



Managing the Dismissal, Disciplinary and Grievances Hearings

The dispute resolution guidance of the 2002 Employment Act sets out a simple three stage process for dealing with both Dismissal and Disciplinary issues as well as Grievances. In both sets of procedures a hearing is required as the second stage and at any subsequent appeal. The following guidelines set out issues which need to be considered when planning such a hearing to ensure the hearing is as fair as possible for all involved.

Dismissal, Disciplinary and Grievances - 3 Step Processes:

- 1
 - Inform in writing the detailed allegations and response.
- 2
 - Both sides invited to a hearing where the issues can be discussed.
 - Informed of the outcome in writing
- 3
 - Appeal requested in writing
 - Both sides invited to an appeal hearing where issues can be discussed
 - Informed of the outcome in writing

Managing an effective hearing

- 1
 - **Administration**
 - Papers circulated in advance.
 - Time and date organised with as much notice as possible
 - Written outcomes sent promptly to both sides
- 2
 - **Venue:**
 - Formal 'around the table' meeting
 - Away from office, phones and other distractions
 - Enough time to conclude hearing (min ½ day)
- 3
 - **Hearing:**
 - Independent chair person
 - Not directly involved in the issue
 - From another part of the organisation, or
 - a different site in the organisation, or
 - an external agency such as ACAS, mediate first etc
 - Skilled in managing complex interpersonal issues
 - Attendees
 - All allowed 'friend' or representative
 - All to be given time to explain their case and question others
 - Process
 - Clear process and ground rules agreed at outset
 - All to be treated with respect and given opportunity to feel safe about expressing views, confidential etc
 - Outcomes clearly identified at the end and next steps clarified