



Acas response to the

**PUBLIC CONSULTATION
ON THE REVISION OF
PARAGRAPHS 15 AND 36
OF THE ACAS CODE OF
PRACTICE DISCIPLINARY
AND GRIEVANCE
PROCEDURES**

January 2015

ACAS RESPONSE TO PUBLIC CONSULTATION ON THE REVISION OF PARAGRAPHS 15 AND 36 OF THE ACAS CODE OF PRACTICE DISCIPLINARY AND GRIEVANCE PROCEDURES

Introduction

1. Acas launched a public consultation in December 2013 seeking views on some suggested revised wording to the sections of the Discipline and Grievance Code of Practice dealing with the right of accompaniment. The proposed changes were being made to take account of a recent Employment Appeal Tribunal (EAT) ruling in the case of Toal and another v GB Oils. The ruling called into question the guidance in the Code on a worker's statutory right to be accompanied at a disciplinary or grievance hearing.
2. Section 10 of the Employment Relations Act (ERA) 1999 provides a statutory right for workers to be accompanied at a disciplinary or grievance hearing where they are invited to such a hearing and make a reasonable request. What constitutes a reasonable request is not defined in the Act but, in its current Code of Practice, Acas states that it would not normally be reasonable for a worker to insist on being accompanied by a companion who would have to come from a remote geographical location if someone suitable and willing was available on site, or whose presence would prejudice the hearing.
3. In the EAT's ruling in Toal, however, it was stated that if a worker has been invited to a disciplinary or grievance hearing then, provided they have made a reasonable request to be accompanied at the hearing, they have the right to choose whoever they like as a companion - so long as the companion is from one of the categories set out in section 10 of the ERA 1999, ie, a fellow worker, a person employed by a trade union or a trade union representative who has been certified in writing by the union as having experience of, or having been trained in, acting as a worker's companion at disciplinary and grievance hearings. In view of this ruling Acas decided to revise its Code
4. The consultation closed on 7 January 2014 and Acas is grateful to all those who submitted formal responses. The Acas Council has reflected on the comments received and has now agreed new wording on the right of accompaniment which it feels takes account of the EAT decision. A final version of the draft Discipline and Grievance Code including the revised wording was sent to the Secretary of State on 7 February 2014 and a copy of the draft is attached at Annex A.
5. Since submitting the draft Code there have been ongoing discussions with the Department for Business, Innovation and Skills, and others, on whether guidance on who can accompany a worker at a hearing should be extended to include individuals other than those set out in statute. These discussions have now been concluded.

Response to the consultation

6. There were 38 responses to the consultation in total. A full list of those who responded is attached at Annex B. Of the 37 responses received:

- 10 were from individuals
- 10 from employers and employer representatives
- 6 were from trade unions
- 9 were from legal bodies
- 3 employee support bodies

7. Two respondents to the consultation (both individuals) expressed complete satisfaction with the proposed revised wording. The remaining 35 respondents all had some concerns or drafting amendments to suggest. For ease of consideration these concerns and suggested amendments have been grouped under the following headings.

Proposed revision did not fully reflect the Toal decision

8. A number of respondents expressed concern that the suggested revised wording on the right of accompaniment, although more consistent with the EAT's ruling than the wording in the current Code, still did not adequately reflect the law as set out in the decision in the Toal case. In particular there were concerns that the wording proposed might still mislead employers into thinking they were entitled, in some circumstances, to reject a worker's choice of companion even where the companion was drawn from one of the categories set out in legislation and the request had been made in a reasonable manner.

9. Some of those respondents, including all trade union respondents, suggested that to avoid potential confusion the Code should confine itself to a simple statement of the law as clarified by the EAT in Toal. Others could see merit in retaining guidance in the Code on who workers might choose to act as their companion, but felt that more could be done to make it clear that such guidance was good practice and not a legal requirement.

10. A further concern expressed by some respondents, including all trade union respondents, was that to avoid introducing potential uncertainty as to the nature of the right as clarified by Toal, any guidance on the practicalities workers should consider when choosing their companion should be removed from the Code. Other respondents however, including a number of legal bodies, felt that the Code should retain good practice guidance on this matter so long as it was clear that it was guidance on good practice only and not a legal requirement.

11. A view was also expressed by some of the legal bodies responding to the consultation that any revision of the Code should also address the other aspect of the EAT decision in the Toal case, namely that a worker can change their chosen companion if they wish, and can do so without waiving their right to change their choice again.

