

# New Rules on Disciplinary and Grievance Procedures

Lisa Guscott a Solicitor in the Employment Team of Watkins and Gunn considers the important new Changes affecting disciplinary and grievance procedures at work

Important new changes to disciplinary and grievance procedures at work have been introduced by the 2008 Employment Act. The changes repeal the statutory three step disciplinary and grievance procedures and took effect as of 6 April 2009.

ACAS have issued a new Code of Practice setting out clear straightforward guidelines for employers and employees to follow.

The intention is to create a much simpler system and to try to resolve workplace disputes at an early stage before they escalate into Employment Tribunal claims.

Employers must inform employees of their right to be accompanied to meetings. Also employees are no longer required to lodge a written grievance with their employer before they can bring a tribunal claim. However it should be noted that failure to do so may mean that any compensation that they are entitled to may be reduced.

If the new procedures are not followed, Employment Tribunals can adjust compensation by up to 25% either upwards or downwards depending on which party is at fault.

There are transitional arrangements for existing disputes based on a trigger date. In the case of a disciplinary or dismissal the trigger date will be the date when the employer started action against the employee. In the case of a grievance matter the trigger date will be the date that the action about which the employee complains began. If the trigger date is on or after 6 April 2009 the new regime will apply and if it is before 5 April 2009 the old regime will apply.

All employers should check their disciplinary and grievance procedures to ensure that they comply with the new ACAS Code. The code can be downloaded from the ACAS website at [www.acas.org.uk](http://www.acas.org.uk)



*Lisa  
Guscott*

If you require further information or assistance you can contact her on 01495 745177