

The Acas Disciplinary and Grievance Procedures

**Usdaw Reps – Resolving
Disputes in the Workplace**

Usdaw

*Union of Shop, Distributive
and Allied Workers*

www.usdaw.org.uk

The Acas Code and Guidance

- The Code applies to all individual member disciplinaries, dismissals and grievances.
- The Code does not apply to collective grievances and redundancies.
- The Code is intended to drive a resolution of a dispute; if it is not followed it does not give rise to a free standing claim before a tribunal but a tribunal can take account of breaches in deciding on procedural fairness.
- Breaches of the Code can affect compensation which can be uplifted by up to 25% if the employer fails to follow it.
- Failure to lodge a grievance does not bar a tribunal application but members who fail to lodge grievances or appeal under the internal procedure can have compensation cut by up to 25%.

Employment Tribunal Time Limits

Tribunal time limits are strict rules that claims must be submitted to a tribunal within three months less one day of the dismissal date or, in a grievance case, of the date upon which the event occurred, and which has given rise to the member's grievance.

Reps' Best Advice – Time Limits

- Remember when dealing with dismissal, disciplinary and grievances that the tribunal time limit is always ticking away in the background.
- Make sure the employer sticks to the timescales within the company procedures for dealing with appeals and grievances; do not let matters drag on – remember the tribunal ticking clock!
- If the member wants to go to tribunal, they should be informed that the time limit for making a claim is three months less one day from the dismissal date, or the date the problem arose which led to the grievance.
- If the member wants to go to tribunal, notify your Area Organiser straight away. It will be necessary to follow the Member Pack Process and apply for ET Fee remission which takes time.
- On 29 July 2013 fees were introduced into the Employment Tribunal.

The General Principles of the Acas Code

The Acas Code is split into two sections, discipline and then grievance, and sets out the appropriate key stages for handling each procedure:

Discipline

The Code sets out the key stages for employers when handling disciplinary matters as follows:

- Establish the facts.
- Inform the member of the problem.
- Hold a meeting.
- Allow the member to be accompanied.
- Decide on appropriate action.
- Provide a right of appeal.

Reps' Best Advice

- Always advise the member to appeal in writing without delay.

Grievances

The key stages for handling grievances are as follows:

- Let the employer know the nature of the grievance.
- The Code makes it clear that the grievance must be in writing.
- The employer should hold a meeting with the member.
- Allow the member to be accompanied.
- Decide on appropriate action.
- Allow the member to take the grievance further and appeal if it is not resolved.

Reps' Best Advice

- Remember that members' problems can often be sorted out informally, but if the informal approach does not work, then the member should submit a written grievance without delay.

The Acas Code and Your Existing Company Procedures

The Acas Code and guidance provides only the minimum legal requirements for dealing with individual disciplinary and grievance issues. Many reps will be from workplaces with procedures negotiated by Usdaw which are far better than the Acas Code because they provide for extra layers within the procedure, such as, for example:

- Timescales for dealing with both grievances and appeals.
- Extra levels of appeal in disciplinary, dismissal and grievances.
- Special types of grievance procedures such as for bullying and harassment, or discrimination.

Reps' Best Advice

- It is important for reps to make sure that your employer sticks to the previously agreed company procedures and that you do not allow employers to try to dilute them to reflect the bare minimum requirements of the Acas Code.

Reps – Next Steps

It is important that old literature is taken out of circulation and scrapped. It is dangerous for any old booklets, leaflets or letters to be left available as they will contain incorrect advice and guidance on the relevant time limits and procedures.

Please scrap any of the following:

- *Dealing with Disciplinary and Grievance Procedures Handbook* for Usdaw Reps.
- *A Guide to Statutory Grievance and Disciplinary Procedures* (Leaflet no. 340).
- *Workers' Rights A guide for full-time and part-time workers* (Leaflet no. 211) dated March 2011 or earlier.

- It would be useful to update your noticeboard and place some of these leaflets on it for members' information.
- If problems continue and it is necessary to consider an application for legal assistance to bring an Employment Tribunal claim, you should speak to your Area Organiser and have the member contact your local Usdaw office for an Employment Case Member Pack. They then need to complete and return the Pack to the local Usdaw Office with the relevant documents as soon as possible.

Further Information

The Acas Code and Guidance can be viewed online or downloaded at

www.acas.org.uk

Visit the Usdaw website


www.usdaw.org.uk/legalplus

or call the helpline

0845 60 60 640*

or write to

**Ushaw, 188 Wilmslow Road
Manchester M14 6LJ**

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