12. **Acas response:** Acas acknowledges the concerns expressed that the revised wording sent out for consultation might, in some cases, lead to confusion over who a worker has a right to choose as their companion. After careful consideration Acas feels that this confusion may be due, in part, to the fact that the two distinct issues of 'who can accompany a worker' and 'what is a reasonable request' were dealt with in a single paragraph in the suggested revised wording. This could perhaps give the impression that these two issues are in some way linked, whereas the EAT's decision in *Toal* has made it clear that this is not the case. Acas has therefore decided to deal with these two issues in separate paragraphs in the Code in order to minimise the potential for confusion. To provide further clarity, the paragraph dealing with who can act as a companion now states clearly that employers must agree to a worker's request to be accompanied by any chosen companion from one of the statutory categories, as was clarified by *Toal*.

13. Acas has considered carefully the suggestion that the Code should confine itself to a simple statement of the law on who workers have a right to choose to act as a companion. However, it feels that, on balance, some good practice guidance on the issue would be helpful and appropriate to include in a Code of Practice. To prevent confusion, however, the Code now makes clear that its guidance on considering the practicalities of the arrangements when choosing a companion is a matter of good practice only and not a legal requirement. Acas has also decided to limit this guidance to the single example of companions who might come from a remote geographical location.

14. In the light of comments made in the consultation, Acas has also decided to include a reference in the revised Code making it clear that workers can change their mind on their choice of companion.

Companions who cannot make the hearing date

15. A number of respondents felt that the Code should address the question of what happens if a chosen companion cannot make the disciplinary or grievance hearing on the date set by the employer. It was pointed out that the law already provides for this situation and it was suggested that a reference to what the law says on this point would be helpful in the Code.

16. **Acas response:** Acas accepts this point and has decided to include a reference in the Code explaining the legal provisions relating to companions who cannot attend a hearing on the date originally set.

Companions other than from the statutory categories

17. Workers have a statutory right to be accompanied by a fellow worker, a trade union official or certified trade union representative. The current Code makes this clear and the suggested revised wording sent out for consultation also intended to clarify this point. Three respondents, however, expressed concern that by concentrating on the statutory right the Code fails to reflect the fact that employers may, and often do, permit workers to be accompanied at disciplinary and grievance hearings by companions who do not fall within the statutory categories. These respondents felt that the proposed revised wording suggested a more restrictive emphasis on the statutory categories than the wording in the current Code, and also that the revised Code should expressly point out that employers can allow the attendance of companions other than those from the statutory categories.

18. **Acas response:** Acas acknowledges the point made here. However, after careful consideration, it feels it would not be helpful or appropriate for the Code to be amended to include such a reference to employers being free to allow workers to be accompanied by companions other than those set out in statute. There are a number of reasons why Acas has taken this decision. The first is that such a reference could encourage more workers to request companions that the employer feels to be unsuitable, such as close relatives or lawyers, thereby creating a burden on employers who may wish to refuse such companions for legitimate reasons. The second is that Acas does not feel that the proposed revised wording sent out for consultation suggests a more restrictive interpretation of who employers may allow workers to be accompanied by than the wording used in the current Code. Acas therefore feels that the revised wording is unlikely to have any restrictive impact on existing employer practice in respect of agreeing to workers' requests for non-statutory types of companion. Lastly, Acas is concerned that as this issue was not specifically subject to consultation it would be inappropriate to make such a change without giving the wider employment community the opportunity to comment on such a change. Acas has, however, amended its non statutory guidance on discipline and grievance to make clear that, if they wish, employers can allow workers to be accompanied by companions other than those set out in statute

What is a reasonable request?

19. To exercise the statutory right to be accompanied a worker must make a reasonable request. The EAT's decision in *Toal* made it clear that the requirement of reasonableness does not apply to the worker's choice of companion but rather to the making of the request itself. However, neither statute nor the *Toal* decision provides any guidance on what might constitute a "reasonable request". The proposed revised paragraph set out in the consultation document attempted to give some guidance on this issue and the public was invited to give their views on this. Many of those who responded to the consultation took the opportunity to express views on this matter.

20. As already indicated, a number of respondents felt that the Code should make it clearer that the choice of companion is not a factor to be considered in determining whether a reasonable request has been made, and Acas has taken this on board. However there were also other points expressed on this issue.

21. One respondent suggested that a reasonable request should include the name of the person the worker wishes to accompany them and their status (i.e. fellow worker, trade union official or representative). A number of other respondents suggested that in order for a request to be reasonable it should follow any rules laid down in an employer's policy or procedure on the manner in which the request should be made.

