

**ACAS code of  
practice:  
Discipline &  
Grievance**



# Grievances **Definition**

The ACAS Code of Practice says grievances are:

***'concerns, problems or complaints that employees raise with their employers'.***

## **ACAS CODE OF PRACTICE**

### **Disciplinary and grievance (March 2015)**

**It stipulates the 5 following principles:**

- Both sides raise and deal with issues **promptly** without unreasonable delay
- Employers and employees should act **consistently.**
- Employers should carry out **investigations** or **fact finding**
- Employers should allow members to be **accompanied**
- Employers should allow an employee to **appeal**

# Raising a grievance

**1. Formally** member writes letter to their manager about the problem or to HR

- Reps may need to assist in the writing to establish chronology of events. Especially ensure the letter is dated as this date is the formal start of proceedings. Keep a copy.
- Employer writes to member about a meeting or 'hearing' stating statutory right to be accompanied

# Reps role at a grievance hearing

- prepare member for meeting (procedures/possible solutions)
- assist member in responding to/challenging timing and location of meeting if unreasonable (both sides should *attempt* to attend)
- Accompany the member
- At meeting rep can present/sum up case and respond on behalf of views expressed.
- Rep cannot answer direct questions

# Appealing a decision

- employer writes to member with decision.
- Member can appeal if not happy.
- Member sends another letter outlining reasons for appeal with a more senior manager

*(universities with statutes have an additional 'step' in the process: manager, vice chancellor + committee)*

- Another meeting and employer will write with decision

# Options for further resolution

**Mediation** - an independent person to comes in to mediate

**Conciliation** - new ACAS service offered when other measures have failed. Free and can be initiated by employer or employee

**Employment Tribunal** –  
apply within 3 months. Requirement for ACAS  
Early Conciliation

# Collective grievances

- ACAS COP **does not apply** to grievances raised on behalf of two or more people
- Collective grievances handled in accordance with workplace **collective grievance process**
- ***Does your workplace have a procedure?***



# Impact on workplace procedures & agreements

**Check your workplace agreements are up to date.**

Suggest reviewing at your next branch meeting to:

- **Ensure** procedural steps allow for the 3 month ET time limits be observed.
- **Extend right to be accompanied** at informal, investigation & grading meetings etc
- Discipline procedures should be suspended while grievance handled
- Adoption of a **collective grievance** procedure
- **Joint training** involving line managers and reps around resolving disputes at work

# Further support

- The ACAS Code of Practice  
<http://www.acas.org.uk/>
- The Tribunal Service  
<http://www.employmenttribunals.gov.uk/>
- TUC <http://www.worksmart.org.uk/>
- UCU website [www.ucu.org.uk](http://www.ucu.org.uk)
- BIS [www.direct.gov.uk/en/Employment](http://www.direct.gov.uk/en/Employment)
- UCU Regional Offices
- Education Support Partnership  
[www.educationsupportpartnership.org.uk/](http://www.educationsupportpartnership.org.uk/)

# Get the Facts!

- When? – Date and time
- Who? – Name and roles
- Where? – Places
- What? – Nature of the problem
- Why? – The member's view of the case
- Witnesses? – Who else can provide information?
- Written evidence? – documentation to support the case
- What does the member want to achieve?