

In Brief

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S O L I C I T O R S

A Resolution to Procedure

Say 'good riddance' to the Statutory Dispute Resolution Procedure under the Employment Act 2002 and 'welcome' to the new ACAS Statutory code of Practice on Disciplinary and Grievance procedures which came in to force on 6th April under the Employment Act 2008.

The main change brought about by the new Code is the removal of the statutory requirement to follow the 3-step procedure. Unlike the previous statutory procedure, a breach of the Code alone will not result in a claim. As was the case prior to the 2004 Regulations under the 2002 Act, the Employment tribunals will take account of the ACAS Code when considering relevant cases. If the Tribunal finds that an employer has unreasonably failed to follow the code, they will be able to adjust awards against them by up to 25%. Similarly, if a Tribunal finds that an employee has unreasonably failed to follow the Code, any award can be reduced by up to 25%.

Also under the new Code, employees will no longer need to lodge a written grievance with their employer before they can bring a claim in the tribunal. However, failing to raise a grievance may result in a Tribunal reducing any award.

To view the Code and the guidance from ACAS go to www.acas.org.uk/dgcode2009.

The ACAS Code does not apply to dismissals due to redundancy or the non-renewal of a fixed term contract on its expiry.

Some other changes of interest after 6th April include the following:

- Paid holiday entitlement increases to 5.6 weeks (equivalent to the old 20 days and 8 days bank holiday) for a full-time worker
- Parents with children under 17 can now request flexible working (previously it was for children under 6). However, employers can still stay "No".
- SMP increases from £117.18 to £123.06 and SSP from £75.40 to £79.15.

For further information on this or any employment issues please contact the coleman-ctts [Employment Team](#) or Telephone – 0208 296 6878