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SCHEDULES

SCHEDULE 2

Section 29

STATUTORY DISPUTE RESOLUTION PROCEDURES

Modifications etc. (not altering text)

- C1** Schs. 2-4 modified by SI 2003/1964 art. 3 Sch. (as amended) (E.) (1.10.2004) by [Education \(Modification of Enactments Relating to Employment\) \(England\) \(Amendment\) Order 2004 \(S.I. 2004/2325\)](#), arts. 1, 2

PART 1

DISMISSAL AND DISCIPLINARY PROCEDURES

CHAPTER 1

STANDARD PROCEDURE

Step 1: statement of grounds for action and invitation to meeting

- 1 (1) The employer must set out in writing the employee's alleged conduct or characteristics, or other circumstances, which lead him to contemplate dismissing or taking disciplinary action against the employee.
- (2) The employer must send the statement or a copy of it to the employee and invite the employee to attend a meeting to discuss the matter.

Commencement Information

- II** [Sch. 2 para. 1](#) in force at 1.10.2004 by [S.I. 2004/1717](#), **art. 2(2)** (with [art. 3](#))

Step 2: meeting

- 2 (1) The meeting must take place before action is taken, except in the case where the disciplinary action consists of suspension.
- (2) The meeting must not take place unless—
- (a) the employer has informed the employee what the basis was for including in the statement under paragraph 1(1) the ground or grounds given in it, and
- (b) the employee has had a reasonable opportunity to consider his response to that information.
- (3) The employee must take all reasonable steps to attend the meeting.

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- (4) After the meeting, the employer must inform the employee of his decision and notify him of the right to appeal against the decision if he is not satisfied with it.

Commencement Information

I2 Sch. 2 para. 2 in force at 1.10.2004 by S.I. 2004/1717, art. 2(2) (with art. 3)

Step 3: appeal

- 3
- (1) If the employee does wish to appeal, he must inform the employer.
 - (2) If the employee informs the employer of his wish to appeal, the employer must invite him to attend a further meeting.
 - (3) The employee must take all reasonable steps to attend the meeting.
 - (4) The appeal meeting need not take place before the dismissal or disciplinary action takes effect.
 - (5) After the appeal meeting, the employer must inform the employee of his final decision.

Commencement Information

I3 Sch. 2 para. 3 in force at 1.10.2004 by S.I. 2004/1717, art. 2(2) (with art. 3)

CHAPTER 2

MODIFIED PROCEDURE

Step 1: statement of grounds for action

- 4 The employer must—
- (a) set out in writing—
 - (i) the employee’s alleged misconduct which has led to the dismissal,
 - (ii) what the basis was for thinking at the time of the dismissal that the employee was guilty of the alleged misconduct, and
 - (iii) the employee’s right to appeal against dismissal, and
 - (b) send the statement or a copy of it to the employee.

Commencement Information

I4 Sch. 2 para. 4 in force at 1.10.2004 by S.I. 2004/1717, art. 2(2) (with art. 3)

Step 2: appeal

- 5 (1) If the employee does wish to appeal, he must inform the employer.

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- (2) If the employee informs the employer of his wish to appeal, the employer must invite him to attend a meeting.
- (3) The employee must take all reasonable steps to attend the meeting.
- (4) After the appeal meeting, the employer must inform the employee of his final decision.

Commencement Information

I5 Sch. 2 para. 5 in force at 1.10.2004 by S.I. 2004/1717, art. 2(2) (with art. 3)

PART 2

GRIEVANCE PROCEDURES

CHAPTER 1

STANDARD PROCEDURE

Step 1: statement of grievance

- 6 The employee must set out the grievance in writing and send the statement or a copy of it to the employer.

