



## **Grievance, discipline and poor performance**

This factsheet aims to provide information on dealing with grievance, discipline and poor performance issues. The legal position is presented with practical steps you can take, to enable what may be difficult circumstances to be handled with greater ease.

### **Minimum statutory dismissal and disciplinary procedures**

October 2004 saw the introduction of the new statutory procedures for resolving disputes in the workplace. The Code sets out a three-stage procedure for dispute resolution.

There is no small business exemption and all organisations are expected to follow the minimum statutory dismissal and disciplinary procedures.

Employees have the right to be accompanied at dismissal, disciplinary and grievance meetings.

Employers are encouraged to provide more comprehensive procedures in excess of the minimum standards. Employers should also remember to apply procedures equally to all employees to avoid any potential discriminatory practices.

### **Legal requirements**

The written statement of terms and conditions must specify any disciplinary rules/procedures and it must be clear to whom employees can appeal to, if they are dissatisfied with a disciplinary action.

Disciplinary procedures can help encourage and promote employment relations as well as ensuring that all disciplinary offences are dealt with fairly and consistently.

When drafting disciplinary rules and procedures, consultation with management, employees and their representatives is considered good practice.

Being seen as approachable by employees will reassure employees that they can raise matters of concern at an early stage.

Investigation of all facts should be carried out as well as looking into the full reason of grievance. A grievance hearing, minutes of the meeting itself and an appeals process should be carried out where necessary.

### **Poor performance**

Poor performance should be addressed through the use of the disciplinary process, however sensitive handling is required.

The poor performance of an employee can be caused by a number of different reasons, so it is advisable to ask for an explanation during a meeting, where any training and support needs can be identified early on.

Mediation is a useful process in helping with problem situations and can avoid costly employment tribunals.

**This information is taken from the publication *The Good Employment Guide (2005)*.  
Find out more at [www.ncvo-vol.org.uk/publications](http://www.ncvo-vol.org.uk/publications)**

To find out more about grievance, discipline and poor performance, visit the following websites:

1) Acas: Information for new and existing employers  
[www.acas.org.uk](http://www.acas.org.uk)

2) askNCVO: NCVO provides free information, signposting and services for trustees, staff and volunteers.  
[www.askncvo.org.uk](http://www.askncvo.org.uk)

3) Business Link: Becoming an employer for the first time  
[www.businesslink.gov.uk](http://www.businesslink.gov.uk)

4) Department of Trade and Industry (Dti): For various employment matters  
[www.dti.gov.uk](http://www.dti.gov.uk)