



AN UPDATE ON DISCRIMINATION

17th April, Manchester | 24th April, London

HANDLING DISCIPLINE AND GRIEVANCE ISSUES AND MANAGING WORKPLACE INVESTIGATIONS

20th March, London | 2nd May, Manchester

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20th March, 2012 – London | 2nd May, 2012 – Manchester

It is increasingly important for an employer when facing a Tribunal case to be able to illustrate that they have conducted a full and fair investigation into complaints about and by an employee.

Investigations can be time consuming and complicated. This course will provide an understanding of the legal and best practice requirements for conducting an investigation – how thorough does the investigation have to be? – Together with practical skills about how the investigation can best be carried out. This is important when carrying out Disciplinary procedure or a capability or absence hearing or investigation.

At the end of this programme delegates will be able to:

- Understand all the steps which must be taken when conducting investigations and disciplinary hearings
- Analyse evidence objectively and reach sound conclusions based on the facts available
- Feel totally confident about investigating misconduct and carrying out disciplinary hearings

If you wanted to run this course in house you could always add actors to the programme and develop the case studies into role play scenarios.

PROGRAMME

Programme

- 09.30 Registration
- 11.00 Coffee
- 13.00 Lunch
- 15.00 Tea
- 16.30 Close

Disciplinary Procedures

- The purpose of disciplinary and appeals procedures
- Procedures and the contract
- Importance of following procedures
- Statutory right to accompaniment
- Importance of following every step in the procedure
- Distinguishing between misconduct and gross misconduct
- When to suspend and the suspension process

Conducting an Investigation – The General Principles

- The need for an investigation
- Who should conduct the investigation?
- The task
- Investigation adapted to suit the circumstances
- Sources of evidence
- Adequacy of investigation
- Balance of probabilities test
- “Police style” cautioning during interviews
- When to call in the police

Conducting an Investigation – The Practice

I Practical Preliminary Issues

- Sound preparation
- Skills
- Obtaining witness statements
- Key points to cover in misconduct and capability situations
- Asking open-ended questions to get to the facts
- Who should be present?
- Dealing with a disabled employee
- Taking notes

II Preparing for the Investigation

- Establishing the general nature and background to the complaint

- Making a detailed list of all the relevant information required
- Examining the worker’s personal file and training record to gain an overall picture
- Is the worker aware of his/her job description and the standards expected?
- Is the worker aware of the disciplinary rules?
- Checking the content and timing of previous warnings
- Additional checks where incapability is involved, eg quantifying performance shortfall

Conducting the Investigatory Interview – Key Pointers

- Setting the scene
- Setting the tone
- Listening and probing
- Keeping cool
- Adjournment
- Concluding the interview

Deciding Whether Disciplinary Proceedings are Appropriate

- Defining the exact nature of the complaint and the facts to support it
- Considering any mitigating circumstances
- Coming to a conclusion – the balance of probabilities
- When to take action
- The options available
- When action will definitely be necessary
- The disciplinary hearing
- Examining the evidence
- Preparing for the hearing
- Arranging the hearing
- Conducting the hearing
- Making a decision – taking all the circumstances into account
- Informing the employee
- Content of written warnings and dismissal letters
- Written records and data protection
- Checklist
- Right of appeal – principles and checklist

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INCLUDING THE EQUALITY ACT, AGE AND MANAGING RETIREMENT

The Equality Act 2010 has remained high on the human resources agenda. 2011 has seen its first full year of implementation etc and there have been a number of important developments.

April 2011 marked the coming into force of a number of key provisions, including the general public sector equality duty and provisions governing positive action in recruitment and promotion. April 2011 also saw the implementation of three codes of Practice, drafted by the Equality and Human Rights Commission, providing technical guidance on general employment issues; equal pay; and services, public functions and associations. In May 2011, the new guidance on who qualifies as “disabled” under the Equality Act came into force.

It is essential to see how the case law develops in 2012, particularly in relation to some of the thornier issues, for example the ban on pre-employment health questions, the positive action provisions and the jurisdiction of the employment tribunal in relation to employees engaged abroad.

Another key development has been the repeal of the default retirement age. An employer’s ability to compulsorily retire an employee following set procedures, without fear of liability for unfair dismissal or age discrimination, effectively ended in April 2011.

This one day course will look at the main discrimination principles and how to apply them in the workplace. The course will look in detail at the changes the Equality Act has brought with it.

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- 15.00 Coffee
- 16.30 Close

Topics covered include:

A complete review and update on equality and diversity law, and the consequences of the ending of the Default Retirement Age.

- Anti discrimination law – the key points
 - Protected characteristics
 - The discriminatory acts that are prohibited
 - Direct and indirect discrimination
 - Victimisation
 - Tougher new definition of harassment
 - Third party harassment
 - Instructions to discriminate
- The Equality and Human Rights Commission’s Code of Practice on Employment
- Age discrimination law in detail
 - Special focus on disability discrimination law and sex, race discrimination law developments

- The Ending of the UKs default retirement age
 - Examples of justifications
 - Categories of worker protected
 - What redundancy payment is the employer allowed to make, without breaching age discrimination law?
 - Changes to statutory redundancy pay
 - Key dates and key discrimination case law
 - Practical consequences of this key change to unfair dismissal law
 - Can you still objectively justify a retirement? Should employers keep a retirement age for the business or role?
- Removing a retirement age
- Benefits structures and denying certain benefits to over 65s: what is allowed?
- The implication of the Equality Act after its first year
 - How it changed discrimination law
 - Aspects of this Act which still have to be implemented and discussion of the consequences these might have
 - Special focus on the effect and implications for public sector employers

We can also run this course for you in your organisation . For further information please call Rachel Cook on 0161 235 4562 or email rachel.cook@dlapiper.com or Anna Juniper on 020 7796 6632 or email anna.juniper@dlapiper.com

FEES

Handling Discipline and Grievance Issues and Managing Workplace Investigations

£349 (plus £69.80 VAT) = £418.80

An Update on Discrimination

£349 (plus £69.80 VAT) = 418.80

ABOUT ADVANCE

Advance is the training arm of DLA Piper, a leading global legal services organisation. Advance provides training programmes to help senior executives and operational managers increase their understanding of how legislation and regulation affects the way they manage their business. Our seminar style programmes are interactive, covering the practical impact of current and future legislation and case decisions.

For further information, visit www.dlapiper.com/advance or telephone **Rachel Cook** on **0161 235 4562** or email rachel.cook@dlapiper.com
Anna Juniper on **020 7796 6632** or email anna.juniper@dlapiper.com

BOOKING FORM

Please return this form to **Rachel Cook** on fax number **0161 235 4505** or by post to **DLA Piper UK LLP, 101 Barbirolli Square, Manchester M2 3DL**. If you require further information, please contact either **Anna Juniper** on **020 7796 6632** or email anna.juniper@dlapiper.com, or **Rachel Cook** on **0161 235 4562** or email rachel.cook@dlapiper.com

CANCELLATIONS AND SUBSTITUTIONS

If you are not able to attend, you may send a substitute. However, a refund cannot be made for a cancellations received less than 14 working days before the course is scheduled to take place.

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20th March 2012, London (Ref: 2016)

2nd May 2012, Manchester (Ref: 2017)

An Update on Discrimination

17th April 2012, Manchester (Ref: 2018)

24th April 2012, London (Ref: 2019)

I enclose a cheque for £418.80 (£349 plus VAT)

Please invoice me for £418.80 including VAT at the address below

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