue.

These situations don't usually need to go straight to a formal disciplinary procedure. An informal talk or informal warning is often the right first step, and for minor issues, a private one-on-one conversation is frequently the quickest and most effective solution.

→ **Serious misconduct** includes actions that cause significant harm to the organisation, such as serious health and safety breaches.

It sits above minor misconduct and usually warrants formal disciplinary action, even if it doesn't reach the threshold of gross misconduct.

→ **Gross misconduct** refers to actions so serious they can justify immediate dismissal without notice - sometimes called summary dismissal.

Examples include theft, physical violence, fraud, serious insubordination, the use of illegal drugs at work, and serious breaches of safety regulations.

The critical thing to understand here is that even in cases of gross misconduct, employers must still conduct a thorough investigation before taking formal disciplinary action.

Summary dismissal doesn't mean skipping the process - it means the outcome can be dismissal at the end of it. Acting without investigation, however serious the alleged conduct, leaves the business exposed.

## What is a disciplinary procedure?

For minor misconduct or conduct issues, employers should first attempt to resolve things informally before initiating a formal disciplinary procedure.

An informal discussion or informal warning can be enough to help the employee improve without the need for formal disciplinary action.

**What does that look like in practice?** It's a private, direct conversation where you explain the concern clearly, give the employee the chance to respond, and agree on what needs to change. It's not a telling-off - it's a conversation with a purpose.

Always document these conversations, even informal ones. Keeping a confidential written record protects everyone if things escalate later, and it also gives you a clear record of what was discussed and agreed.

If the employee's behaviour continues after an informal approach, or the issue is serious enough from the outset, it's time to move to a formal disciplinary procedure.

# What the law actually expects of you

The [Acas Code of Practice](#) sets the minimum standards for a fair disciplinary process in the UK. It's the framework every manager involved in disciplinary matters should be aware of.

While the Acas code isn't legally binding, failure to follow it can influence how an employment tribunal calculates compensation if a claim is made. In other words, even if the underlying reason for a dismissal was valid, a flawed process can still work against the employer.

The law expects employers to act reasonably and follow a fair procedure - and that means following your own disciplinary procedures, not just the general principles.

Deviating from your company's own policy, even with good intentions, can undermine the fairness of the whole process.

A few things the law is clear on:

Employees must be **informed in writing** of the allegations against them before any disciplinary meeting, with enough detail to prepare a response.

Employees are **entitled to be accompanied** by a colleague or a trade union representative at a disciplinary hearing.

The outcome of a disciplinary hearing **must be communicated in writing**, with clear reasons for the decision.

Employees must be **given the right to appeal** any disciplinary decision.

Following a fair disciplinary procedure can reduce the risk of unfair dismissal claims against the employer.

Getting it right from the start is far less costly than dealing with the fallout later.

# Understanding the possible outcomes of disciplinary action

The result of disciplinary action is not always dismissal - formal warnings and other sanctions can be imposed instead.

The outcome should always be proportionate to the issue and based on the evidence.

Outcome	When it applies
No further action	→ The allegations aren't upheld
Informal warning	→ Minor misconduct, first occurrence
First written warning	→ Misconduct confirmed - formal record needed
Final written warning	→ Further misconduct after a previous warning
Dismissal	→ Serious or gross misconduct, or repeated misconduct after warnings

A final written warning can be issued if the employee doesn't meet the requirements of their first written warning within a specified period.

Repeated instances of minor misconduct can escalate over time to warrant more serious disciplinary action.

Whatever the outcome, it must be confirmed in writing. Dismissal should only be decided by a manager with the authority to do so - and never without HR involvement.

## What consistency means and why it matters

One of the most common ways disciplinary procedures go wrong is inconsistency. Similar cases need to be treated similarly - unless there are genuine reasons, based on the facts, why two situations should be handled differently.

This matters for **two reasons**:

**1** First, inconsistency can open the door to claims of discrimination or unfair treatment.

**2** Second, employees are more likely to accept a disciplinary outcome - even an unwelcome one - when they can see the process was fair and applied consistently.

Before reaching a disciplinary decision, always consider mitigating factors. These might include the employee's length of service, their previous record, or personal circumstances that go some way to explaining their behaviour.

