M&L 31 Discipline and grievance management

|  |  |  |
| --- | --- | --- |
| **Learning Outcome** | **Assessment Criteria** | **Guidelines and range**  **The candidate provides evidence that they understand:** |
| 1. Understand the principles supporting the management of discipline and grievance cases | 1.1 Explain the difference between a discipline case and a grievance case and the implications for their management | Discipline and grievance issues occur when there are difficulties with the working relationship from either the employee’s or the employer’s perspective.  Discipline and grievance procedures that comply with the ACAS Code of Practice and current employment legislation are required to ensure that everyone in the organisation is treated fairly and equally.  As far as possible, managers should ensure working practices are such that discipline and grievance situations do not arise and do not escalate to the formal stage. However they should also be aware of their organisation’s procedures and ensure that all actions they take are compliant and follow the framework set out. |
|  |  | *In this criterion the learner is required to explain the difference between a discipline case and a grievance case and the implications for their management* |
|  | 1.2 Explain the sources of advice and expertise on discipline and grievance | Even if a manager is aware of their own organisation’s procedures, situations that arise can be very sensitive and complex. There are a number of sources of advice and expertise available both externally and within the organisation |
|  |  | *In this criterion the learner is required to identify and explain internal and external sources of advice on discipline and grievance* |
| 1.3 Explain the legal obligations of employers and the rights of employees in relation to discipline and grievance cases | Legal rights and obligations of employers and employees are set out in:   * The Employment Act 2008 * The Employment Tribunals( Constitution and Rules of Procedure) (Amendment) Regulations 2008 |
| *In this criterion the learner is required to explain the legal obligations of employers and the rights of employees in relation to discipline and grievance cases as set out in this legislation* |
| 1.4.Explain organisational procedures for the management of discipline and grievance cases | Organisations will have their own procedures for handling discipline and grievance which should conform to the ACAS Code of Practice and current employment legislation. The stages in the process should be clearly set out, including:   * Actions to be completed * Roles and responsibilities * Timescales * Records to be kept |
| *In this criterion the learner is required to explain how organisational procedures are used for the management of discipline* ***and*** *grievance cases.* |
| 1.5 Explain the communication techniques to be used in the management of discipline and grievance cases | Appropriate communication is essential to effective handling of both discipline and grievance issues. Some of the main techniques that should be considered are:   * Methods - how and when to communicate * Skills - ways to structure messages, choice of language, active listening, impact of non- verbal communication, etc. * Principles - negotiation and conflict handling techniques |
| *In this criterion the learner is required to explain how two or more communication techniques can be appropriately used in the management of discipline and grievance cases* |
| 1.6 Explain the types of behaviours that are likely to result in disciplinary proceedings | Actions likely to lead to disciplinary action fall into two categories:   * Capability/performance – unable to do the work to a satisfactory standard * Conduct - failure to comply with organisational rules on conduct or behaviour |
| *In this criterion the learner is required to explain, with examples, actions that could be seen as capability/performance issues and actions that could be seen as conduct issues* |
| 1.7 Explain the types of actions that are likely to lead to a grievance | Grievances are likely to occur when the employee feels that the organisation has, or has allowed, their rights as an employee to be breached, e.g. pay and working conditions, discrimination. |
| *In this criterion the learner is required to* *explain at least two different types of action that are likely to lead to a grievance* |
| 1.8 Explain how to carry out investigations into discipline and grievance cases | Investigations into discipline and grievance cases should be conducted only by those authorised to do so, and they must be carried out in line with organisational procedures.  Those involved need to ensure objectivity and fairness at all times and to maintain accurate record keeping that is data-protection compliant. |
| *In this criterion the learner is required* *to* *explain, using examples from the organisation’s policy, how to carry out investigations into discipline and grievance cases* |
| 1.9 Analyse the impact of well managed and poorly managed discipline and grievance cases | The way in which discipline and grievance cases are handled can have a significant impact on the psychological employment contract and the culture within the organisation.  An analysis of the impact requires that potential impacts of managing discipline and grievance cases well are described and then compared with potential impacts of managing them poorly |
| *In this criterion the learner is required to* *analyse the impact of well managed and poorly managed discipline* ***and*** *grievance cases* |
| 1.10 Explain how the outcomes of discipline and grievance cases can be managed | Potential outcomes for discipline cases are:   * No action * Warnings * Dismissal   Potential outcomes for grievance cases;   * There is no case to answer * Specific actions employer intends to take.   In both cases, if the employee is unhappy with the decision they may make an appeal and may eventually take their case to an employment tribunal. |
| *In this criterion the learner is required to explain how the outcomes of discipline* ***and*** *grievance cases can be managed* |
| *This section requires that the learner demonstrate how he or she has handled a disciplinary case. All criteria will require that the learner completes a description of the actions taken as well as providing evidence. Guidance on assessment of sensitive material is to be found in the ILM Supporting Notes for this qualification.* | | |
