

Extension Material 9.2

Record keeping—confidentiality and data protection

It is important that records of disciplinary meetings are kept. Often, it is the HR practitioner who is responsible for maintaining these records and, ultimately, records kept may be the evidence relied upon by a tribunal in determining whether or not a dismissal was fair. Certain records must be provided to an employee, such as the statement of grounds for pursuing disciplinary action and, if an employee has over one year's service, written reasons for dismissal. It is also advisable to document all formal warnings. Options for recording the events of formal meetings include one or other manager taking notes or the presence of an independent note taker. Employment tribunals look for detailed written records rather than minutes of meetings and will generally not accept other records, such as an electronically recorded interview. This means that, rather than summarizing the key points, a record should be kept of all points made throughout the hearing by each party. Records kept must be held securely under the Data Protection Act 1998 and employees can view information held about them, providing conditions detailed in the Act are followed, meaning that care should be taken about how information is recorded.