Final warnings are final

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In February 2005, Miss Davies, a high school teacher, was given a final written warning for alleged gross misconduct which was to remain on her record for 24 months. Miss Davies appealed the decision but subsequently dropped it after being advised by her trade union that the Council could potentially increase the sanction from a final warning to dismissal at the rehearing. In 2006, Miss Davies was accused of further misconduct. In deciding to dismiss her, the Council took into account the final written warning on her record.

Miss Davies brought a claim for unfair dismissal arguing that the final written warning was wrongly given and therefore could not be relied upon in the decision to dismiss her. However, the Court of Appeal rejected her appeal and reinforced the essential principle that it is reasonable for an employerto rely on a final warning provided it was issued in good faith and that there were good grounds for imposing it. The warning had not been manifestly inappropriate.

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