

Disciplinary & Grievances



What is a Grievance?

A grievance procedure is a formal way for an employee to raise a problem or complaint to their employer.

The employee can raise a grievance if:

- they feel raising it informally has not worked
- they do not want it dealt with informally
- it's a very serious issue.

What is a Disciplinary?

A disciplinary procedure is a formal way for an employer to deal with an employee's:

- unacceptable or improper behaviour ('misconduct')
- performance ('capability')

Before going down this route, it is a good idea as an employer to see whether you can resolve this problem informally and come to a mutual resolution. The employer could try solving the issue with their employee by:

- privately talking with them and any other staff involved
- listening to their point of view
- agreeing improvements to be made
- looking at whether they can attend any training courses, if the issue is related to capability.

Misconduct and Gross Misconduct:

Misconduct is when an employee's behaviour or actions break workplace rules (for example, those set out in an 'Employee Handbook').

Some examples could be:

- using their phone consistently during work hours
- consistently not turning up to work on time
- refusing to do the work that is outlined in their job description.

Gross misconduct is when the behaviour or action is very serious or has very serious effects. For example:

- serious lack of care to duties ('gross negligence')
- physical/emotional abuse.

Following a fair procedure

As soon as a formal grievance is raised or you identify an issue that may result in a disciplinary, call your **legal helpline**. All employers should have Employers Liability Insurance (see factsheet on Employing a PA). They will be able to support and advise you throughout the process.

The Direct Payment Support Service at AoD will be able to support you with the above and can step in to speak to the legal helpline on your behalf, if you should need it.

Remember, there are lots of responsibilities as an employer, but we are here to support you along the way!



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