

# IN HOUSE TRAINING - EMPLOYMENT LAW

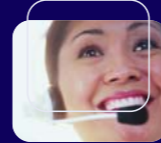
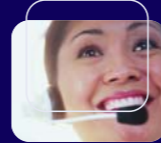


**LLOYDS  
EMPLOYMENT LAW  
CONSULTANCY**

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Anyone can give advice -  
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**LLOYDS  
EMPLOYMENT LAW  
CONSULTANCY**

**IN HOUSE TRAINING FOR COMPLIANCE  
WITH THE MOST RECENT  
EMPLOYMENT LAW**

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# IN-HOUSE TRAINING FOR COMPLIANCE WITH NEW EMPLOYMENT LAW

## INTRODUCTION

The Employment Act 2002 has been described as being 'the most radical change to unfair dismissal for more than 25 years'.

### How this will affect your company

This change took effect from early 2003 and your staff need to understand it and be able to implement it. Your company is under a clear obligation in law to follow specific procedures in matters of discipline and grievance handling. A failure to do so can swiftly lead to a finding of automatic unfair dismissal without you having the opportunity to defend the action. The result may be very expensive indeed.

### Potential issues with implementation

The difficulty of course is that it is not simply a matter of understanding the law, but of translating it into action with an employee who, whether nervous or obstructive, is prepared to challenge your every move.

### A simple solution

A simple way to resolve this issue is to retain our highly qualified specialists to train your staff 'in-house,' not just to understand the new law, but just as importantly, to implement it safely.

Furthermore, we can help your managers to find safe solutions to disciplinary or grievance action, and effectively turn a problematic situation into a beneficial one which significantly reduces the risk of expensive tribunal judgments.

There are also implications on handling other employee matters, such as harassment and bullying. Lloyds Training Courses cover these areas too.

## COURSES

The following training courses are available to groups of up to 20 delegates.

Full Course Notes are provided and a Certificate of Management Achievement or a Certificate of Professional Achievement is awarded to each delegate who successfully completes the training.

### FORMAL AND INFORMAL DISCIPLINARY PROCEDURES

In compliance with the Employment Act 2002 (One day) Page 3.

### APPEAL PROCEDURES

In compliance with the Employment Act 2002 (One day) Page 5.

### GRIEVANCE PROCEDURES

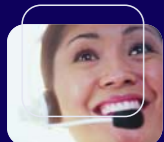
In compliance with the Employment Act 2002 (One day) Page 7.

### FAMILY FRIENDLY POLICIES

Paternity Leave, Maternity Leave, Adoption Leave and Flexible Working. In compliance with the Employment Act 2002 (Half day) Page 9.

### DIGNITY AT WORK

Sex Discrimination, Harassment and Bullying (One day) Page 7.



## FORMAL & INFORMAL DISCIPLINARY PROCEDURES

A one day course designed for Directors, Managers and Human Resource Officers whose responsibility includes the administration of Disciplinary Procedures within the Workplace.

### COURSE OUTLINE

- The employee's right to a fair disciplinary process
- Legal principles underpinning Disciplinary Procedures
- Taking the necessary procedural steps at the Investigation stage
- Escalating an Investigation to a Disciplinary Procedure
- Handling the Disciplinary Hearing
- Arriving at the 'right' decision
- Fair treatment - Contractual as well as Statutory rights
- Assessing and limiting the risk of Tribunal

### PROGRAMME

- 09.00-09.30** Introduction:  
An employee's rights  
Your obligations under the new Act  
Q&A for Achievement Assessment
- 09.30-10.30** The Problem Appears:  
Conducting the Investigation  
Suspension as an option  
Creating a paper trail  
Q&A for Achievement Assessment
- 10.30-11.00** Break for coffee
- 11.00-12.30** Should You Hold A Disciplinary Hearing?  
Wrongful Dismissal versus Unfair Dismissal  
Putting the accusations into context  
Checking the contract of employment  
Evaluating factual Evidence  
Evaluating Witness Statements  
Deciding what to do next  
Advising the affected employee of the next steps

### Case Studies:

1. Steve is accused by Sarah of drink driving
2. Joanne is accused by Chris of not being up to her job

Q&A for Achievement Assessment

**12.30-13.30** Break for lunch

**13.30-14.30** Preparing for the Disciplinary Hearing  
Necessary Documentation  
Timing of the hearing  
The accompanying person  
Selecting a person to chair the hearing  
Recording the hearing

Q&A for Achievement Assessment

**14.30-15.00** Break for coffee

**15.00-16.30** Holding the hearing:  
Opening the Hearing  
The Company's case  
The Employee's defence  
Guilty or Innocent?  
Mitigation and reasonable responses  
Giving the Verdict  
Written Confirmation and reasons  
The right of Appeal

All delegates are invited to role play in a mock hearing and have the opportunity to see the process in action.

