

## Legal Offices

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## Disciplinary and Grievance Procedures

The repeal of the Statutory Disciplinary, Dismissal and Grievance Procedures in April 2009 and the introduction of a new ACAS Code of Practice is now a distant memory – very few employers will need to observe the transitional arrangements allowing for application of the former Statutory Procedures. It is vital however for longstanding matters to check which are applicable. Getting it wrong could result in an automatically unfair dismissal.

The revised ACAS Code of Practice on discipline and grievance procedures introduced in April 2009 introduced a number of new requirements, such as the requirement that, where practicable, different managers should conduct disciplinary investigations and disciplinary hearings which may lead to disciplinary action. Before disciplining employees or handling grievances, employers should ensure their procedures are in order.

We recommend that you regularly review your current disciplinary procedures to ensure that they remain compliant with the ACAS Code of Practice and general best practice. Failure to observe the Code may result in an uplift of up to 25% to any compensation awarded as a result of an Employment Tribunal claim.

The ACAS Code of Practice also deals with best practice in handling grievances. Again, it is important to regularly review your grievance procedures to ensure that they are compliant with the Code and best practice, so that grievances are fully and appropriately dealt with in such a way as to minimise potential claims arising from such grievances.

Be aware also that some grievances must be dealt with in accordance with specific statutory requirements, such as grievances relating to equal pay claims or grievances relating to requests for flexible working practices.

We are able to assist with revising and implementing disciplinary and grievance procedures, including advising on points of principle such as whether expired warnings can be taken into account and in relation to specialist grievances, such as those described above.

For more information or to discuss your requirements, contact:

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Always take legal advice!

These comments are provided for guidance only. Each situation has to be examined on its own merits and you should not, therefore, rely upon the above without taking specific legal advice in relation to any particular matter.