

Information Sheet: Grievances & Disciplinary Procedures.

Introduction

This Information Sheet summarises the key steps involved in preparing Grievance and Disciplinary Policies and Procedures. Grievance may arise in relation to equal opportunities issues (harassment, bullying) and good handling of grievances is an important part of looking after employee welfare. Conditions of employment (contracts of employment) are often the basis for disputes. Disciplinary cases may arise in relation to health and safety issues, though often relate to behaviour and is one method of enforcement of the equal opportunities policy.

A Grievance is a complaint raised by a work environment

Disciplinary action is taken against an employee about misconduct or an infringement of 'rules'

It should be noted that the new statutory right (under the Employment Relations Act 1999) giving all workers (not limited to employees) the right to be accompanied at a disciplinary or grievance hearing is subject to a number of conditions, and reference to the ACAS Code of Practise on Grievance and Disciplinary Procedures is recommended in relation to this and other detailed issues. The Code of Practise may be taken into account in determining a case at an employment tribunal.

Policy for grievances and disciplinary action

- Indicate who is covered by the policy and procedures in addition to paid employees; for example, volunteers, contracts or temporary workers, trainees etc
- Ensure that both the policy and procedures are accessible to all who might have occasion to use them, for example by including them in handbooks and informing all new workers of the procedures
- The policy should indicate what training would be provided for those handling grievances and disciplinary problems.

Grievance procedures

It is important to have a Grievance Policy and Procedures to provide a way of dealing with issues in an open, fair and consistent manner. These procedures provide a way for workers to challenge unacceptable behaviour (e.g. Discrimination), unsafe or unhealthy working conditions, benefits, or problems with supervision or management.

- Procedures may need to be 'customised' to take account of particular circumstances
- Procedures may incorporate a separate procedure for complaints about discrimination, harassment etc which relate to the Equalities Policy Procedures should ensure that grievances can be dealt with quickly (specify the number of days, 5-7 is suggested), to avoid the issue mushrooming unnecessarily or creating other problems
- Procedures essentially involve two stages;
 - Informal: individual raises grievance informally with designated 'manager'
 - Formal: if the matter is not resolved informally, then the individual (normally accompanied by a work colleague or Trade Union support, if requested) raises it with a specified senior person in the organisation. The procedures should specify what happens if it is not resolved at this stage – Possibly then to the management committee. The procedure should set time limits for these stages.

Disciplinary procedures

Disciplinary procedures should be set out in writing so that any disciplinary problems are dealt with fairly and consistently, with all parties knowing who has authority to discipline and what steps are involved. Facts should be obtained and recorded at all stages; in the event that an individual claims unfair dismissal and goes to an employment tribunal, the tribunal will take account of what and how procedures were followed in deciding the case.

From an equal opportunities viewpoint it should be clarified that these procedures will apply equally to all those involved in the enterprise and will be applied in cases of discrimination, harassment, bullying etc (as cross-reference to the organisation's equalities policy)

Several principles should guide the preparation of disciplinary procedures:

- Individual should know what standards are expected of them, and 'rules' of some sort need to be written down. Depending on the nature of the

- organisation, they might cover conduct (including equal opportunities issues), health and safety, absence, and confidentially
- Individuals should be clear as to which kinds of serious offence are likely to be considered 'Gross Misconduct' and lead to suspension or dismissal, possibly without notice these might include racial abuse, sexual harassment, theft, violence and dangerous working
 - Individuals should know why disciplinary action is being taken
 - Where possible (and not in the case of gross misconduct) individuals should have an opportunity to improve their performance before formal disciplinary action is taken
 - Normally dismissal for a first offence (except for gross misconduct) should not be considered
 - Individuals (this applies to all workers, not just employees) have the right to be accompanied by a colleague or Trade Union representative of their choice
 - Disciplinary action should not be taken until the case has been fully investigated, which may require suspension with pay
 - Individuals should have the right to state their case, and to appeal

The following stages should be outlined in the procedure:

- In the case of minor offences the matter should initially be handled through an informal discussion, and where appropriate agreeing targets for improvement
- If this is not successful then a more formal approach is necessary, following prescribed stages. An explanation of reasons for the discipline, and an opportunity for the individual to state their case, should be given at each stage. The ACAS Advisory Handbook "Discipline at Work" is a useful source for detailed guidance on formal procedures, but in general they should include:
 - At least one formal oral warning (unless a serious offence)
 - At least one formal written warning
 - A final written warning if situation does not improve, clarifying that dismissal may follow
 - Dismissal
 - Written warnings are usually placed on the individuals file and later reviewed with the likelihood that they will be removed if behaviour or performance had improved and is satisfactory
 - Individuals should be informed of their right to appeal, and an appeal procedure (involving people not involved previously in the disciplinary action) outlined.