

Heddlu Dyfed-Powys Police



Grievance Procedure

(The Policy incorporates the provisions of the Fairness at Work Guidance issued by the Home Office and the Employment Act 2008)

**Version 1.8
Human Resources Department
Date: June, 2009
Review date: June, 2011**

Grievance Procedure

1. Policy Statement

- 1.1 Any member of staff during their time at Dyfed-Powys Police may, on occasion, have problems or concerns with their work, working conditions or relationships with colleagues. It is clearly in the interests of all parties to resolve these issues as soon as possible. The Grievance Procedure is a formal process to enable resolution of the more serious issues. Initiating this process should be the last resort rather than the first option.
- 1.2 This formal process does not take away the option of trying to resolve the grievance informally with Line Manager or seeking the advice from Human Resources, staff associations / trade unions or support networks.
- 1.3 This policy applies to all ranks and grades of staff – police officers, police staff, special constables and police volunteers, including agency staff, up to the rank of chief superintendent.
- 1.4 Matters relating to grievances of staff usually fall into three distinct phases; the initial informal resolution stage, the formal stage and the appeal. If a grievance is however considered so serious by the receiving manager that it needs to be resolved immediately, then a fast track procedure should be used as indicated in **Appendix 1**.

2. Definition

- 2.1 A Grievance should be raised at the formal stage in writing and declared as such by the individual or individuals concerned.
- 2.2 The Statutory Grievance Procedures only apply to individual grievances not collective grievances raised on behalf of two or more employees by a trade union or staff association representative. In such cases a collectively agreed process i.e. joint consultation should take place. This does not however mean that groups of individuals cannot raise grievances but should consider bearing in mind the nature of their grievance the best route for achieving resolution.

3. Internal Hate Crime / Bullying and Harassment

- 3.1 Complaints of Bullying and Harassment may be dealt with via the Grievance Procedure should the member of staff or officer affected so wish. Alternatively officers may wish to choose other avenues detailed within the Internal Hate Crime Policy and Bullying and Harassment Procedure.

Matters Which Cannot be Considered –

- 3.2 Matters which cannot be considered under this procedure are:
 - ♦ Income Tax or Social Security Benefit issues outside the remit of the Authority.
 - ♦ The rules of Police or Local Government Pension Schemes, which have their own appeals mechanism.

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- ♦ Where a matter involves a disciplinary decision which should be taken up in accordance with the Force's separate misconduct and disciplinary procedures.

Additionally, in respect of Police Staff:

- ♦ Any matter concerning the terms of a collective agreement which an employee might properly take up through the staff/employees side of the joint consultative machinery established by the Police Authority except where the interpretation of any such collective agreement is in dispute.
- ♦ Where the grievance relates to their salary grade in which the separate grading procedure should be used i.e. Job Evaluation and Job Evaluation Appeal.

4. Representation

- 4.1 All parties have the right to consult with and be represented at any stage including appeal, by a work colleague or a person who is a representative of the Superintendents' Association, Police Federation or Trade Union or Support Network. If the representative cannot attend on a proposed date, the member of staff can suggest another date so long as it is reasonable and is not more than five working days after the date originally proposed by the employer. This five-day time limit may be extended by mutual agreement.
- 4.2 Additionally, advice should be sought from the HR Manager on any matter relating to the grievance or on the operation of these procedures.

5. Confidentiality

- 5.1 All cases will be dealt with in strict confidence unless otherwise agreed with the parties involved.
- 5.2 After initial investigation, where a criminal or disciplinary matter is suspected for example, the matter will cease to be considered under this Policy and will be transferred to a more appropriate procedure. The aggrieved person will be informed of this. Evidence collected as part of the grievance may be used as part of a disciplinary investigation. If the matter eventually progresses to Employment Tribunal then confidentiality may be breached under statutory rules.
- 5.3 No records will be placed in personal files but records will be maintained separately by the Head of Human Resources for monitoring purposes.
- 5.4 All parties should keep grievances confidential and only discuss them with those directly involved or their representative.
- 5.5 The issue of whistle-blowing will be dealt with under the Professional Standards Department Whistle-blowing Policy.

