



How serious allegations can be handled safely

17 June 2021



Introductions

Presenters



Victoria Templeton
HR Knowledge Manager



Sue Watson
Head of Client Services



Technical support



Atim Arden

Digital Marketing Executive



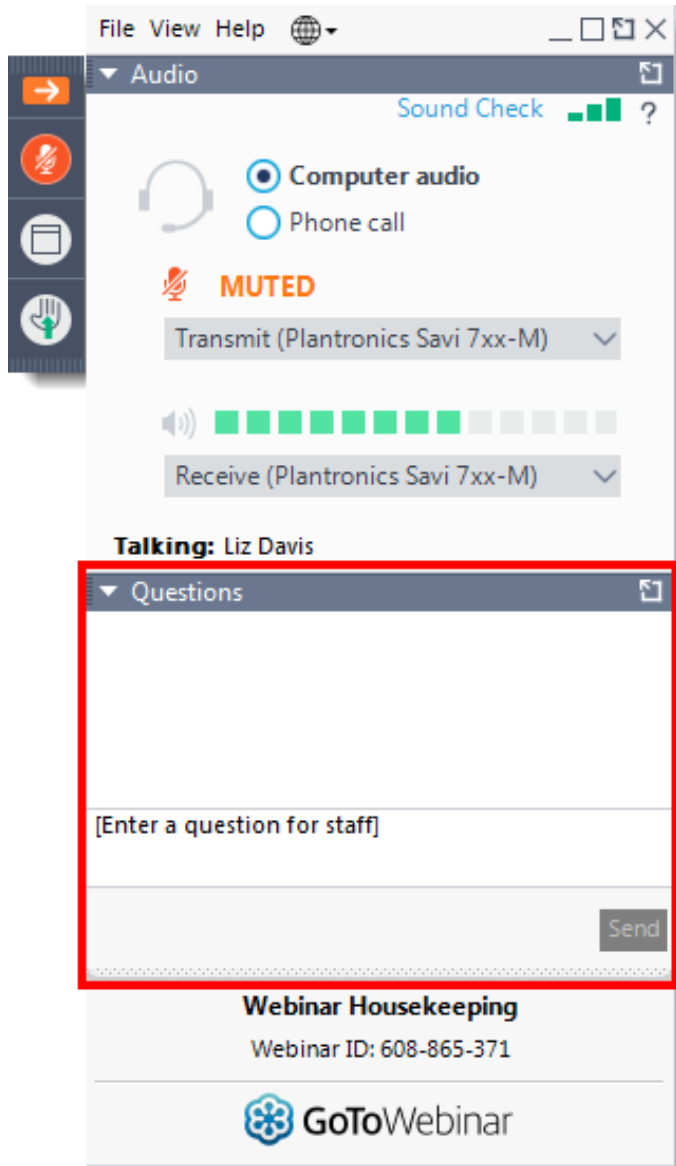
A group of diverse people are seated in a meeting room. In the center, a man with a beard and glasses, wearing a grey cardigan, has his right hand raised. To his left, a woman with long dark hair is looking towards him. To his right, a woman with long blonde hair is also looking towards him. In the background, other people are visible, some looking towards the front of the room. The room has large windows and indoor plants.

How to ask questions





GoToWebinar Housekeeping: Time for Questions



Your Participation

- Please continue to submit your text questions and comments using the Questions panel





How serious allegations can be handled safely

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Agenda

- What constitutes a 'serious' allegation?
- How allegations can arise
- Risk of Employment Tribunal claims
- Key actions for managing serious allegations safely



What is a 'serious' allegation?

- Misconduct versus Gross misconduct
- Focus of today is gross misconduct
- Theft
- Fraud
- Violence
- Acts of bullying and harassment
- Alcohol and drug abuse
- Gross negligence
- Dishonesty
- Serious acts of insubordination

What is a 'serious' allegation?

1. Fundamental Breach:

- Severity and impact of the actions
- Nature of the act and relevance to employee duties?
- Nature and circumstances of the employer
- Impact on reputation? Common culture

2. Deliberate or wilful, or grossly negligent:

- Whether there is a clear rule or policy
- Would the employee have known in advance their actions may be a dismissible offence
- Motivation and intentions of employee

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- **How allegations can arise**
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How allegations arise

- Employee can raise directly with you (or another manager) their serious concerns
- You (or another manager) may witness
- Receive written complaints from a third party (which can be via social media)
- Serious allegations come to light via social media (caution in handling given right to private life)

Agenda

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- **Risk of Employment Tribunal claims**
- Key actions for managing serious allegations safely

Tribunal Claims

- Serious allegations present a potential risk
- Discrimination
- Breach of contract
- Constructive dismissal
- Unfair dismissal
- Procedural fairness essential

Employment Tribunal Statistics 2019/20

Data provided by the Ministry of Justice for the 2019/20 financial year:

	Maximum Award	Median Award	Average Award
Race Discrimination	£30,330	£8,040	£9,801
Sex Discrimination	£73,619	£14,073	£17,420
Disability Discrimination	£265,719	£13,000	£27,043
Age Discrimination	£243,636	£11,791	£38,794
Sexual Orientation Discrimination	£96,645	£27,936	£9,245

Agenda

- What constitutes a 'serious' allegation?
- How allegations can arise
- Risk of Employment Tribunal claims
- **Key actions for managing serious allegations safely**

Key actions for managing serious allegations safely

1. Follow your own grievance and/or disciplinary policy & the Acas code of practice
2. Reasonable investigations
3. When to address allegations raised via social media
4. Suspension
5. Substantive Justification and Procedural Fairness

Key actions for managing serious allegations safely

6. Decision to dismiss falls within the band of reasonable responses
7. You have reasonable grounds for holding the belief
8. Right of appeal
9. Allegations raised by former employees ([Base Childrenswear Ltd v Otshudi](#))
10. Commercial decisions





TRAINING COURSES

- * Equality & Inclusion 28 June, Monday | 1pm – 4.30pm
- * Disciplinary & Grievance 14 July, Wednesday | 9.30am – 1pm

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Disciplinary & Grievance Training Course

We run through the basic process, of dealing with misconduct amongst employees. We also dive deeply into the investigation of a disciplinary or a grievance as it's the key to getting the formal process, and an appropriate outcome, right.

14 July, Wednesday
9.30am - 1pm
Online via Go To Training

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First Aid for Mental Health Training Course

As well as running through the basic process, of dealing with misconduct amongst employees, we dive deeply into the investigation of a disciplinary or a grievance as it's the key to getting the formal process, and an appropriate outcome, right

24 May, Monday
9.30pm - 4.30pm
Kettering Park Hotel, NN15 6XT

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enquiries@hrsolutions-uk.com

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FEEDBACK

MATTERS

TO US

After the webinar, we shall be sending a short survey to capture your feedback, it would be appreciated if you could complete this survey so that we can constantly improve.



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