

M&LD14 Initiate and follow disciplinary procedure - SQA Unit Code FM57 04

Overview

What this Unit is about

This Unit is about initiating and following your organisation's disciplinary procedure in response to misconduct or unsatisfactory performance of a member of your team.

All employing organisations are required to have disciplinary and grievance procedures. As a minimum, these must meet the requirements laid down in relevant employment legislation. However, many organisations have developed more detailed and extensive disciplinary procedures and associated rules to reflect their specific contexts and requirements.

This Unit describes the minimum standard of performance expected of managers when they are implementing disciplinary procedures in line with legal and organisational requirements. To meet this standard, managers need both sound technical knowledge of the procedures and well-developed cognitive and interpersonal skills.

Who is the Unit for?

The Unit is for line managers who have to deal with misconduct or unsatisfactory performance of members of their team. It is **not** designed for human resources specialists who are required to develop disciplinary procedures and provide specialist support to line managers who are implementing them.

Links to other Units

This Unit is linked to Unit **D15. Initiate and follow grievance procedure** in the overall suite of National Occupational Standards for Management and Leadership.

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Skills

Listed below are the main generic 'skills' that need to be applied in implementing disciplinary procedure. These skills are explicit/implicit in the detailed content of the Unit and are listed here as additional information.

- ◆ Acting assertively
- ◆ Analysing
- ◆ Communicating
- ◆ Decision-making
- ◆ Empathising
- ◆ Interviewing
- ◆ Monitoring
- ◆ Presenting information
- ◆ Questioning
- ◆ Reporting
- ◆ Researching

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Performance Criteria

*You must be able
to:*

- 1 Keep individuals fully informed about the standards of conduct and performance expected of them and your organisation's current procedure for dealing with misconduct or unsatisfactory performance.
- 2 Seek support from colleagues or human resources or legal specialists on any aspects of implementing disciplinary procedures about which you are unsure.
- 3 Carry out necessary investigations promptly to establish the facts relating to any misconduct or unsatisfactory performance.
- 4 Take preventative measures to resolve issues and deal with cases of minor misconduct or unsatisfactory performance informally, where you consider that an informal approach is likely to resolve the situation effectively.
- 5 Follow your organisation's formal disciplinary procedure in serious cases of misconduct or unsatisfactory performance.
- 6 Keep full and accurate records throughout the disciplinary process and store these confidentially as long as, but no longer than, necessary.

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Behaviours

You will exhibit the following behaviours:

- 1 You listen actively, ask questions, clarify points and rephrase others' statements to check mutual understanding.
- 2 You present information clearly, concisely, accurately and in ways that promote understanding.
- 3 You keep people informed of plans and developments.
- 4 You give feedback to others to help them improve their performance.
- 5 You comply with, and ensure others comply with, legal requirements, industry regulations, organisational policies and professional codes.
- 6 You act within the limits of your authority.
- 7 You consult with internal and/or external experts when necessary.
- 8 You say no to unreasonable requests.
- 9 You confront performance issues and resolve them directly with the people involved.
- 10 You keep confidential information secure.
- 11 You work to develop an atmosphere of professionalism and mutual support.
- 12 You take and implement difficult and/or unpopular decisions, if necessary.

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Knowledge and Understanding

You need to know and understand:

General knowledge and understanding

- 1 The importance of fully informing individuals about the standards of conduct and performance expected of them and your organisation's current procedure for dealing with misconduct or unsatisfactory performance.
- 2 How to carry out investigations to establish facts relating to any misconduct or unsatisfactory performance.
- 3 Informal approaches to dealing with cases of minor misconduct or unsatisfactory performance, and when this type of approach is likely to resolve the situation effectively.
- 4 The differences between misconduct, gross misconduct and unsatisfactory performance, and how each should be handled.
- 5 The importance of following your organisation's formal disciplinary procedure in serious cases of misconduct or unsatisfactory performance.
- 6 The importance of communicating clearly, concisely and objectively, and how to do so.
- 7 How to keep full and accurate records throughout the disciplinary process and store these confidentially as long as, but no longer than, necessary.

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Knowledge and Understanding

You need to know and understand:

Industry/sector specific knowledge and understanding

- 1 Industry/sector requirements for supporting individuals to improve their performance.

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Knowledge and Understanding

You need to know and understand:

Context specific knowledge and understanding

- 1 Your organisation's procedures for dealing with misconduct or unsatisfactory performance.
- 2 The standards of conduct and performance expected of individuals.
- 3 Sources of advice, guidance and support from colleagues, human resources or legal specialists.
- 4 The limits of your own knowledge, skills and competence.
- 5 Your organisation's policies and procedures for keeping full and accurate records.

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Evidence Requirements

PC	Evidence of Performance Criteria: ♦ possible examples of evidence	Behaviours	Knowledge and Understanding		
			General	Industry specific	Context specific
	Records of your involvement in disciplinary procedures				
PC1	♦ notes of briefings and meetings; e-mails and memos; handbooks, procedure manuals and other guidance which you have prepared for team members on disciplinary procedures and systems	1,2,3	1, 4	1	1, 2
PC2	♦ notes of meetings with individuals such as performance reviews, supervision meetings, 1 2 1s and of disciplinary investigations	1, 2,3,4, 5, 6, 8, 9, 10, 11	2, 3, 5, 6, 7	1	1, 2, 4, 5
PC3	♦ memos, e-mails from specialists on conduct of disciplinary procedures	5, 6, 7, 11	2, 3, 5, 6, 7	1	3
PC4	♦ letters, memos, e-mails from, and notes of conversations with colleagues or managers regarding an individual's performance and behaviour	7	2, 3, 5, 6, 7	1	3
PC5	♦ notes, records of disciplinary procedures in which you have been involved	5, 6, 10, 11, 12	2, 3, 4, 5, 6, 7	1	1, 4, 5
PC6	♦ personal statement (your reflections on your role in initiating and following disciplinary procedures)	, 2,3, 4, 5, 6, 8, 9, 10, 11, 12	1, 2, 3, 4, 5, 6, 7	-	1,2, 3, 4, 5