

# Losing your job— Disciplinary action and dismissal

If you have been dismissed or are at risk of being dismissed, there are a number of issues you should consider:-

## Disciplinary:-

- If possible your first step should be to try and sort out the problem with an informal talk. Possibly the problem is a simple misunderstanding that could be solved by an explanation.
- If you are the subject of disciplinary action, your employer should explain in writing what they think you have done wrong and details of the process that they intend to follow. Your employer will then normally call you to a meeting to discuss the problem. You are entitled to have someone with you (usually a work colleague or union representative). After this, they should give you a written decision and an opportunity to appeal. There is a break down of the process at [www.gov.uk/disciplinary-procedures-and-action-at-work](http://www.gov.uk/disciplinary-procedures-and-action-at-work)
- If there is a staff handbook, this should set out the procedure that you would expect to be followed. If they have not followed it you may wish to raise a grievance - there is a guide called 'how to make a complaint' on [www.advicenow.org.uk](http://www.advicenow.org.uk)

## Dismissal Procedures:-

- Are you an employee – Is your contract with the employer or are you employed by an agency or self-employed? If you are not an employee, your rights and what courses of action are available to you may be different and you should seek advice.
- See the ACAS code of practice at [www.acas.org.uk](http://www.acas.org.uk) - following this is not a legal requirement, but employers are usually expected to do so and if you wish to take action such as using an employment tribunal to challenge their decision it will be necessary to attempt mediation through ACAS first.
- If the decision is to dismiss you, you might feel that the decision is unfair or wrongful. [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk) has a step-by-step guide, 'Dismissal', to help determine whether your dismissal was unfair and what you can do about it. If it may be unfair or you need help to find out you should get help as soon as possible because there is a time limit of three months less a day on taking action.

## Benefits and Finances after Dismissal

- To make a claim for any outstanding monies regarding your dismissal, you should make a written request to your former employer. Be aware that there are time limits for such requests, so if you need advice you should get it as soon as possible.
- If you are dismissed, your income will likely reduce. This will need careful budgeting to try to make the best of the income you will be receiving. Your local Citizens Advice may be able to help with this.
- Unless you are lucky enough to find alternative work immediately, you may need to sign on for Job Seekers Allowance (JSA) and possibly apply for other benefits. You can check what benefits you might be able to receive at [www.entitledto.co.uk](http://www.entitledto.co.uk) and make a claim for JSA at your local jobcentre, or online at [www.gov.uk](http://www.gov.uk)
- Depending on the circumstances of your dismissal, your JSA may be sanctioned/refused. If that is the case, you might be eligible for a hardship payment or want to appeal the decision. To make a hardship application, ask for form JSA10 at your local job centre. You can seek advice on appeals from Citizens Advice.
- If you are already claiming benefits, you will need to notify the relevant agencies of your change of circumstances to avoid having to repay an overpayment. Contact HMRC if you are claiming tax credits, or your local council if you are claiming Housing or Council Tax benefits.

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## Other useful organisations and websites:-

There is comprehensive information on [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk) and [www.direct.gov.uk](http://www.direct.gov.uk) about basic rights at work, dismissal and benefits.

Contact Warwickshire Employment Rights Service (WERS) on 02476 641988 (based in Nuneaton) for guidance or email [enquiries@warksemprights.com](mailto:enquiries@warksemprights.com).

Advisory, Conciliation and Arbitration Service (A.C.A.S.) – For help and advice on resolving workplace disputes – Tel. 0300 123 1100 or see [www.acas.org.uk](http://www.acas.org.uk)

If you are a member of a trade union, you may have a representative who can help you. The Trade Union Centre also has a website - [www.tuc.org.uk](http://www.tuc.org.uk). You can search for a trade union at [www.worksmart.org.uk/unionfinder/](http://www.worksmart.org.uk/unionfinder/) - the worksmart website also has summaries of your rights at work.

The Employment Tribunal Service has a public enquiry line to answer your queries, provide information about tribunal publications and explain how the tribunal system works. They cannot give you legal advice, such as advising you on your claim. The enquiry line number is: 0300 123 1024

North Warwickshire Borough Council – [www.nwbc.gov.uk](http://www.nwbc.gov.uk) or Tel. 01827 715341 for information on housing and council tax benefits.

Jobcentre Plus – North Warwickshire’s job centre is now based at the offices of North Warwickshire Borough Council (120 Long Street, Atherstone, CV9 1AF) – Tel. 0845 6043719. Alternatively, you can find your local job centre with [www.gov.uk/contact-jobcentre-plus](http://www.gov.uk/contact-jobcentre-plus) - use the ‘find your nearest Job Centre’ link at the bottom of the page.

North Warwickshire & Hinckley College may be able to help if you feel you need training to find a new job - Tel. 02476 243000 or email [the.college@nwbc.ac.uk](mailto:the.college@nwbc.ac.uk) for information on courses.

## For more information:-

If you need further help with your financial situation, we can offer free and confidential advice to suit your personal needs and provide tailored solutions to suit your individual circumstances. We can give money management support e.g. budgeting and cost saving through fuel, housekeeping and insurance bills

Please contact North Warwickshire Citizens Advice , The Parish Rooms, Welcome Street, Atherstone CV9 1DU on 01827 712852 or email [admin@nwcab.org.uk](mailto:admin@nwcab.org.uk) for further information. We also run a drop-in advice session from 9:30-2:00 on Monday, Tuesday and Friday, and an evening drop-in session from 3:30-6:30 on Wednesday - no appointment required.

For Freephone access to North Warwickshire Citizens Advice and other local organizations, please see details of Community Hubs in North Warwickshire: - [www.nwcab.org.uk/Community-Hubs.htm](http://www.nwcab.org.uk/Community-Hubs.htm)