| 2. Be able to manage a disciplinary case | 2.1 Inform the individual that they are subject to disciplinary proceedings within agreed timescales | Individuals should be informed that they are subject to disciplinary proceedings How this should be done- and the timescales - are set out in the organisation’s procedure and documentation. |
| *In this criterion the learner is required to demonstrate how they have informed an individual that he or she is subject to disciplinary proceedings within agreed timescales. The supporting description should include an explanation of what factors were taken into consideration when completing this task. It is likely that 2.2 will also be covered by this supporting description* |
| 2.2 Explain to the individual the reasons why they are subject to disciplinary proceedings | An individual who is subject to disciplinary proceedings should be given full details of the reasons why. How this should be done is set out in the organisation’s procedures. |
| *In this criterion the learner is required to demonstrate how they explained to the individual why he or she is subject to disciplinary proceedings* |
| 2.3 Provide evidence that supports the case for disciplinary proceedings | A case for disciplinary proceeding must be based on objective and accurate evidence of events that have occurred. The accuracy and comprehensiveness of this information must be sufficient for a fair disciplinary interview to be held and should stand up to scrutiny should the situation eventually go to an employment tribunal |
| *In this criterion the learner is required to provide evidence that supports the case for disciplinary proceedings. How and why this evidence was collected should be covered by the supporting description.* |
| 2.4 Develop a case to support an individual who is subject to disciplinary proceedings | An individual who is subject to a disciplinary proceeding is entitled to be supported at the hearing by a colleague or trade union representative. The learner is required to demonstrate how they would support a colleague who is subject to disciplinary proceedings. |
| *In this criterion the learner is required to provide evidence of a case developed to support an individual who is subject to disciplinary proceedings.* |
| 2.5 Keep detailed and accurate records of agreements, actions and events in disciplinary proceedings | Accurate record keeping plays a key role in managing disciplinary proceedings. These records will be vital should the case be taken to employment tribunal |
| *In this criterion the learner is required to describe and provide examples of the records of agreements, actions and events they have kept in disciplinary proceedings* |
| 2.6 Adhere to any organizational policies and procedures, legal and ethical requirements when managing a disciplinary case | Managing disciplinary proceedings must adhere to organisational policies and procedures, legal and ethical requirements. As well as specific human resource policies these include policies relating to data protection, equality, bullying and harassment etc. |
| *In this criterion the learner should describe at least* ***two*** *different policies particularly relevant to managing disciplinary proceedings and demonstrate how these were adhered to. Evidence of this should be included.* |
| *This section requires that the learner demonstrate how he or she has handled a grievance procedure. All criteria will require that the learner complete a description of the actions taken as well as providing evidence. Guidance on assessment of sensitive material is to be found in the ILM Supporting Notes for this qualification.* | | |
| 3. Be able to manage a grievance | 3.1 Identify the nature of the grievance | Grievances may be raised when individuals feel that have a cause to complain about work situations which they have been unable to resolve through regular communication with their line manager. Examples could involve:   * Pay and working conditions * Disagreements with co-workers * Discrimination |
| *In this criterion the learner is required to identify and describe the nature of the grievance that forms the basis for the evidence in this section.* |
| 3.2 Investigate the seriousness and potential implications of the grievance | Investigations into grievance cases should be full and fair and conducted only by those authorised to do so and in line with organisational procedures. Grievances can be very sensitive and complex in nature with serious implications for the organisation both legally and in terms of the psychological employment contract in general. |
| *In this criterion the learner is required to demonstrate how they have investigated the seriousness and potential implications of the grievance. The supporting description should explain the implications of the grievance as well as providing evidence of information gathered.* |
| 3.3 Adhere to organizational procedures when handling a grievance | Handling a grievance must adhere to organisational procedures. Although there is no legally binding process, organisations usually follow a procedure that complies with the ACAS Code of Practice |
| *In this criterion the learner is required to describe how they have handled a grievance in line with organisational procedures. Evidence should be provided to support the description.* |
| 3.4 Evaluate the effectiveness of how a grievance has been handled | An evaluation requires the learner to identify and describe what went well and what went less well when handling the grievance and to make a judgment on the effectiveness of how the situation was handled.  Conclusions and/or recommendations should be drawn. |
| *In this criterion the learner should evaluate the effectiveness of the way a grievance was handled.* |
| 3.5 Agree measures to prevent future reoccurrences of grievances | In order to ensure improvements in working practices it is important that actions should be taken to prevent a re-occurrence of the situation that led to the grievance. Even though the grievance may not have been upheld, it had reached the ‘formal’ stage so there may be areas of working practice that should be reviewed, including why the problem was not handled effectively at an earlier stage |
| *In this criterion the learner is required to analyse the grievance situation by identifying the causes of the grievance, the outcome of the proceedings, and any follow-up actions required. Recommendations for improvements should be made.* |