6. Establishment of a Grievance

- 6.1 A grievance will often focus on the word of one person as opposed to that of another, with little or no supporting evidence. The circumstances must be viewed on the basis of the balance of probabilities after an investigation. The procedure is intended to provide fairness to all parties including those against whom the

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grievance is directed. This process is to gather the facts of the grievance.

- 6.2 The investigation of a grievance does not require the same rigour as a misconduct or criminal investigation.

7. Victimisation

- 7.1 Victimisation of individuals involved in cases under this procedure will not be tolerated. It may also contravene the protected status of individuals under discrimination legislation. Where any one becomes aware of any form of victimisation – in circumstances where a grievance has been raised, or any one who has assisted them has suffered less favourable treatment from their involvement in the complaint – it should be acted upon immediately and referred for disciplinary action where appropriate.

8. Time Limits

- 8.1 Time limits should be closely observed. If at any stage during this procedure time limits are not adhered to the reason for this should be documented and any extension of the time necessary to investigate or respond should be notified in writing to all parties.

9. Retention of Records and Review

- 9.1 At the conclusion of the Reconciliation Procedure all records and relevant papers should be forwarded under confidential cover to the Head of Human Resources for monitoring review retention.
- 9.2 The Head of Human Resources will oversee the Grievance Procedure. They will:
- ensure consistency and fairness
 - identify trends and patterns
 - ensure there is a suitable marketing/communication strategy for the policy
 - ensure there are sufficiently trained professionals to assist and be available to resolve workplace disputes and recourse to discipline procedures.
- 9.3 Records will only be released in accordance with the Data Protection Act, 1988. Requests should be made to the Data Protection Officer at Police Headquarters. Papers will be retained for a minimum of 7 years and are not to be referred to as part of any member of staff's misconduct hearing, promotion selection or grading procedures.

10. Monitoring

- 10.1 A statistical record of each case raised under this procedure will be made, noting such factors as gender, ethnic origin, age, rank, grade, sexual orientation, religion and belief, the nature of the case and the area of the Force in which those involved were serving and the outcome of the case. Statistical reports will be made to the Police Authority and annually to the Equality of Service Delivery Management Group.

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11. Appeal Stage

11.1 Appeals will be heard by an officer senior to the one deciding the formal stage and as previously, the member of staff has the right to be represented by a work colleague or union representative. The objective of the appeal meeting will be to examine the complaint for any procedural breaches. The main purpose will be to examine whether the case was handled correctly and honestly within the framework of the procedure and ensure that decisions have been made on an informed basis and with due regard to all relevant factors. Should any handling errors be discovered, the Appeal Manager should attempt to rectify them through all possible measures, including instigation of disciplinary proceedings in cases of appropriate extremity with the advice of an HR professional.

12. Grievance Resolved or Withdrawn

12.1 When a resolution is achieved or the aggrieved person withdraws the grievance at any stage, the manager handling the grievance must ensure that the person concerned confirms this in writing stating why the grievance has been withdrawn. The aggrieved person should be advised that before doing so, they may discuss their decision with:

- a work colleague; or
- a representative of a Staff association; or
- a representative of a Recognised Trade Union; or
- support network member.

12.2 If resolved at this stage, return all papers to the Head of Human Resources, Headquarters, under Confidential Cover.

Feedback

12.3 It is important that the resolution of a grievance is discussed with all parties involved and the result confirmed in writing at the appropriate stage.

13. Grievances against Chief Officers

13.1 The stages of procedure outlined in this document are suitable for grievances arising at all levels. However, grievances brought against Chief Officers will be reconciled, in the case of the Director of Finance and Resources, Assistant and Deputy Chief Constable, by the Chief Constable. Grievances against the Chief Constable and appeals against the actions of other Chief Officers should be forwarded to the Chief Executive of the Police Authority who will refer the matter to the Chair and Vice Chair of the Police Authority.