Mitigating circumstances don't erase what happened, but they should inform the outcome.

## Situations where you must top and get HR involved

Some situations need more than an eGuide. Go straight to HR - without delay - if:

- Dismissal could be a possible outcome
- The alleged conduct is serious enough to potentially warrant summary dismissal
- The employee's behaviour may be connected to a disability or other protected characteristic
- The situation involves potential criminal conduct
- The investigation is complex or involves multiple employees

If in doubt, ask. It's always better to involve HR early than to find out later that the process had a gap.



# A quick note on disciplinary and grievance procedures

Not every workplace issue is disciplinary. Sometimes an employee is not the subject of a concern but is raising one of their own. That is usually a grievance.

A grievance is a concern, problem or complaint raised by an employee about their work, working environment or treatment at work. It might relate to you (their manager), a colleague, workload, working conditions, bullying or harassment, or how a decision has been made.

As a line manager, the important thing is to **recognise the difference**:

A **disciplinary matter** is usually about concerns the business has about an employee's conduct or behaviour.

A **grievance** is about concerns the employee has and wants the employer to address.

You do not need to be an expert in the formal grievance procedure, but you do need to know your role.

In practice, that means:

- listening carefully and taking concerns seriously
- avoiding defensive or dismissive reactions
- keeping a clear written note of what has been raised
- following your internal policy and involving HR where needed
- not treating the employee unfairly because they have spoken up

Some concerns can be resolved informally, especially where the employee is looking for a quick fix rather than a formal outcome. But if the issue is serious, if the employee wants to raise it formally, or if it involves discrimination, harassment, whistleblowing or senior people in the business, **HR should be involved straight away**.

Sometimes an employee may raise a grievance because of a disciplinary procedure itself. For example, they may feel they have been treated unfairly, that the process has not been handled consistently, or that the person leading it is biased.

Whenever a grievance is raised, always **pause and get advice before deciding how to proceed**. In some cases, the grievance can be dealt with alongside the disciplinary matter. In others, it may need to be addressed first, especially if it relates to fairness, discrimination or the conduct of the process.

For line managers, the key is not to investigate or decide everything alone. Your job is to spot the issue, respond calmly, keep records and bring in HR at the right point.



# Common mistakes and how to avoid them

Most disciplinary procedures that go wrong do so because of the same handful of mistakes. Here's what to watch out for:

## Acting too quickly

Managers who rely on instinct rather than pausing to gather evidence and follow a fair process are the most common cause of disciplinary procedures going wrong. The urge to deal with something fast is understandable - but it's rarely helpful.

## Skipping the investigation

To justify any disciplinary action, you need to show you had a reasonable belief, based on evidence, that the issue occurred. No investigation means no evidence base - and that's a significant problem if the matter is ever challenged.

## Not following your own disciplinary procedures

Your company policy sets out the process you're expected to follow. Even if you're confident the outcome is right, deviating from your own procedure can undermine the fairness of the whole process and leave the business exposed.

## Treating similar cases differently

Inconsistency in handling disciplinary and grievance procedures can lead to claims of unfair treatment or discrimination. Keep a clear record of how you've handled relevant cases so you can demonstrate consistency.

## Making up your mind before the disciplinary hearing

The disciplinary hearing exists to give the employee a genuine opportunity to respond to the allegations. If the outcome feels like a foregone conclusion before they've spoken, the process isn't fair - and it won't hold up if challenged.

*This is a practical guide to help you follow a fair disciplinary process - it's not a substitute for your company's own disciplinary policy or professional legal advice. Don't have an internal HR expert? [Speak to a trusted HR consultant from the Breathe Partner Programme.](#)*

# Keeping records

When a disciplinary situation arises, having everything in one place makes a real difference. With an HR software system like [Breathe](#), you can store employee documents, log absence records and keep notes from key conversations directly in the platform - so when HR needs to pick things up, or if a decision is ever questioned, the full picture is right there.

It means less time hunting for paperwork and more confidence that the process is properly supported from start to finish.

# Keep building your skills

The **Breathe Growth Academy** has a full suite of free, expert-led training for line managers - covering everything from communication and performance management to wellbeing and leading with confidence. Head to the hub to explore the courses and find more practical resources you can use straight away.



[Go to the Academy](#)