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**PRESS
RELEASE**



GOOD NEWS FOR EMPLOYERS

Pictured – Jay Bhayani

After only 4½ years, the unpopular Statutory Grievance and Disciplinary Procedures introduced in 2004 - which saw employers subject to an increase of up to 50% in compensation payable and a finding of automatic unfair dismissal if they did not follow the procedure – have been repealed. Most employers will probably say “good riddance”, but what do we have in their place?

From 6th April 2009, employers will be expected to follow ACAS' Code of Practice on Disciplinary and Grievance Procedures, which promotes 'fairness'. Unlike the previous arrangements, failure to follow the code will not trigger an automatically unfair dismissal, but employment tribunals will still take it into account when considering cases and can adjust a compensatory award by up to 25% for any “unreasonable” failure to comply with the code. However, employers should bear in mind that any failure to comply with the code will only be one of several factors determining whether a dismissal is fair or not. Also the automatic extension of 3 months in which an employee could present a claim in certain circumstances has been withdrawn, so time limits are now much tighter.

The code excludes dismissals on the grounds of redundancy or non-renewal of fixed term contracts, so legal advice should be sought in these circumstances to ensure that procedures are handled legitimately.

There are some complex transitional provisions in place where certain events occur before 6th April 2009 and again employers are advised to take legal advice if they are dealing with disciplinary or grievance issues during this time.

For further information on the new rules or any other employment issues, contact Jay Bhayani at Watson Esam Solicitors on 0114 275 3350 or jay.bhayani@watson-esam.co.uk.

Further information: Watson Esam is one of the oldest established legal firms in Sheffield practising from its offices in Paradise Square. A medium sized firm with approximately 40 staff, it is well known for delivering first class services to businesses in South Yorkshire. Jay Bhayani is senior partner and head of the firm's employment department. She is a former winner of Yorkshire Lawyer Employment Lawyer award (2005) and was short listed for the Yorkshire and Humberside Institute of Directors Adviser of the Year Award 2007. She specialises exclusively in contentious and non contentious employment law. She has dealt with high profile and complex cases acting primarily for employers. Jay is recognised as one of the leading employment law specialists in Yorkshire and is named in the Legal 500 as such.

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