14. Appeals against a Grievance Brought Against a Chief Officer

14.1 The employee's right of appeal hereunder, should be exercised within fifteen working days of receipt of the letter informing them of their right of appeal.

14.2 The employee's appeal should be in writing addressed to the Chief Executive of the Police Authority and state the grounds of the appeal.

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- 14.3 An appeals hearing of the Police Authority Appeal Committee will be convened to hear the appeal. The Appellant is entitled to be accompanied by a trade union representative, work colleague or a lawyer. The Appeals Committee is entitled to take whatever legal advice it considers necessary and to arrange for either a legal adviser or the Chief Executive of the Police Authority to attend the appeals hearing to advise.
- 14.4 Details of the procedure of an appeal hearing are outlined in **Appendix 1**.
- 14.5 The decision of the Police Authority Appeals Committee shall be final. There is no further internal stage.

1. **Management Guidance – The Stages of the Grievance Procedure**

1.1 **Fast Track Procedure**

Where a matter presented as a grievance is so serious that it requires immediate action, the grievance should be immediately dealt with at the formal stage at paragraph 2. In this case the time limits for resolution should be revised to three working days. Any delay due to the unavailability of any party should be communicated speedily and another date agreed upon without delay. Any appeal should be submitted within 3 working days receipt of the communication of the formal decision.

1.2 **Grievance Resolution Procedure – Informal Stage (14 days)**

Information discussions should resolve the majority of issues raised. The first course of action should always be a concerted effort to resolve the issue through discussion.

1.3 **Mediation**

There is a facility to utilise workplace mediation to assist in the resolution of grievances at any stage. Experience has shown that entrenched positions can be adopted when problems are ignored, whereas a skilled, independent mediator can help people to move objectively and more quickly to a satisfactory resolution.

If mediation is being considered, the supervisor should refer the grievance to their Human Resources Manager or the Human Resources Policy Manager who will ensure the appointment of an appropriately skilled Workplace Mediator to facilitate the mediation process.

The manager with joint agreement may however take the grievance straight to the formal stage, having regard to the nature of the issues.

Individuals may discuss the issue that concerns them informally and in confidence with their supervisor (or other supervisor if more appropriate), a Support Group Representative, or a Union or Police Federation representative, in order to identify the options for resolution.

If the issue raised involves an alleged criminal or serious disciplinary offence the matter should be referred in confidence and immediately to a member of the senior management team for advice. The senior manager may decide to refer the matter on to the Head of the Professional Standards Department or to the Head of Human Resources. This course of action should be explained clearly to the individual who raised the issue so that they understand that in certain circumstances formal procedures may be unavoidable.

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Where it is appropriate, the supervisor should encourage the individual to discuss the issue with the other party. The individual may find it easier to have someone with them for support, and to help facilitate discussion e.g. a workplace colleague, supervisor, Trade Union, staff association representative, or Workplace Fairness and Grievance Adviser. Both parties should enter the discussion with the aim of resolving the problem and must be given adequate opportunity to explain their points of view.

Supervisors and manager should try to resolve a potential grievance as soon as possible to prevent inappropriate escalation of matters. All avenues to achieve informal resolution should be pursued and this may include action outside of the normal command structure (e.g. if an issue is raised by a Constable about an Inspector it may be appropriate for a sergeant to discuss the matter informally with the Inspector or act as an intermediary in an attempt to resolve the problem rather than automatically involving the Chief Inspector). The same principle applies for Police Staff.

The next level of management should normally deal with resolution of a grievance. For example if the grievance is by a Constable against a Sergeant, then the Inspector should manage the situation. If the grievance is by a member of staff then their supervisor or first Line Manager should resolve it. If the grievance is against a higher ranking or graded individual, the procedure may begin by addressing the next rank or grade up (e.g. if against a Chief Inspector, then to Superintendent. If Superintendent then to Chief Superintendent and so on). However, it is important that the resolution always takes place at the lowest possible level.

If the individual who raised the issue(s) feels unable, or is unwilling, to talk to the other party, the supervisor should advise them of other options. This may include structured mediation or progressing the grievance on to Stage One.