22. **Acas response:** As already indicated, Acas has decided to address the issue of making a reasonable request in a separate paragraph in the Code from that in which the choice of companion is covered. Having considered the various responses on this issue, Acas feels that it would be helpful to include, as guidance, that a reasonable request would be one that provides sufficient information and time to allow the employer to deal with the practicalities of the companion's attendance at the meeting.

It has therefore decided to include a provision that a worker should provide their employer with the name of the companion where possible and the category from which they are drawn (fellow worker, trade union representative or official). The new paragraph also makes it clear that such a request should give an employer enough time to make any necessary arrangements to allow the chosen companion to attend the meeting, whilst also making it clear that a request to be accompanied does not have to be in writing or within a prescribed time frame.

Other comments

23. There were a number of other specific comments made on the suggested revised wording set out in the consultation document.

24. One respondent felt that the use of the word “colleague” in the sentence in the proposed revised paragraph (“it may neither be sensible nor helpful to request accompaniment by a colleague from a geographically remote location ...”) could give the impression that this point is restricted to the category of “fellow workers” rather than trade union representatives or officials.

25. **Acas response:** Acas accepts this point and has amended the word “colleague” to read “companion”.

26. Some respondents expressed concern that the reference in the suggested revised paragraph to someone “suitably qualified” raises questions about what, if any, qualifications are needed to act as a companion.

27. **Acas response:** In the light of this comment Acas has replaced the phrase “suitably qualified” with the phrase “suitable, willing and available”.

28. One of the legal bodies which responded raised an issue about whether the Code (or non-statutory guidance) should be clearer about the potential consequences at an Employment Tribunal where an employer refuses to allow a worker’s chosen companion. As the EAT’s decision in *Toal* shows, if the worker’s choice was designed to disrupt the process then the remedy for the employer’s breach of their right by refusing their choice of companion, might only be nominal. Moreover, there may also be a limited impact on any subsequent unfair dismissal case, as an employer’s refusal to allow an employee to be accompanied by their companion of choice would not necessarily make the dismissal procedurally unfair nor necessarily lead to any uplift in any compensation awarded.

29. **Acas response:** Acas acknowledges these points but feels this is an issue that is more appropriate to cover in non-statutory guidance rather than the statutory Code.

Next steps

30. The draft Code, as submitted by Acas in February, has now been approved by the Secretary of State for Business, Innovation and Skills and has been laid in both Houses of Parliament where it will be subject to the negative resolution process. Following Parliamentary approval the Code will be brought into effect on a date to be specified by the Secretary of State.

31. Acas will also be looking at amending its non statutory guide on handling disciplinary and grievance situations in the workplace to reflect the changes that have been made to the statutory Code of Practice.

Acas
January 2015



**DRAFT CODE OF PRACTICE ON
DISCIPLINARY AND GRIEVANCE
PROCEDURES**

Foreword

The Acas statutory Code of Practice on discipline and grievance is set out at paragraphs 1 to 47 on the following pages. It provides basic practical guidance to employers, employees and their representatives and sets out principles for handling disciplinary and grievance situations in the workplace. The Code does not apply to dismissals due to redundancy or the non-renewal of fixed-term contracts on their expiry. Guidance on handling redundancies is contained in Acas' guide "Handling small-scale redundancies – a step-by-step guide" and in its advisory booklet 'How to manage collective redundancies'.

The Code is issued under section 199 of the Trade Union and Labour Relations (Consolidation) Act 1992 and was laid before both Houses of Parliament on xxxx. It comes into effect by order of the Secretary of State on xxxxx and replaces the Code issued in 2009.

A failure to follow the Code does not, in itself, make a person or organisation liable to proceedings. However, employment tribunals will take the Code into account when considering relevant cases. Tribunals will also be able to adjust any awards made in relevant cases by up to 25 per cent for unreasonable failure to comply with any provision of the Code. This means that if the tribunal feels that an employer has unreasonably failed to follow the guidance set out in the Code they can increase any award they have made by up to 25 per cent. Conversely, if they feel an employee has unreasonably failed to follow the guidance set out in the Code they can reduce any award they have made by up to 25 per cent.

Employers and employees should always seek to resolve disciplinary and grievance issues in the workplace. Where this is not possible employers and employees should consider using an independent third party to help resolve the problem. The third party need not come from outside the organisation but could be an internal mediator, so long as they are not involved in the disciplinary or grievance issue. In some cases, an external mediator might be appropriate.