**16.30** Issue of Course Notes

## LLOYDS CERTIFICATE OF PROFESSIONAL ACHIEVEMENT

### Disciplinary Procedures

Each delegate who achieves a satisfactory understanding of the process and who demonstrates an ability to implement an appropriate Disciplinary Procedure will be awarded a Lloyds Certificate of Management Achievement.

### The Certificate Benchmarks a competent understanding of:

- Legal principles of fairness
- Need for a structured procedure
- Necessary compliance with the Employment Act 2002
- Potential pitfalls prior to and during the procedure
- Difference between Wrongful and Unfair Dismissal
- What constitutes discrimination

### The Benefits of Successful Training

- Both the employer and the employee benefit from Lloyds training programmes.
- Successful Delegates will feel confident to handle Disciplinary Procedures appropriately.
- Employers will feel confident that staffing resources are being managed as efficiently as possible and that exposure to damages awards is significantly reduced.

### Assessment Techniques

Observation  
Question and Answer sessions

Anyone can give advice -  
Lloyds provides help.

## THE RIGHT OF APPEAL AND APPEAL PROCEDURES

A one day course designed for Directors, Senior Managers and Human Resource Officers who may be called upon to hear an Appeal following disciplinary action against an employee.

### COURSE OUTLINE

- The employee's right to an Appeal
- The purpose of the Appeal Process and its importance to the employer
- Implementation of the consecutive stages of a fair Appeal Procedure
- Procedural fairness and the previous hearing
- Examination of the evidence
- Limiting risk of Tribunal

### PROGRAMME

- 09.00-09.30** Introduction:  
The three main grounds for Appeal  
The purpose and effect of an Appeal process  
Wrongful Dismissal contrasted with Unfair Dismissal
- 09.30-10.30** The Procedure:  
From notice of Appeal to the decision  
Appeals and how to avoid Constructive Dismissal claims  
Questions and Answers
- 10.30-11.00** Break for coffee
- 11.00-12.30** Finding other people's mistakes:  
Ensuring fairness & the test of reasonableness  
Understanding the necessary Contractual procedures  
Understanding the necessary Statutory procedures

### Case Studies:

1. Jill appeals against the decision to dismiss her for gross misconduct saying that she thinks the decision was unreasonable.
2. Ray was instantly dismissed for suspected theft but his contract says nothing about theft being gross misconduct.
3. Caroline wanted to bring her Union Representative with her but he was on holiday the week of the hearing; she asked for a postponement but the hearing went ahead anyway. Caroline didn't attend. She has lodged an Appeal stating that her rights under the Employment Act 2002 have been ignored.

**12.30-13.30** Break for lunch

- 13.30-15.00** Holding the Appeal  
Opening the Appeal  
Considering new evidence  
Considering mitigation  
Delivering a decision & written reasons

All delegates are invited to role play in a mock appeal and have the opportunity to see the process in action.

**15.00 - 15.30** Break for coffee

- 15.30-16.30** Taking a commercial view  
Compromise agreements  
Standing your ground

**16.30** Issue of Course Notes

## LLOYDS CERTIFICATE OF PROFESSIONAL ACHIEVEMENT

### Appeal Procedures

- All delegates attending the Appeal Procedures training are assumed to be Directors, Senior Managers and Human Resource Officers. All delegates are encouraged to participate fully through the ongoing Question and Answer process in the training and will not therefore be assessed in the same way as less senior delegates receiving training.
- At the end of the day all delegates should be well prepared to hear an appeal, keep the risk of legal action to a minimum and assess the commercial options.
- All delegates attending will be awarded a Lloyds Certificate of Professional Achievement within 14 days of the training.

Anyone can give advice -  
Lloyds provides help.

## GRIEVANCE PROCEDURES

A one day course designed for Managers and Directors who may be faced with an employee making a complaint or raising a formal grievance.