If mediation is being considered the supervisor should refer the grievance to their Human resources Adviser or the Human Resources Policy Manager who will ensure the appointment of appropriately skilled Workplace Mediator(s) to facilitate the mediation process.

2. Grievance Resolution Procedure – Formal stage (When All Reasonable Attempts at Informal Resolution have Failed)

- 2.1 Where a problem remains unresolved by informal discussion, the individual should submit a grievance in writing or have it recorded in writing via form 269a. Form 269a should be used to record the progress or otherwise in resolving the grievance. In circumstances where the line manager is named as the other party in the grievance, the grievance should be submitted to the next management level or another more appropriate line manager.
- 2.2 On receipt of the grievance the line manager must endeavour to resolve the matter and give a response within 10 working days. If this is not possible, then an acknowledgement, with an indication of when resolution might be achieved, should be given to the individual in writing (memo, note or e-mail).
- 2.3 The line manager **must meet** with the individual at a time convenient to the aggrieved and undertake to:

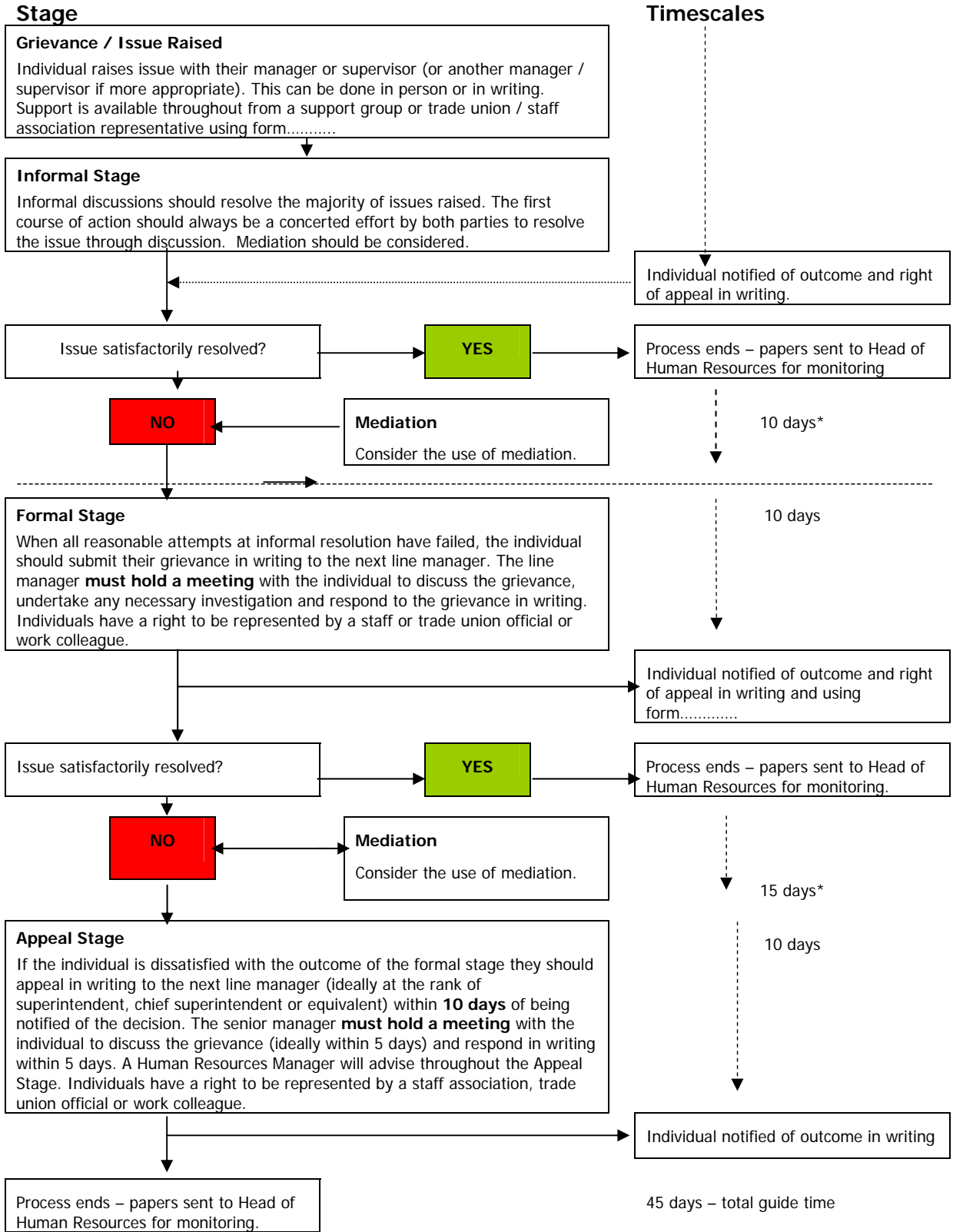
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- Clarify the expectations of the person who raised the grievance, i.e. what action would resolve it?
 - Review the resolution process so far to ensure that all the options have been explored.
 - Find out why the grievance could not be resolved by informal means.
 - Resolve the grievance in consultation with both parties.
 - Submit their findings to the individual on the Line Manager's Grievance Response form.
 - Inform the individual of their **right of appeal**.
 - Where a meeting is arranged the line manager must remind the individual of their **right to be accompanied** by a workplace colleague or staff association / union representation.
- 2.4 If the grievance is resolved to the satisfaction of the aggrieved then this is the end of the resolution process. All decisions should be recorded in writing, address the grievance raised, set out findings and, where necessary, make relevant recommendations to management to ensure similar grievances do not occur again.
- 2.5 The first line manager must complete form 269a. If the grievance has been resolved to the full satisfaction of the individual, all documentation should be forwarded to the Head of Human Resources.
- 2.6 If the grievance remains unresolved, or the individual raising the grievance is not satisfied with the proposed resolution, the line manager should encourage the parties involved to consider mediation as an option.
- 2.7 The line manager should explain the purpose of mediation (see paragraph 17.1.3) and what is expected from both parties in the mediation process, both parties to the grievance must agree to it. If mediation is not agreed to the formal stage of the process is exhausted. All officers should be informed of their appeal rights in writing.
3. **Grievance Resolution Procedure – Appeal Stage**
- 3.1 An appeal against the findings at the Formal Stage must be made by the individual who raised the grievance within 10 working days of receipt of the line manager's decision.
- 3.2 The appeal must be made in writing, stating the reason for the appeal and should be sent to the next line manager. There is an expectation that the appeal should be heard by a member of the Senior Management Team (ideally at the rank of Superintendent or Chief Superintendent or equivalent senior police staff grades).

