

The 10 Disciplinary **Red Flags** that cost employers at tribunal

Most employers do not lose because of what the employee did. They lose because of how the situation was handled. Here are the ten warning signs that a conduct issue is about to become expensive, and what to do instead.

Tick the ones that sound familiar. If you tick three or more, your business is carrying more risk than you think.

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Are any of these true in your business right now?

Be honest. Each one is a pattern I see turn a manageable issue into a claim. Tick every box that applies.

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- 1** ☐ **A known issue has been left for weeks or months**
Delay reads as tolerance. It lets the employee argue the behaviour was accepted.
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- 2** ☐ **The informal conversation was never written down**
If it is not on file, in tribunal terms it did not happen.
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- 3** ☐ **You are tempted to act on what you "know" without investigating**
Even theft on CCTV needs a proper investigation and hearing first.
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- 4** ☐ **The outcome already feels decided before any meeting**
Predetermination is one of the most damaging findings a tribunal can make.
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- 5** ☐ **A similar issue was handled differently for someone else**
Inconsistency you cannot explain hands the employee an easy win.
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- 6** ☐ **The employee has not seen the evidence in advance**
Springing evidence at the hearing is treated as automatically unfair.
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- 7** ☐ **No one has mentioned the right to be accompanied**
Leave this out of the invite and the process is flawed from the start.
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- 8** ☐ **You are planning to give the outcome in the room**
Decisions should be adjourned, considered, and confirmed in writing.
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- 9** ☐ **There is no appeal stage, or it would be a rubber stamp**
A missing or token appeal can add up to 25% to any award.
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- 10** ☐ **The issue might link to sickness, disability, pregnancy or a complaint raised**
These carry uncapped risk. This is the moment to pause and get advice.
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Why this matters. An unfair dismissal award can reach up to **£115,115**, and discrimination compensation is uncapped. Almost every one of these red flags is a process failure, which means almost every one is preventable.

What your ticks are telling you

0 to 1 ticks

You are handling things carefully. Keep documenting every step and you are in a strong position.

2 to 3 ticks

Warning signs are showing. A few small changes now will close off the easy wins for a claim.

4 or more ticks

You are carrying real risk. Get the process back on track before the next step, not after.

The good news: every red flag on that list is fixable, and none of it needs a legal team or endless paperwork. It needs the right steps, in the right order, with a clear paper trail.

Your next step

1. Check your situation, free

Take the 3-minute Employee Situation Check for a clear read on what you are dealing with and the risks.

2. Get the full system

The Tribunal-Proof Disciplinary System: the whole process, 9 letter templates and an editable policy, from £197 + VAT.

3. Talk it through

Book a free 20-minute call. If you can handle it yourself, I will tell you.

Not sure how serious it is? Find out in 3 minutes.

Take the free Employee Situation Check, or book a free call and talk it through with me directly. No obligation, no sales pitch, no jargon.

Take the free Situation Check →

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People problems? Think Samantha.