Example of Disciplinary Process

Disclaimer: This is only an outline of the disciplinary process. For more detail please visit: www.employment.govt.nz/disciplinary-process/
Please note: In most parts of any formal process involving potential misconduct or serious misconduct an employee must be afforded the opportunity to have support and/or representation.

Go to our guidance on managing performance issues www.employment.govt.nz/managing-performance-issues/

Is the issue about possible misconduct (not performance)?

- NO
  - Write to the employee to notify them about the problem and tell them that you will be investigating the issue.
  - Carry out an investigation that is proportionate to the size of the issue.

- YES
  - Do you have a good reason to start a disciplinary process?
    - YES
      - In certain, limited serious circumstances, you may consider suspending the employee pending the investigation.
    - UNSURE
      - If you are unsure and if the incident is minor, an informal action, may suffice, such as an informal conversation.

Do you think, after investigating, the issue should involve disciplinary action?

- YES
  - Write to the employee inviting them to a disciplinary meeting about potential serious misconduct, setting out the evidence gathered in the letter and the possible consequences the employee could be facing.

- NO
  - Provide the employee with your preliminary decision and give them an opportunity to respond.

Do you think the misconduct is serious enough to amount to serious misconduct?

- YES
  - At the meeting, put all of the concerns to the employee and give them a chance to respond.
    - Do not make a decision at the meeting, take time to fully consider the employee's explanation and which disciplinary action, if any, should be taken.
    - You may need to reinvestigate if the employee brings up new relevant information.
  - Provide the employee with your preliminary decision and give them an opportunity to respond.
    - You must consider their response before issuing a final decision.

- NO
  - Write to the employee inviting them to a disciplinary meeting about potential misconduct, setting out the evidence gathered in the letter and the possible consequences the employee could be facing.

- OR
  - Write to the employee inviting them to a disciplinary meeting about potential serious misconduct, setting out the evidence gathered in the letter and the possible consequences the employee could be facing.

After the meeting, take time to consider the employee's response and explanation and what actions you could take.

Provide the employee with your final decision. Depending on the circumstances, you could decide to take no action, an informal action, provide a verbal warning confirmed in writing, a written warning, a final written warning, or to terminate employment with or without notice.