Many potential disciplinary or grievance issues can be resolved informally. A quiet word is often all that is required to resolve an issue. However, where an issue cannot be resolved informally then it may be pursued formally. This Code sets out the basic requirements of fairness that will be applicable in most cases; it is intended to provide the standard of reasonable behaviour in most instances.

Employers would be well advised to keep a written record of any disciplinary or grievance cases they deal with.

Organisations may wish to consider dealing with issues involving bullying, harassment or whistleblowing under a separate procedure.

More comprehensive advice and guidance on dealing with disciplinary and grievance situations is contained in the Acas booklet, 'Discipline and grievances at work: the Acas guide'. The booklet also contains sample disciplinary and grievance procedures. Copies of the guidance can be obtained from Acas.

Unlike the Code employment tribunals are not required to have regard to the Acas guidance booklet. However, it provides more detailed advice and guidance that employers and employees will often find helpful both in general terms and in individual cases.

The Code of Practice

Introduction

1. This Code is designed to help employers, employees and their representatives deal with disciplinary and grievance situations in the workplace.

- Disciplinary situations include misconduct and/or poor performance. If employers have a separate capability procedure they may prefer to address performance issues under this procedure. If so, however, the basic principles of fairness set out in this Code should still be followed, albeit that they may need to be adapted.
- Grievances are concerns, problems or complaints that employees raise with their employers.

The Code does not apply to redundancy dismissals or the non renewal of fixed term contracts on their expiry.

2. Fairness and transparency are promoted by developing and using rules and procedures for handling disciplinary and grievance situations. These should be set down in writing, be specific and clear. Employees and, where appropriate, their representatives should be involved in the development of rules and procedures. It is also important to help employees and managers understand what the rules and procedures are, where they can be found and how they are to be used.

3. Where some form of formal action is needed, what action is reasonable or justified will depend on all the circumstances of the particular case. Employment tribunals will take the size and resources of an employer into account when deciding on relevant cases and it may sometimes not be practicable for all employers to take all of the steps set out in this Code.

4. That said, whenever a disciplinary or grievance process is being followed it is important to deal with issues fairly. There are a number of elements to this:

- Employers and employees should raise and deal with issues **promptly** and should not unreasonably delay meetings, decisions or confirmation of those decisions.
- Employers and employees should act **consistently**.
- Employers should carry out any necessary **investigations**, to establish the facts of the case.
- Employers should **inform** employees of the basis of the problem and give them an opportunity to **put their case** in response before any decisions are made.
- Employers should allow employees to be **accompanied** at any formal disciplinary or grievance meeting.
- Employers should allow an employee to **appeal** against any formal decision made.

Discipline

Keys to handling disciplinary issues in the workplace

Establish the facts of each case

5. It is important to carry out necessary investigations of potential disciplinary matters without unreasonable delay to establish the facts of the case. In some cases this will require the holding of an investigatory meeting with the employee before proceeding to any disciplinary hearing. In others, the investigatory stage will be the collation of evidence by the employer for use at any disciplinary hearing.

6. In misconduct cases, where practicable, different people should carry out the investigation and disciplinary hearing.

7. If there is an investigatory meeting this should not by itself result in any disciplinary action. Although there is no statutory right for an employee to be accompanied at a formal investigatory meeting, such a right may be allowed under an employer's own procedure.

8. In cases where a period of suspension with pay is considered necessary, this period should be as brief as possible, should be kept under review and it should be made clear that this suspension is not considered a disciplinary action.

Inform the employee of the problem

9. If it is decided that there is a disciplinary case to answer, the employee should be notified of this in writing. This notification should contain sufficient information about the alleged misconduct or poor performance and its possible consequences to enable the employee to prepare to answer the case at a disciplinary meeting. It would normally be appropriate to provide copies of any written evidence, which may include any witness statements, with the notification.

10. The notification should also give details of the time and venue for the disciplinary meeting and advise the employee of their right to be accompanied at the meeting.

Hold a meeting with the employee to discuss the problem

11. The meeting should be held without unreasonable delay whilst allowing the employee reasonable time to prepare their case.

12. Employers and employees (and their companions) should make every effort to attend the meeting. At the meeting the employer should explain the complaint against the employee and go through the evidence that has been gathered. The employee should be allowed to set out their case and answer any allegations that have been made. The employee should also be given a reasonable opportunity to ask questions, present evidence and call relevant witnesses. They should also be given an opportunity to raise points about any information provided by witnesses. Where an employer or employee intends to call relevant witnesses they should give advance notice that they intend to do this.

