

Introducing the  
Acas Code of Practice on



# Disciplinary and grievance procedures

This folder contains one copy of the *Acas Code of Practice on disciplinary and grievance procedures* and six easy to follow charts to guide you through the disciplinary and grievance process

inform

advise

train

work  
with you

inform

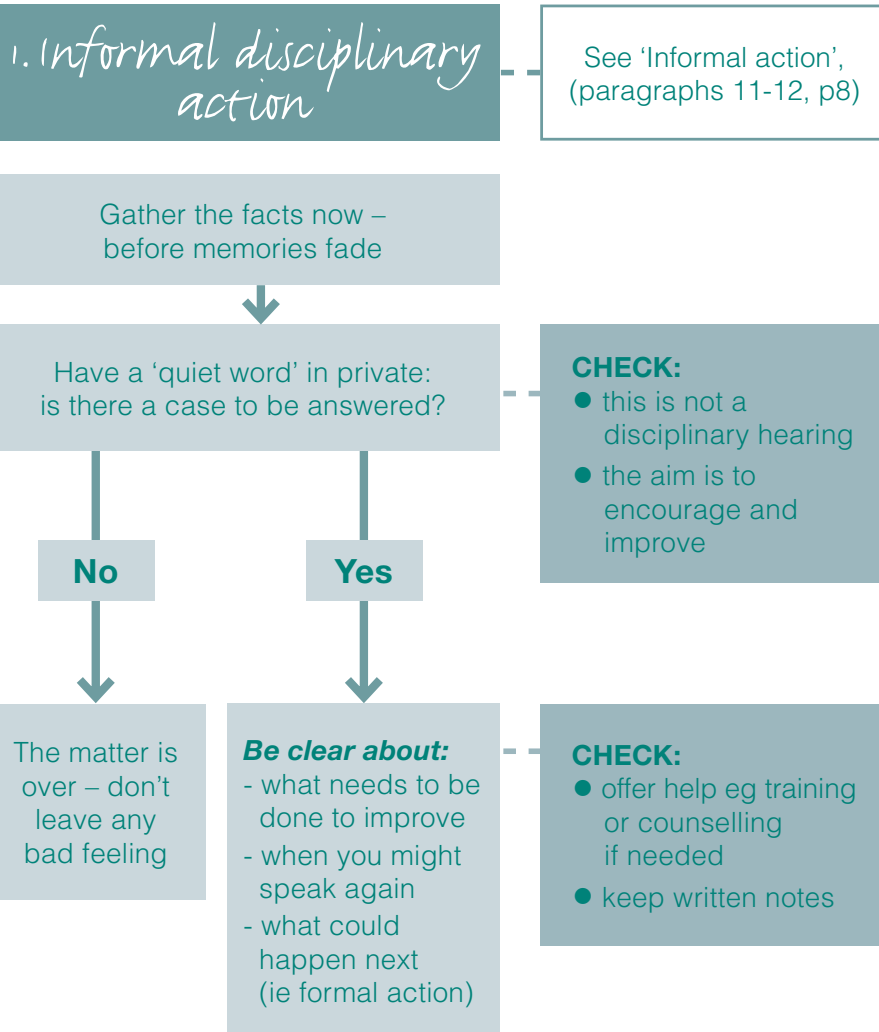
advise

train

work  
with you

### This pack contains:

- One copy of the *Acas Code of Practice on disciplinary and grievance procedures*
- One folder with six charts to help you through the main stages in handling discipline, dismissals and grievances in the workplace
- Further details on how Acas can help you with discipline and grievances in the workplace



This folder does not form part of the *Acas Code of Practice on disciplinary and grievance procedures*.

All paragraph and page references on the charts in this folder refer directly to those contained in the *Acas Code of Practice on disciplinary and grievance procedures* (enclosed).

## 2. The disciplinary meeting

See 'Holding a disciplinary meeting' (paragraphs 14-16, p8)

### **Tell the employee in writing:**

- what they are alleged to have done wrong
- the time and place for a meeting
- they have the right to be accompanied

### **CHECK:**

- carry out a thorough investigation before any meeting
- give the employee copies of any information to be used
- arrange another meeting within five days if the employee or accompanying person cannot attend
- consider fresh evidence if necessary

### **At the meeting:**

- state the evidence
- let the employee put their case
- let the accompanying person ask questions

### **Adjourn to consider any action** *(if necessary) and think about:*

- previous sanctions
- employee's record
- any special circumstances

### **Make your decision:**

- inform the employee of the decision and the right to appeal
- monitor the situation and keep an open mind

See Chart 3: 'Taking disciplinary action' and Chart 4: 'Disciplinary appeals'

inform

advise

train

work with you

### 3. Taking disciplinary action

For cases of alleged 'gross misconduct' different rules apply (see paragraphs 35-36, p14)

