

Grievance and Disciplinary Procedures

Complex statutory discipline and grievance procedures may have been repealed but employers and employees alike should ensure they have acted fairly in accordance with the ACAS Revised Code of Practice before bringing any formal action against one another or risk being financially penalized by the Employment Tribunal.

Workplaces should have a fair and transparent procedure for bringing grievances or initiating disciplinary action. The ACAS Code sets out standards of good practice that employers should consider incorporating into their own workplace procedures. Similarly, employees should abide by these procedures if they are fair. Examples of good practice include:

Disciplinary Action

- Deal with disciplinary action promptly but allow the employee time to prepare their case.
- Utilise counselling and feedback techniques for minor cases of misconduct and poor performance which can be escalated to more formal action if the employee continues to behave badly and/or underperform
- Investigate allegations of misconduct thoroughly and if practicable by a neutral third party.
- Allow the employee a right of appeal, to a senior member of staff if appropriate

Employee Grievances

- Grievances should be dealt with by a person who is not the subject of the grievance.
- Employees should raise grievances formally, by letter if need be, if matters cannot be first resolved informally
- A private meeting should be convened to hear formal grievances where an employee can be accompanied by a friend or advisor.
- An investigation process should be carried out, where appropriate
- The employer and employee should try to decide a course of action to rectify the problem. If the employee is still unhappy they should be permitted a right of appeal.

If the Employer or Employee fail to follow any procedures which the Code of Practice recommends then the Employment Tribunal can take this into consideration and make an adjustment to any award that it makes of +/- 25%, depending on the party at fault. We would therefore recommend that, where possible, employees file a grievance before bringing a Tribunal claim and employers ensure that they follow the recommendations of the ACAS Code in relation to any disciplinary action they take against an employee. Employers should also ensure that they comply with any of their own policies and procedures.