



**Birmingham Peoples
Centre**

Putting People First

Code of Practice: Main Points

A breakdown of the essential elements of the Advisory, Conciliation and Arbitration Service

(ACAS), Code of Practice 1: Disciplinary and Grievance Procedures (COP) which came into effect on 11 March 2015.

Specifically, the process starts when an employer communicates, usually via letter, information which details the complaint to the employee after an investigation has taken place and states what is expected in terms of standards of performance and conduct (paragraph. 9 of the COP). It is the employer's responsibility to arrange a meeting at a reasonable time and place to discuss the issue with the employee.

The employee also has the legal right to be represented by a colleague or a union representative after submitting a 'reasonable' request to their employer who is obliged to notify them of that right (paragraphs. 11, 13, 14, 15 of the COP). Although the COP expands on this right, nothing in the legislation entitles employees to be accompanied by an external third party.

At the end of any arranged hearing, and within a 'reasonable' timescale the employee should be informed in writing about the organisations decision (paragraph. 17 of the COP).

The COP implies that no worker is generally dismissed for a first offence unless it amounts to 'gross misconduct or was the first in a sequence of repeated offences', so that a final written warning will be given (paragraphs. 19, 22 of the COP).

In any case, the worker should be informed about the duration of the warning (up to 12 months) and the consequences of further 'misconduct or failure to improve his or her performance' in the given period (paragraphs. 20 of the COP).

The employee has the right to appeal within a reasonable time, if they disagree with the decision, by stating the grounds of appeal in writing (for example, due to procedural inconsistency or the emergence of new evidence), in which case the employer has to arrange a further meeting (paragraph. 25 of the COP). However, the manager who has imposed the original sanction, in most cases and if 'reasonably practicable', should not be the person who hears the appeal.



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