
Overview

Most businesses encounter problems with the conduct, capability or behaviour of individuals. Employers are required by law to have procedures for dealing with discipline and grievance. A formal procedure for conducting interviews can take the heat out of the situation and help resolve problems. It is important therefore to have a clear understanding of your role and responsibilities in this and ensure that your actions are fair and impartial and comply with current employment law.

You might do this if you need to:

1. improve the productivity of your business
2. deal with a difficult member of staff
3. respond to a serious complaint by a customer or member of staff

Deal with workplace problems or disputes involves:

1. setting up discipline and grievance procedures for your business
2. implementing discipline and grievance procedures
3. checking that your procedures and actions are in line with current employment legislation

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Deal with workplace problems or disputes

Performance criteria

You must be able to:

- P1 put in place clear written procedures for dealing with issues like discipline and grievance and make sure they are brought to the attention of all staff
- P2 make sure your discipline and grievance procedures are consistent with the standards set out in the statutory discipline procedures
- P3 make sure that staff are clear about the differences in approach to:
 - P3.1 taking disciplinary action
 - P3.2 responding to a grievance of a member of staff
- P4 make sure that disciplinary action is designed to encourage better performance and improve conduct, using dismissal only as a last resort
- P5 follow the 3 step procedure for resolving disputes required by law
- P6 provide information and advice to others on organisational policies and systems in relation to discipline and grievance procedures in your business
- P7 make sure that your staff are fully informed about nature and sequence of these procedures
- P8 advise others on who should be involved and clarify the role of any employee representative or accompanying colleague where appropriate
- P9 implement discipline and grievance procedures fairly and consistently
- P10 implement discipline and grievance procedures in an impartial and timely way
- P11 make sure that the procedures are in line with your business's values and policies
- P12 maintain respect for the individual and the need for confidentiality when implementing discipline and grievance procedures
- P13 make sure your records of proceedings and outcomes are accurate, complete and available only to authorised people
- P14 get appropriate and reliable advice on dismissal from relevant people or organisations, where appropriate
- P15 make sure that the way you dismiss any individual is fair, impartial and takes place at an appropriate time
- P16 give clear reasons for dismissal to the individual concerned at a level and pace appropriate to them
- P17 provide accurate and non-confidential information regarding the dismissal to other staff in a way which maintains confidence and morale
- P18 have clear procedures for dealing with disputes involving trade unions if they are recognised by your company
- P19 ensure there is an appropriate appeals procedure in place

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Deal with workplace problems or disputes

Knowledge and understanding

You need to know and understand:

Discipline and grievance procedures

- K1 how to write clear and effective discipline and grievance procedures
- K2 what the situations are in which discipline and grievance procedures should be implemented
- K3 how to undertake a clear and impartial investigation
- K4 how to apply discipline and grievance procedures effectively
- K5 why it is important to give positive feedback as soon as conduct or behaviour improves
- K6 how the process of your business's discipline and grievance procedures can work towards a positive resolution of any problem
- K7 how to be fair and impartial and respond in a timely way when implementing discipline and grievance procedures
- K8 what your role and responsibilities are within the discipline and grievance procedures

Dismissal

- K9 how to ensure that all reasonable steps have been taken to improve the conduct or behaviour of the individual concerned before deciding on dismissal
- K10 what your role and responsibilities are regarding the dismissal of staff
- K11 what the situations are in which advice and support of others might be required
- K12 who should be contacted for advice and support and in what context, for example, ACAS
- K13 how important it is to give clear written reasons to the individual being dismissed and how they can appeal against that dismissal
- K14 what the best way is of telling an individual concerned the reasons for dismissal taking into account the context and situation

Communications

- K15 how important it is to inform other staff about discipline and grievance procedures, at appropriate times and using appropriate methods (for example, within written terms and conditions, during induction and other relevant communication process)
- K16 what kind of communication and negotiation skills are needed to ensure that problems or disputes can be quickly resolved in the interests of those affected
- K17 how important it is to maintain respect for the individual when dealing with discipline and grievance procedures
- K18 how important it is to explain the dismissal and the reasons for it to other staff, without causing any disrespect to the individual(s) concerned or

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Deal with workplace problems or disputes

breaking confidentiality

Information handling

- K19 how important it is to maintain confidentiality when dealing with discipline and grievance procedures
- K20 what it means to keep good records of discipline and grievance matters
- K21 what the best methods are of keeping records in this context

Legal requirements

- K22 what the current legal requirements are that are relevant to discipline and grievance procedures, for example, the 3 step procedure
- K23 what the current legal requirements are in Employment Law covering dismissal of staff
- K24 where to get specialist advice on the legal aspects of discipline, grievance and dismissal procedures

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Deal with workplace problems or disputes

Additional Information

Links to other NOS

1. OP5 Make sure people in your business can do their work
2. OP6 Develop people's skills for your business
3. OP8 Change job roles and handle redundancy

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