



Eatons

ACAS Consults on Draft Code of Practice on Discipline and Grievance

The Employment Act 2002 (Dispute Resolution) Regulations 2004, which require employers and employees to operate statutory minimum disciplinary, dismissal and grievance procedures, were intended to give those involved the chance to settle complaints without recourse to litigation.

However, the anticipated reduction in the number of tribunal claims did not happen and the procedures have been widely criticised for being poorly drafted and overly complex.

An independent review of the options for simplifying and improving all aspects of employment dispute resolution recommended that the statutory dispute resolution procedures be repealed and replaced with non-prescriptive guidelines on grievances, discipline and dismissal.

To this end, the Advisory, Conciliation and Arbitration Service (ACAS) has published for consultation a revised Code of Practice providing practical guidance for employers, employees and their representatives. This sets out basic principles for handling disciplinary and grievance situations in the workplace. Failing to follow the Code will not, in itself, make a person or organisation liable to proceedings but employment tribunals will have the power to adjust by up to 25 per cent any awards made in relevant cases for unreasonable failure to comply with the Code.

The Government plans to introduce the changes in workplace dispute resolution procedures in April 2009 and it is intended that the revised ACAS Code will come into effect at the same time.

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