### COURSE OUTLINE

- The employee's right to raise a grievance
- An understanding of what constitutes a genuine grievance
- The ability to deliver a procedurally fair investigation
- Dealing fairly with other employees who are implicated in the grievance
- The ability to recognise any necessity for parallel and/or consequential Disciplinary procedures
- Limiting risk of Tribunal

### PROGRAMME

**09.00-09.30** Introduction:  
The employee's rights under the new Act  
Your obligations under the new Act  
Q&A for Achievement Assessment

**09.30-10.30** Which Procedure?  
The standard procedure in cases where the employee still works for the company  
The modified procedure in cases where the person raising the grievance has left your employment

Q&A for Achievement Assessment

**10.30-11.00** Investigating the Grievance

**11.00-12.30** Interviewing the employee  
Interviewing connected parties  
Assessing the validity of the grievance

#### Case Studies

1. Sally is unhappy about the way her manager treats her
2. Gordon completes an exit interview form after resigning and says it was obvious a colleague wanted him out.

**11.45-13.00** Questions to ask and questions to avoid:  
Breach of the Data Protection Act  
Concurrent Disciplinary action  
Case Study

Q&A for Achievement Assessment

**13.00-14.00** Break for lunch

**14.00-15.00** A reasonable response:  
Achieving resolution

Recording resolution

**15.00-16.00** Prevention is better than cure:  
The Way Forward Meeting  
Ongoing appraisal

Q&A for Achievement Assessment

#### Issue of Course Notes

Grievances which will be addressed during the training may include but are not limited to:

- Victimisation
- Bullying
- Harassment
- Unfair treatment
- Discrimination on grounds of:
  - Sex ● Race ● Disability ● Age
  - Sexual orientation ● Religion/belief
- Unlawful deduction of wages
- Inappropriate language by other employees
- A failure by the employer to allow religious worship
- A Breach of the Human Rights Act
- A Breach of the Working Time Directive
- A Breach of the Equal Pay Directive
- A Breach of the Health & Safety Act
- A Breach of the Data Protection Act
- A Contractual Breach
- An act amounting to Constructive Dismissal

## LLOYDS CERTIFICATE OF PROFESSIONAL ACHIEVEMENT

### Grievance Procedures

Each delegate who achieves a satisfactory understanding of the process and who demonstrates an ability to implement appropriate Grievance Procedures will be awarded a Lloyds Certificate of Management Achievement.

### The Certificate Benchmarks a competent understanding of:

- the employee's right to raise a grievance
- what constitutes a grievance
- the underlying cause of the grievance
- the real from the spurious
- the structure of the procedure
- following the steps in dealing with a grievance

### The Benefits of Successful Training

- Both the employer and the employee benefit from Lloyds training programmes.
- Successful Delegates will feel confident to identify and handle grievances appropriately.
- Employers will feel confident that staffing resources are being managed as efficiently as possible and that exposure to damages awards is significantly reduced.

### Assessment Techniques

Observation  
Question and Answer sessions

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## FAMILY FRIENDLY POLICES

A half-day course designed for Managers and Human Resource Officers whose responsibility includes the administration of maternity/parental leave within the workplace.

### COURSE OUTLINE

- An understanding of the right to paternity leave and adoption leave.
- An understanding of the law on maternity leave.
- An understanding of the right to request flexible working.
- The ability to assess whether employees are eligible for the rights.
- The ability to follow correctly the statutory procedures involved with these rights.

### PROGRAMME

**13.00-13.15** Introduction:  
Brief overview of the family friendly policies incorporated in the Employment Act 2002 and building on those introduced by the Employment Relations Act 1999.

**13.15-14.15** The right to paid paternity and adoption leave:  
A step-by-step guide to the rights including eligibility, length of leave, notice and return to work.

#### Case Study

Q&A for Achievement Assessment

**14.15-15.00** Changes to existing law on maternity leave:  
A step-by-step guide to the changes including eligibility, length of leave, notice and return to work.

#### Case Study

Q&A for Achievement Assessment

**15.00-15.15** Coffee Break

**15.15-16.15** The right to request flexible working:  
A step-by-step guide to the right including eligibility, requests, form of application, grounds for refusal and appeal.

#### Case Study

Q&A for Achievement Assessment

**16.15-16.30** Issue of course notes

## LLOYDS CERTIFICATE OF PROFESSIONAL ACHIEVEMENT

### Family friendly policies

Each delegate who achieves a satisfactory understanding of the new rights and who demonstrates the ability to implement the eligibility and statutory procedures will be awarded a Lloyds Certificate of Management Achievement.

### The Certificate Benchmarks a competent understanding of :

- The right to paternity and adoption leave.
- The changes to the existing laws on maternity leave.
- The right to request flexible working.
- The statutory procedures involved with these rights.

### The Benefits of Successful Training

- Both the employer and the employee benefit from Lloyds training programmes.
- Successful Delegates will feel confident to assess whether employees are eligible for the rights.
- Employers will feel confident that staffing resources are being managed as efficiently as possible and that exposure to damages/awards is significantly reduced.

