

New Procedures for Disciplining Employees



Introduction

At some point, all businesses find they have to use the disciplinary or grievance procedure to deal with an employee issue. Most of our clients use the disciplinary and grievance procedures that we have drafted, which are in line with The Employment Act 2002 (Dispute Resolution) Regulations 2004. These were drafted to reflect current legislation but also to provide maximum levels of protection and flexibility for you the employer in dealing with these issues.

Some parts of the Act however have been replaced with a new framework that is based on the ACAS Code of Conduct, and becomes effective on 6 April 2009.

So what has changed?

The main changes introduced by this Act are as follows:

- A need to deal with issues informally (as the first step of the procedure)
- No automatic unfair dismissal for a failure to follow the procedures
- No requirement for an employee to raise a grievance before making a tribunal claim
- No extension of time to raise a claim if they do raise a grievance
- The tribunal will only have the power to adjust awards for compensation up to maximum of 25%.

Tribunals will still expect employers to be fair and reasonable in dealing with issues, to use mediation to resolve issues if possible and for employers to deal with matters in a prompt and consistent manner.

What needs to be done now?

If your disciplinary procedure complies with the ACAS Code, no action needs to be taken. If it doesn't, your procedures need to be updated. All retained clients of HR Insight will automatically receive an updated procedure during March 2009. If you would like to receive a copy too, please contact us on the number below and we will happily get this to you.

Also, changes to Flexible Working Legislation

As of 6 April 2009, the right to request flexible working is being extended to all parents with children aged 16 or under. So, we can expect requests for flexible working to increase! As currently, there are clear procedures that need to be followed in dealing with requests for flexible working so if you get a request and aren't clear what they are, please do call us.

Can we help?

If you would like to receive revised disciplinary and grievance procedures, have had a request for flexible working, or have some other employment issue that you would like to discuss, please do call us. Simply call us on **01708 758958** or visit us at www.hrinsight.co.uk.

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