

# ACAS Code is not quite the Holy Grail for dismissal procedures

```
[et_pb_section admin_label="Section" global_module="136"
fullwidth="on" specialty="off" transparent_background="off"
background_color="#ffffff" allow_player_pause="off"
inner_shadow="off" parallax="off" parallax_method="off"
padding_mobile="off" make_fullwidth="off"
use_custom_width="off" width_unit="on" make_equal="off"
use_custom_gutter="off"] [et_pb_fullwidth_code
global_parent="136" admin_label="Post
Header"] [Page_Header_Start] Employment Law News
[Page_Header_End] [/et_pb_fullwidth_code] [/et_pb_section] [et_pb
_section admin_label="section"] [et_pb_row
admin_label="row"] [et_pb_column type="3_4"] [et_pb_text
admin_label="Text" background_layout="light"
text_orientation="left" use_border_color="off"
border_color="#ffffff" border_style="solid"]
```

## ACAS Code is not quite the Holy Grail for dismissal procedures

[post\_details]

### [Social-Share]

[post\_tags]

In *Buzolli v Food Partners*, the Employment Appeal Tribunal found that an employer's decision to dismiss was fair even

though the dismissal procedure was not fully compliant with the ACAS Code.

Mr Buzolli was a driver for Food Partners Ltd and subject to its disciplinary policy. He was issued with a written warning after failing to attend work due to being under the influence of alcohol. The policy stated that further breaches of misconduct within a 12 month period would result in dismissal. Six months later, Mr Buzolli drove into a bridge causing financial damage. This incident was classed as gross misconduct and following an investigation, Mr Buzolli was dismissed. He brought a claim for unfair dismissal arguing, amongst other complaints, that Food Partners had breached the Acas Code. In particular, that Food Partners had not formally notified Mr Buzolli of the potential consequences of his disciplinary hearing.

The Employment Appeal Tribunal said that even though Food Partners had not followed the Acas Code entirely, Mr Buzolli should have known of the significance of the final warning under the employers' policy. This judgement should reassure employers that Tribunals are willing to adopt a coherent approach to how disciplinary proceedings are conducted. That said the normal principles of fairness require an employee at risk of dismissal to be told of this in advance of the disciplinary hearing. Employers are well advised to warn of the consequences in disciplinary proceedings.

```
[/et_pb_text][/et_pb_column][et_pb_column
type="1_4"][et_pb_sidebar      admin_label="Sidebar"
orientation="right" area="sidebar-1" background_layout="light"
remove_border="off"]
[/et_pb_sidebar][/et_pb_column][et_pb_row][et_pb_section]
```