

# ACAS Code of Practice on Discipline and Grievance

ACAS has recently published a revised draft Code of Practice on Disciplinary and Grievance Procedures ("the Draft Code"). The Draft Code remains in draft form but provides an interesting insight into how matters of discipline and grievance may be dealt with from April 2009.

The Draft Code will form part of the new regime on managing discipline and grievances in the workplace to be brought into force by the Employment Bill. The Employment Bill will repeal the current statutory dispute resolution procedures brought into force by the Employment Act 2002.

The current draft of the Draft Code provides that:

- it will not apply to redundancy dismissals or those brought about due to the expiry of a fixed term contract;
- both parties to a dispute will be encouraged to use independent third parties (including external mediators) to reach a resolution;
- there should be emphasis on employees behaving consistently and reasonably;
- when developing disciplinary and grievance procedures, employees (or their representatives) should be

involved;

- it is important that employees and managers understand what the procedures are, where they can be found, and how they are used;
- a failure by the Employer to follow the Draft Code can result in an increase to compensation awarded of up to 25%. A failure by the Employee to follow the Code can result in a decrease to compensation awarded of up to 25%;
- employees that wish to raise grievances should do so in writing and set out the nature of the grievance; and
- where an employee raises a grievance during a disciplinary process the disciplinary process may be suspended in order that the grievance can be dealt with.

A copy of the Draft Code is available [here](#)

In addition to the Code, ACAS (in conjunction with the CIPD) has also published an employer's guide to mediation. Given that mediation is likely to play an even more important role in the determination of workplace disputes from April 2009, this is an important guide to good practice. The guide covers areas such as:

- the impact of conflict in the workplace;

- what is mediation?
- when can you use mediation?
- the benefits of mediation;
- implementing mediation in your organisation;
- managing the mediation process; and
- evaluation.

A copy of the guide is available [here](#)

For further details on this topic, or any employment law issue that you may be facing, please contact Mark Minns.

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