

# EMPLOYMENT *fact sheet*

## Disciplinary Procedure

**A key part of the Employment Act 2002 came into force on 1st October 2004.**

All employers, regardless of their size, must have both a disciplinary and a grievance procedure which comply with the relevant provisions of the Act and must follow these procedures to the letter.

Failure to comply with the new statutory procedures will result in any award made by the Employment Tribunal being increased by 10-50%.

All employers, prior to 1st October 2004, should have written individually to all of their employees, informing them of the new procedures and providing them with a copy of each. Failure to write to the employees could result in a fine of 2 – 4 weeks' pay for every employee who was not notified of the changes.

The procedures are fairly straightforward and are comprised of a standard procedure and modified procedure (applicable to summary dismissals and after resignation from employment) for both disciplining staff and dealing with grievances. The position as to which procedure applies is slightly more complex.

In most cases the Standard Disciplinary and Grievance procedures will apply.

- If an employee is caught "red handed" and dismissed on the spot, the Modified Disciplinary Procedure will apply.
- If an employee resigns from their employment and wishes to make an application to the Employment Tribunal, they must instigate the Modified Grievance Procedure (which both parties must agree to), which is basically a postal grievance procedure.

There are lots of rules and regulations as to which of the procedures applies and even some circumstances when the procedures will not apply.

However, the basic procedures are as follows:

### Disciplinary Procedure:

The Standard Procedure ("three step Disciplinary Procedure"):

- Step 1: State the grounds of action
- Step 2: Hold a disciplinary meeting
- Step 3: Appeal

The Modified Procedure ("two step Disciplinary Procedure"):

- Step 1: State the grounds of action
- Step 2: Appeal

## Grievance Procedure:

The Standard Procedure (“three step Grievance Procedure”):

- Step 1: Statement of Grievance
- Step 2: Grievance meeting
- Step 3: Appeal

The Modified Procedure (“two step Grievance Procedure”):

- Step 1: Statement of Grievance
- Step 2: Response

The Employment Team at [stevensdrake](#) can help you to ensure that your procedures are compliant with the Employment Act 2002 and also that you are following the correct procedure in the correct circumstances.

## EMPLOYMENT DEPARTMENT



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