Allow the employee to be accompanied at the meeting

13. Workers have a statutory right to be accompanied by a companion where the disciplinary meeting could result in:

- a formal warning being issued; or
- the taking of some other disciplinary action; or
- the confirmation of a warning or some other disciplinary action (appeal hearings).

14. The statutory right is to be accompanied by a fellow worker, a trade union representative, or an official employed by a trade union. A trade union representative who is not an employed official must have been certified by their union as being competent to accompany a worker. Employers must agree to a worker's request to be accompanied by any companion from one of these categories. Workers may also alter their choice of companion if they wish. As a matter of good practice, in making their choice workers should bear in mind the practicalities of the arrangements. For instance, a worker may choose to be accompanied by a companion who is suitable, willing and available on site rather than someone from a geographically remote location.

15. To exercise the statutory right to be accompanied workers must make a reasonable request. What is reasonable will depend on the circumstances of each individual case. A request to be accompanied does not have to be in writing or within a certain time frame. However, a worker should provide enough time for the employer to deal with the companion's attendance at the meeting. Workers should also consider how they make their request so that it is clearly understood, for instance by letting the employer know in advance the name of the companion where possible and whether they are a fellow worker or trade union official or representative.

16. If a worker's chosen companion will not be available at the time proposed for the hearing by the employer, the employer must postpone the hearing to a time proposed by the worker provided that the alternative time is both reasonable and not more than five working days after the date originally proposed.

17. The companion should be allowed to address the hearing to put and sum up the worker's case, respond on behalf of the worker to any views expressed at the meeting and confer with the worker during the hearing. The companion does not, however, have the right to answer questions on the worker's behalf, address the hearing if the worker does not wish it or prevent the employer from explaining their case.

Decide on appropriate action

18. After the meeting decide whether or not disciplinary or any other action is justified and inform the employee accordingly in writing.

19. Where misconduct is confirmed or the employee is found to be performing unsatisfactorily it is usual to give the employee a written warning. A further act of misconduct or failure to improve performance within a set period would normally result in a final written warning.

20. If an employee's first misconduct or unsatisfactory performance is sufficiently serious, it may be appropriate to move directly to a final written warning. This might occur where the employee's actions have had, or are liable to have, a serious or harmful impact on the organisation.

21. A first or final written warning should set out the nature of the misconduct or poor performance and the change in behaviour or improvement in performance required (with timescale). The employee should be told how long the warning will remain current. The employee should be informed of the consequences of further misconduct, or failure to improve performance, within the set period following a final warning. For instance that it may result in dismissal or some other contractual penalty such as demotion or loss of seniority.

22. A decision to dismiss should only be taken by a manager who has the authority to do so. The employee should be informed as soon as possible of the reasons for the dismissal, the date on which the employment contract will end, the appropriate period of notice and their right of appeal.

23. Some acts, termed gross misconduct, are so serious in themselves or have such serious consequences that they may call for dismissal without notice for a first offence. But a fair disciplinary process should always be followed, before dismissing for gross misconduct.

24. Disciplinary rules should give examples of acts which the employer regards as acts of gross misconduct. These may vary according to the nature of the organisation and what it does, but might include things such as theft or fraud, physical violence, gross negligence or serious insubordination.

25. Where an employee is persistently unable or unwilling to attend a disciplinary meeting without good cause the employer should make a decision on the evidence available.

Provide employees with an opportunity to appeal

26. Where an employee feels that disciplinary action taken against them is wrong or unjust they should appeal against the decision. Appeals should be heard without unreasonable delay and ideally at an agreed time and place. Employees should let employers know the grounds for their appeal in writing.

27. The appeal should be dealt with impartially and, wherever possible, by a manager who has not previously been involved in the case.

28. Workers have a statutory right to be accompanied at appeal hearings.

29. Employees should be informed in writing of the results of the appeal hearing as soon as possible.

Special cases

30. Where disciplinary action is being considered against an employee who is a trade union representative the normal disciplinary procedure should be followed. Depending on the circumstances, however, it is advisable to discuss the matter at an early stage with an official employed by the union, after obtaining the employee's agreement.

31. If an employee is charged with, or convicted of a criminal offence this is not normally in itself reason for disciplinary action. Consideration needs to be given to what effect the charge or conviction has on the employee's suitability to do the job and their relationship with their employer, work colleagues and customers.