### Assessment Techniques

Observation.  
Question and Answer sessions.



## DIGNITY AT WORK SEX DISCRIMINATION, HARASSMENT, BULLYING ETC.

A one day course designed for Directors, Managers, Supervisors and Human Resource Officers who may be called to investigate a claim of sex discrimination, sexual or other harassment, bullying etc.

### COURSE OUTLINE

- What areas are covered?
- A good equal opportunities policy is key
- Legal principles relating to sex discrimination, harassment and bullying
- Civil or criminal actions are both possible
- Investigating the allegations
- Disciplinary procedures
- Devising a Dignity at Work policy.

### PROGRAMME

**09.00-09.45** Introduction  
Objectives of course  
Reviewing a sample Equal Opportunities policy  
Dignity at Work – what does it cover?  
  
Q&A for Achievement Assessment

**09.45-10.45** The problem areas:-  
Sex discrimination  
Sexual harassment  
Bullying  
  
Q&A for Achievement Assessment

**10.45-11.15** Break for coffee

**11.15-12.30** Handling cases:-  
Investigating and handling sexual harassment etc.  
Disciplinary procedures  
Consequences of poor handling  
  
Q&A for Achievement Assessment

**12.30-13.30** Break for lunch

**13.30-14.45** Refresher  
The legal background  
Sex discrimination  
Sexual harassment  
Bullying  
Civil or criminal action  
Review of cases

Q&A for Achievement Assessment

**15.15-16.00** Policies and procedures  
Your existing disciplinary and grievance procedures  
Compiling a new Dignity at Work policy and procedure  
Implementing the new policy

Q&A for Achievement Assessment

**16.00-16.30** Review of the day  
Specific issues and questions

## LLOYDS CERTIFICATE OF PROFESSIONAL ACHIEVEMENT

### Dignity at Work

Each delegate who achieves a satisfactory understanding of the course content and who demonstrates the ability to design and implement an appropriate Dignity at Work Policy will be awarded a Lloyds Certificate of Management Achievement.

### The Certificate Benchmarks a competent understanding of :

- Legal principles behind Dignity at Work
- Need for a Policy and procedures
- The problem areas and potential pitfalls
- Difference between civil and criminal complaints
- What constitutes discrimination, harassment and bullying.

### The Benefits of Successful Training

- Both the employer and employee benefit from Lloyds training programmes.
- Successful delegates will be much more confident in dealing with these delicate issues.
- Employers will be confident that exposure to unlimited damages at the Employment Tribunal is much reduced.

### Assessment Techniques

Observation.  
Question and Answer sessions.



## TRAINING PROVIDERS INCLUDE:

### **John Seigel - Managing Director, Lloyds.**

As the founder and Managing Director of Lloyds, John has had many years of practical experience in all areas of Employment Law. He has acted as Advocate for many client companies both in Employment Tribunals throughout the UK and in negotiation with ACAS, as well as with litigious lawyers. John has wide experience of disciplinary procedures and is often called upon to carry out such matters for clients who need to ensure that fairness is achieved and more importantly, can be demonstrated. John is widely known for his advocacy skills in industrial disputes arising out of contractual ambiguity, apparent shortcomings in disciplinary procedures, claims of discriminatory action, proposed variations to terms of employment and general grievance cases.



### **Peter Silvester - Employment Law Division Manager.**

A law graduate from Bristol University, Peter is also a Chartered Fellow of the Chartered Institute of Personnel & Development. He has worked in both generalist and specialist senior personnel management roles, mainly in the pharmaceutical industry, for about 20 years before going into business support and advice with TECs and Business Link in the early 1990s. This was followed by six years as an employment adviser with a major trade association, where Peter was also the National Officer for the employers in negotiating through disputes with the trade union. He has also prepared and handled employment tribunal cases. Peter has recently joined Lloyds Employment Law Consultancy to manage the employment law side of the business.



### **Kaushik Chaudhuri - Senior Consultant, Tribunals**

Kaushik specialises in preparing for and handling employment tribunal claims against our clients, and he acts as an advocate on behalf of the client at the hearing. Our record of either settling cases prior to hearing, or getting a decision in favour of the client, is, we believe, second to none. A law graduate from Bournemouth University, Kaushik came to Lloyds in 2004 after completing the Bar Vocational Course at Nottingham Law School.



**Lloyds' large team of trainers are qualified in all aspects of Employment Law.**



## COSTS

A quotation will be provided on request, for any course or multiple of courses, in any location anywhere in the world, for any number of people.

Please call  
**0870 3500 656**  
and we will be happy to discuss  
your requirements.

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