Commencement Information

I6 Sch. 2 para. 6 in force at 1.10.2004 by S.I. 2004/1717, art. 2(2) (with art. 3)

Step 2: meeting

- 7 (1) The employer must invite the employee to attend a meeting to discuss the grievance.
- (2) The meeting must not take place unless—
- (a) the employee has informed the employer what the basis for the grievance was when he made the statement under paragraph 6, and
 - (b) the employer has had a reasonable opportunity to consider his response to that information.
- (3) The employee must take all reasonable steps to attend the meeting.
- (4) After the meeting, the employer must inform the employee of his decision as to his response to the grievance and notify him of the right to appeal against the decision if he is not satisfied with it.

Commencement Information

I7 Sch. 2 para. 7 in force at 1.10.2004 by S.I. 2004/1717, art. 2(2) (with art. 3)

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Step 3: appeal

- 8 (1) If the employee does wish to appeal, he must inform the employer.
- (2) If the employee informs the employer of his wish to appeal, the employer must invite him to attend a further meeting.
- (3) The employee must take all reasonable steps to attend the meeting.
- (4) After the appeal meeting, the employer must inform the employee of his final decision.

Commencement Information

I8 Sch. 2 para. 8 in force at 1.10.2004 by S.I. 2004/1717, art. 2(2) (with art. 3)

CHAPTER 2

MODIFIED PROCEDURE

Step 1: statement of grievance

- 9 The employee must—
- (a) set out in writing—
- (i) the grievance, and
- (ii) the basis for it, and
- (b) send the statement or a copy of it to the employer.

Commencement Information

I9 Sch. 2 para. 9 in force at 1.10.2004 by S.I. 2004/1717, art. 2(2) (with art. 3)

Step 2: response

- 10 The employer must set out his response in writing and send the statement or a copy of it to the employee.

Commencement Information

I10 Sch. 2 para. 10 in force at 1.10.2004 by S.I. 2004/1717, art. 2(2) (with art. 3)

PART 3

GENERAL REQUIREMENTS

Introductory

- 11 The following requirements apply to each of the procedures set out above (so far as applicable).

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Commencement Information

I11 Sch. 2 para. 11 in force at 1.10.2004 by S.I. 2004/1717, art. 2(2) (with art. 3)

Timetable

12 Each step and action under the procedure must be taken without unreasonable delay.

Commencement Information

I12 Sch. 2 para. 12 in force at 1.10.2004 by S.I. 2004/1717, art. 2(2) (with art. 3)

Meetings

- 13 (1) Timing and location of meetings must be reasonable.
- (2) Meetings must be conducted in a manner that enables both employer and employee to explain their cases.
- (3) In the case of appeal meetings which are not the first meeting, the employer should, as far as is reasonably practicable, be represented by a more senior manager than attended the first meeting (unless the most senior manager attended that meeting).

Commencement Information

I13 Sch. 2 para. 13 in force at 1.10.2004 by S.I. 2004/1717, art. 2(2) (with art. 3)

PART 4

SUPPLEMENTARY

Status of meetings

14 A meeting held for the purposes of this Schedule is a hearing for the purposes of section 13(4) and (5) of the Employment Relations Act 1999 (c. 26) (definition of “disciplinary hearing” and “grievance hearing” in relation to the right to be accompanied under section 10 of that Act).

Commencement Information

I14 Sch. 2 para. 14 in force at 1.10.2004 by S.I. 2004/1717, art. 2(2) (with art. 3)

Scope of grievance procedures

- 15 (1) The procedures set out in Part 2 are only applicable to matters raised by an employee with his employer as a grievance.
- (2) Accordingly, those procedures are only applicable to the kind of disclosure dealt with in Part 4A of the Employment Rights Act 1996 (c. 18) (protected disclosures

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of information) if information is disclosed by an employee to his employer in circumstances where—

- (a) the information relates to a matter which the employee could raise as a grievance with his employer, and
- (b) it is the intention of the employee that the disclosure should constitute the raising of the matter with his employer as a grievance.

Commencement Information

I15 Sch. 2 para. 15 in force at 1.10.2004 by S.I. 2004/1717, **art. 2(2)** (with **art. 3**)

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