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- 3.3 On receipt of an appeal the next line manager (Superintendent / Chief Superintendent) will arrange a meeting with the aggrieved individual and remind them of the right to be accompanied at the meeting. The member of staff must take all reasonable steps to attend the meeting. The member of staff has the right to be Union represented by a work colleague, Federation or Union or support group representative.
- 3.4 At the meeting and throughout the appeal stage, a Human Resources Manager will advise the next line manager. The next line manager must endeavour to respond to the appeal within 5 working days of the meeting. Their decision should be provided in writing and this should state that this response is the final stage of the process.
- 3.5 If it is not possible to achieve this within 5 working days, then an acknowledgement, with an indication of when the individual might expect an appeal decision, will be given in writing.
- 3.6 The next line manager will either determine that the original proposal for resolution will stand, or will determine another appropriate course of action to conclude the grievance resolution process.
- 3.7 The decision at this stage is final. There is no right of appeal beyond this point.
- 3.9 The appeal decision will be formally recorded and attached to the Grievance form and all documentation will be sent to the Human Resources Department for monitoring purposes and the assimilation of learning outcomes and monitoring.
- 3.10 All decisions should be recorded in writing, address the grievance raised, set out findings and, where necessary, make relevant recommendations to management to ensure similar grievances do not occur again.