**Unsatisfactory performance**

**Misconduct**

**Issue an 'improvement note' setting out:**

- timescale for improvement
- review date
- support to be given
- opportunity to appeal

If sufficiently serious (see paragraph 24, p10 of the Code of Practice) go to the final written warning

**Issue a written warning giving:**

- consequences of failure to improve
- opportunity to appeal

**CHECK:**

- an employee can be accompanied to all disciplinary and appeal meetings

Issue resolved

**Final written warning:**

- consider any further misconduct or unsatisfactory performance
- meet to discuss proposed action
- put the warning in writing
- inform employee of the right to appeal

Issue resolved

**CHECK:**

- if the issue is resolved stop any action
- if warnings have expired treat as new case

**Dismissal:** You must follow the minimum statutory discipline procedure before dismissal (or action falling short of dismissal such as demotion or suspension without pay)

See Chart 5 for statutory discipline and dismissal procedure (paragraphs 26-32, p11)

## 4. Disciplinary appeals

### **An appeal should:**

- usually be lodged within five working days of the disciplinary decision
- be heard by someone senior to the manager who took the original disciplinary decision (wherever possible)



### **At the appeal meeting:**

- consider any new evidence
- allow the employee to comment on any new evidence
- do not be afraid to overturn a previous decision



### **Appeal finding:**

- tell the employee the result of the appeal and the reason for the decision
- confirm the decision in writing

### **CHECK:**

- remind the employee of their right to be accompanied
- appeals are a good opportunity to identify and rectify any faults in the disciplinary process

## 5. The statutory discipline and dismissal procedure

See Annex A for the new statutory procedures in full (p38)

### Step One:

- write to the employee letting them know of the allegations against them
- invite them to a meeting to discuss the allegations

### EXEMPTIONS

- Employers and employees are exempt from the three-step procedure in certain limited cases (see Annex E, p44)

### Step Two:

- hold a meeting with the employee and their colleague (if they wish to be accompanied)
- notify the employee of your decision

### Modified procedure

There is a modified two-step procedure to be used in very exceptional circumstances (see Annex B, p40)

Issue resolved

### WARNING:

- if the employer fails to follow this procedure an employment tribunal will judge the dismissal 'automatically unfair'
- failure by either party to follow it leads to adjustment of compensation up or down

### Step Three:

- if the employee wishes to appeal hold an appeal meeting
- inform the employee of your final decision

## 6. The grievance procedure

An informal approach between employee and line manager is often the best way to proceed



**Employees** should inform the employer of their grievance



**Hold a meeting** in private and remind the employee of their right to be accompanied



**Consider a response:**  
inform the employee in writing of your decision  
arrange an appeal if necessary



**A more senior manager** should hold the appeal (where possible)

### **CHECK:**

- if the employee wishes to use the grievance as a basis for an application to an employment tribunal the grievance must be set out in writing (see paragraph 69, p24 and Annex C, p41) for the statutory grievance procedure
- employers may wish to have separate procedures for handling complaints about bullying or harassment

How we can help with

# Disciplinary and grievance procedures at work

## We inform

You can phone our helpline on 08457 47 47 47 and get straight through to one of our experienced advisers. Everything you say will be completely confidential. There is also lots of information on our website [www.acas.org.uk](http://www.acas.org.uk) where you can look up a topic in the 'A to Z of work' section or check out rights and responsibilities in 'Rights at work' or search for one of our publications.

## We advise and guide

Our publications give practical advice on getting it right in your workplace and have been revised to take account of the new statutory minimum procedures for handling discipline, dismissals and grievances introduced on 1 October 2004. Publications offering advice on this subject include:

*Code of Practice on disciplinary and grievance procedures* (included in this pack). This is the good practice guidance employment tribunals use when deciding whether treatment has been fair.

Acas handbook on *Discipline and grievances at work*. The complete "how to" guide with practical examples and sample documents.

*Acas Self Help guide on Producing disciplinary and grievance procedures*. This provides straightforward guidance giving step by step advice and easy to follow examples.

Getting it right guides for small businesses. These pocket sized guides on *Dealing with grievances and Discipline at work* provide vital checklists to help small firms "get it right".

## We train

Try our online learning package on discipline and grievance handling – it's free on our website. Or come along to one of our training sessions in your area – these range from two-hour key points sessions on discipline and grievance handling, including the statutory minimum procedures or half or full day "getting it right" sessions providing practical guidance on introducing and operating procedures which are fair and easy to understand. Look on our website for more details or to book a place.

## We work with you

We can offer hands on practical help and support to tackle issues in your business. You can meet your local Acas adviser and discuss exactly what is needed. For a list of the main Acas offices in your region, see the back page of the Code of Practice.