

Issue: Dismissal - procedures

An employee was believed to have stolen £3,000 from her employer. The employee began disciplinary proceedings where they felt it to be necessary for the employee to be suspended during a period of investigation. In a letter of suspension explaining the allegations against the employee a 'loss of £3,000' was stated with no further description of this and how this might have breached company policies. It was not made clear if the loss was alleged to be by inefficiency, an innocent mistake or theft.

All further letters sent to the employee, where she was invited to a disciplinary hearing led her to believe that she was being accused of theft, but this was never confirmed by the employer. Following the disciplinary hearing the employee was dismissed. The dismissal letter confirmed the reason for her dismissal, with this having been as a result of a 'loss of £3,000'. She brought a claim of unfair dismissal to the Employment Tribunal.

Employment Tribunal – Verdict

The employees claim was accepted by the Employment Tribunal who found that the failure to put the allegation of theft to the employee meant that the dismissal was unfair.

Money could go missing for a variety of reasons and the action / decision the employer would take would differ depending on whether the employee was accused of inefficiency, negligence or dishonesty.

The employee should have had the allegation of theft put clearly to her.

- ⌘ Disciplinary and grievance policies should clearly explain how offences of dishonesty inefficiency, negligence or theft will be treated.
- ⌘ Employers should ensure that they are following correct disciplinary procedures when dismissing employees
- ⌘ A strong and detailed investigation is always required to obtain all relevant facts in a fair and open manner.
- ⌘ Ensure consistency in how previous similar cases have been dealt with.

Learnings for employers

- ⌘ Employers must be clear and provide comprehensive detail when explaining an allegation in any disciplinary communication.
- ⌘ Any communication stating the allegations must explain how this allegation is a breach of conduct and what level of conduct; misconduct or gross misconduct
- ⌘ If dishonesty is alleged, the employer must make the nature of their allegation very clear to the employee.

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Sources :

CIPD: <https://www.cipd.co.uk/knowledge/fundamentals/emp-law/dismissal/cases>