Grievance Resolution Flow Chart



Full Impact Assessment (DPP)

Function/Policy Name:	Grievance Policy and Procedure
Policy Status:	Draft
Policy Owning Department:	HR
Head of Department:	Head of HR
Person completing Impact Assessment:	Margaret Waller
Date Completed:	30/10/08
Contact Telephone Number:	

You will have already completed Screening Assessment with regard to your policy / procedure / activity.

If your relevance score was Medium or High, you need to complete a Full Impact Assessment.

This pro-forma is designed to help you complete that assessment. Please use the guidance notes to help you complete this document. If you have any questions, the Diversity Compliance and Monitoring Officer can be contacted on:

1. Identify the Main Aims of the Policy

It is vital to begin the assessment process with a clear understanding of the policy that you are developing / assessing?

Please detail the main aims below:

To ensure that all individuals who feel aggrieved about the way they have been treated by the Force are given an opportunity to have their grievances investigated and where possible resolved in a fair and equitable manner.

2. Consider the Evidence

The information you have gathered will help you to make decisions about your policy, and to explain those decisions. The quality of the information used will affect the analysis of the impact of your policy. It is recommended that you seek advice from the Diversity Monitoring Officer to ensure your analysis is valid.

Please detail what the evidence you have collated tells you about that policy or procedure:

Statistics on grievances have been collected by the Force across all diversity areas since 1998. The small number of grievances mean that little can be derived from the figure. The monitoring categories are based on self recording. In some categories there may be under recording by sexual orientation. Marketing of the policy and further monitoring needs to take place in order to gauge confidence in the procedure.

3. **Assess Any Likely Impact**

This stage lies at the heart of the impact assessment process. Your starting point will be any disparities or potential disparities you have identified during the above process. You now need to make a judgement as to whether these amount to adverse impact. This involves systematically evaluating the proposed policy against all of the information and evidence you have gathered and making a reasonable judgement as to whether the policy is likely to have significant negative consequences for a particular diverse group (or groups).

Outline the likely impact below:

There is no known or anticipated adverse impact on any particular minority group.

4. **Consider Alternatives**

If your assessment shows that the proposed policy is likely to have an adverse impact on a particular diverse group (or groups), that is, that it will have significant negative consequences for them, you must consider alternatives.

List potential alternatives, the decision taken, and explain the decision:

-

5. **Consultation Outcomes**

You will have planned and carried out a consultation process in conjunction with the Diversity Team and ODU. This is a critical area of policy development and will affect the legitimacy of the policy and the trust of the community we serve.

Please list every person/group/organisation (both internal and external) you have consulted with and the outcomes and view obtained during that consultation:

6. **Decide Whether to Adopt the Policy**

Having undertaken consultations and considered alternatives to the policy or alternative approaches to parts of the policy, consider whether this policy should now be adopted.

Is this policy being adopted: explain why and what alterations, if any you will make to the policy

7. Make Monitoring Arrangements

This full assessment enables you to scrutinise the policy at its start. It is not possible to know how a policy affects communities until it is in operation. We therefore have to monitor the policy to assess its true impact. You should plan the monitoring arrangement while you are writing the policy, again, taking advice from the Diversity Team.

Please detail the monitoring arrangements that will be established:

Already established via self reporting.

8. Publishing Assessment Results

Under the Specific Duty to produce and publish a Race Equality Scheme we have to make arrangements to publish the results of the assessments and consultations that have been undertaken on policies identified as relevant. Refer to the Diversity Team.

If you feel there is any reason why this Impact Assessment should not be published please detail here, including the reason why:

N/A

Declaration

I am satisfied that this policy has been fully impact assessed.

I understand the Impact Assessment of this policy is a statutory obligation and that, as owners of this policy, we take responsible for the completion and quality of this process.

Signed: M.A. Waller

Job Title: Human Resources Policy Manager

Dated: 05/02/09

Head of Department Signed: _____

Dated: _____

Please note this impact assessment will be scrutinised by the Diversity Compliance and Monitoring Officer.