Grievance

Keys to handling grievances in the workplace

Let the employer know the nature of the grievance

32. If it is not possible to resolve a grievance informally employees should raise the matter formally and without unreasonable delay with a manager who is not the subject of the grievance. This should be done in writing and should set out the nature of the grievance.

Hold a meeting with the employee to discuss the grievance

33. Employers should arrange for a formal meeting to be held without unreasonable delay after a grievance is received.

34. Employers, employees and their companions should make every effort to attend the meeting. Employees should be allowed to explain their grievance and how they think it should be resolved. Consideration should be given to adjourning the meeting for any investigation that may be necessary.

Allow the employee to be accompanied at the meeting

35. Workers have a statutory right to be accompanied by a companion at a grievance meeting which deals with a complaint about a duty owed by the employer to the worker. So this would apply where the complaint is, for example, that the employer is not honouring the worker's contract, or is in breach of legislation.

36. The statutory right is to be accompanied by a fellow worker, a trade union representative, or an official employed by a trade union. A trade union representative who is not an employed official must have been certified by their union as being competent to accompany a worker. Employers must agree to a worker's request to be accompanied by any companion from one of these categories. Workers may also alter their choice of companion if they wish. As a matter of good practice, in making their choice workers should bear in mind the practicalities of the arrangements. For instance, a worker may choose to be accompanied by a companion who is suitable, willing and available on site rather than someone from a geographically remote location.

37. To exercise the statutory right to be accompanied workers must make a reasonable request. What is reasonable will depend on the circumstances of each individual case. A request to be accompanied does not have to be in writing or within a certain time frame. However, a worker should provide enough time for the employer to deal with the companion's attendance at the meeting. Workers should also consider how they make their request so that it is clearly understood, for instance by letting the employer know in advance the name of the companion where possible and whether they are a fellow worker or trade union official or representative.

38. If a worker's chosen companion will not be available at the time proposed for the hearing by the employer, the employer must postpone the hearing to a time proposed by the worker provided that the alternative time is both reasonable and not more than five working days after the date originally proposed.

39. The companion should be allowed to address the hearing to put and sum up the worker's case, respond on behalf of the worker to any views expressed at the meeting and confer with the worker during the hearing. The companion does not, however, have the right to answer questions on the worker's behalf, address the hearing if the worker does not wish it or prevent the employer from explaining their case.

Decide on appropriate action

40. Following the meeting decide on what action, if any, to take. Decisions should be communicated to the employee, in writing, without unreasonable delay and, where appropriate, should set out what action the employer intends to take to resolve the grievance. The employee should be informed that they can appeal if they are not content with the action taken.

Allow the employee to take the grievance further if not resolved

41. Where an employee feels that their grievance has not been satisfactorily resolved they should appeal. They should let their employer know the grounds for their appeal without unreasonable delay and in writing.

42. Appeals should be heard without unreasonable delay and at a time and place which should be notified to the employee in advance.

43. The appeal should be dealt with impartially and wherever possible by a manager who has not previously been involved in the case.

44. Workers have a statutory right to be accompanied at any such appeal hearing.

45. The outcome of the appeal should be communicated to the employee in writing without unreasonable delay.

Overlapping grievance and disciplinary cases

46. Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

Collective grievances

47. The provisions of this Code do not apply to grievances raised on behalf of two or more employees by a representative of a recognised trade union or other appropriate workplace representative. These grievances should be handled in accordance with the organisation's collective grievance process.

Annex B

List of Respondents to consultation

A J Kingston – James HR Ltd
Allen Overy LLP

Birmingham Law Society

CBI
Coventry University

East of England Local Government
Association
Edapt
Employment Lawyers Association

Fiona Dukes (HR practitioner)

GMB

Hertfordshire County Council

James Chandler (Employment Solicitor)
John Paterson (HR practitioner)
June Smith (Employer and CIPD fellow)

Laura Turrell (HR Director)
Lewis Silkin LLP
Liverpool John Moores University
Lorren Price Rea (HR Manager)

Manchester Law Society

NUJ

Paul Millam (Porter/Driver)
PCS representatives at Fujitsu Services Ltd
Peninsula Business Services
President of the Employment Tribunals
England & Wales
Prof Owen Warnock
Professional Support for School Staff
Prospect

RBS and NatWest Mentor
Redress
Royal Mencap Society

Samantha Bateman (Employee Relations
Specialist)
Stuart Markless (Caseworker)

The Law Society
Thompsons Solicitors
TUC

Unison
University of Nottingham

Wheal Northey