

Legal disclaimer

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consequences, including any loss arising from relying on this information.

If you are a Derbyshire UNISON member with a legal problem, please contact the branch office or your steward as soon as possible for advice.

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DISCIPLINARY AND GRIEVANCE

Disciplinary procedures, investigations, suspensions and appeals procedures

SHOULD YOUR EMPLOYER become dissatisfied with your conduct or performance, they may seek to invoke their disciplinary procedure against you. A copy of this procedure should be readily available to all employees.

If you receive a letter that states you are being investigated under your company's disciplinary procedure and/or an invite to a formal hearing, you will need UNISON assistance.

Procedures differ from employer to employer but there are legal rules that all employers must follow. These include giving you the right to be accompanied at a disciplinary hearing by a trade union representative.

Some employers include an 'investigation' stage to determine whether they believe there is a need to progress to a full disciplinary hearing. There is no legal right to be accompanied by a trade union representative at this meeting although this does occur in some procedures. However, the representative cannot at this stage defend you, as there is nothing yet to defend – it is an impartial investigation.

During the disciplinary procedure including the investigation, your employer may suspend you on full pay. This is a 'neutral act' and does not signify guilt. It is not always necessary but particularly where the investigation comes from an allegation of 'abuse'

made by a service user, employers are very likely to err on the side of caution and suspend you.

Should, following a disciplinary hearing, your employer decide that you are guilty of the charge brought, they will impose a penalty, which can include dismissal (although the letter inviting you to the hearing must have laid out that dismissal was one possible outcome either explicitly or by referring to relevant sections in local policies).

By law, there will be an appeal procedure at which you will again be entitled to be represented by a trade union representative. There will be a time period within which you must lodge an appeal. This is likely to be no more than five working days.

Grievances

You can raise a grievance with your employer when you have concerns about any aspect of your working life. You can also use the grievance process to raise issues relating to the terms and conditions of your employment. You should always try to resolve disputes informally before raising a formal grievance and a number of grievance procedures allow for this as the first stage of the process.

Grievances typically cover the following areas:

- **pay and working conditions;**
- **terms of employment and workplace rules;**
- **disagreements with co-workers;**
- **allegations of unfair treatment at work.**

Some employers may exclude certain areas from their grievance procedure because they would be dealt with under other collective bargaining arrangements.

The procedure for raising a grievance may differ from employer to employer but typically, in the first instance, you can speak to your supervisor about your grievance informally.

If you are unsatisfied with your supervisor's response, or don't receive any response within a reasonable amount of time, consider whether you should report your grievance to a senior manager.

If you speak to a senior manager and are still unsatisfied with their response, or you don't receive one, you can raise a formal grievance in writing.

Once you submit your grievance, an investigatory meeting or other action may start to investigate your complaint.

Once the investigation is over, a grievance hearing should be held to consider the case. You have the right to attend the grievance hearing with a trade union representative.

After considering the issues the employer will make a decision to uphold your grievance or not and confirm the outcome to you in writing.

If your grievance is not upheld you may be able to appeal against the decision.

But before you embark on any stage of the grievance procedure, you should take advice from your UNISON representative.