Fairness at Work Policy
EQUALITY IMPACT ASSESSMENT

Section 4 of the Equality Act 2010 sets out the protected characteristics that qualify for protection under the Act as follows: Age; Disability; Gender Reassignment; Marriage and Civil Partnership; Pregnancy and Maternity; Race; Religion or Belief; Sex; Sexual Orientation.

The public sector equality duty places a proactive legal requirement on public bodies to have regard, in the exercise of their functions, to the need to:

- eliminate discrimination, harassment, victimisation, and any other conduct that is unlawful under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The equality duty applies to all protected characteristics with the exception of Marriage and Civil Partnership, to which only the duty to have regard to the need to eliminate discrimination applies.

Carrying out an equality impact assessment involves systematically assessing the likely or actual effects of policies on people in respect of all the protected characteristics set out above.

An equality impact assessment should be carried out on any policy that is relevant to the public sector equality duty.

An equality impact assessment has been completed on this policy, click here.

HUMAN RIGHTS ACT

CERTIFICATE OF COMPLIANCE

This policy has been drafted in accordance with the Human Rights Act and has been reviewed on the basis of its content and the supporting evidence and it is deemed compliant with that Act and the principles underpinning it.

Name: P Mainwaring

Department: Legal and Compliance Directorate

Signed: P Mainwaring
Freedom of Information Act 2000

Section 19 of the Freedom of Information Act 2000 places a requirement upon the Force to publish all policies on the Force website. Policies are why we do things and procedures are how we do them. A case-by-case review of procedures must be undertaken to protect law enforcement and health and safety considerations. Where a combined policy and procedure document is being produced the Force is legally required to publish the policy section and assess the procedure part to ensure no sensitive information is published.

There is a requirement therefore to review this document to establish its suitability for publication. Please identify below whether the document is suitable for publication in its entirety or not. Where it is believed that disclosure will be harmful please articulate the harm that publication would cause and highlight the relevant sections within the document. Where it is perceived that there is harm in disclosure the document should be forwarded to the FOI Unit for review.

Suitability for publication

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<td>Document is suitable for publication in its entirety</td>
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Document is suitable for publication in part, I have identified those sections which I believe are not suitable for disclosure and have articulated below the harm which would be caused by publication.

Harm – in publication

None.

FOI review – to be completed by FOI Unit

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Once review has been undertaken FOI decision maker to return document to policy author and following sign–off document to be published within Force Publication Scheme. Any future changes to the document should be brought to the attention of the FOI Unit, as appropriate.
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FAIRNESS AT WORK POLICY

1.0 Applicability – Scope of Policy

1.1 This policy replaces all previous ‘Grievance’ and ‘Fairness at Work’ Policies and applies to Police Officers, Police Staff, Special Constables and Volunteers.

1.2 Line managers are responsible for the management of their staff and should use their professional judgement in applying the prescriptive requirements of this policy. Any deviations from the policy must be justified.

1.3 The policy does not form part of terms and conditions of employment and may be subject to change at the discretion of Chief Officers.

2.0 Policy Aims

The aim of this policy is to improve employment relations and promote fairness at work by setting out a framework, through which problems or concerns can be investigated and resolved in an efficient, constructive and fair manner. The overriding aim is to achieve a resolution at the earliest opportunity and at the lowest possible management level.

The Force recognises that a process that allows staff to raise concerns provides opportunities for the organisation to learn and improve. This policy should not however be used to complain about fair and robust management that is expected in a disciplined environment.

This policy must be applied consistently to all staff irrespective of Age; Disability; Gender Reassignment; Marriage and Civil Partnership; Pregnancy and Maternity; Race; Religion or Belief; Sex; Sexual Orientation or Welsh Language.

3.0 Matters Which Cannot Be Considered

3.1 Matters which cannot be considered under this policy are:

- Issues outside the responsibility or control of the force e.g. National conditions of employment, Home Office Regulation, Income Tax or Social Security issues.
- A complaint where a separate right of appeal exists within another formal procedure e.g. job evaluation.
- Where a matter involves a disciplinary decision which should be taken up in accordance with the Force’s separate misconduct and disciplinary procedures.

3.2 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, except where the interpretation of any such collective agreement is in dispute.

3.3 Where collective concerns occur, it may be appropriate to deal with them through the appropriate staff association rather than individually through the Fairness at Work Policy.

4.0 Right to be Accompanied

4.1 Under this policy all staff, whether they are the person raising the concern or the person implicated, are entitled to be accompanied, if they wish, at any stage, by either a representative of the Federation, Superintendents Association, Unison or work colleague of their choice.

4.2 If an individual’s chosen representative is not available at the proposed time of a meeting, they may request a reasonable alternative time for the meeting. This alternative meeting should take place within 5 working days of the original date.

5.0 Confidentiality

5.1 Confidentiality is important for the process to be successful.

Although all possible steps will be taken to respect confidentiality, the need for this must be balanced with the need for the Force to act on certain types of information that may be revealed.
5.2 Information revealed by the individual raising the concern will not normally be disclosed without their permission. However, there may be rare occasions where a manager/investigator considers there is a need to disclose information or take preventative or corrective action, where there is a risk to the force or risk to other individuals. In these circumstances the individual and their representative will be notified that this has occurred.

5.3 After initial investigation, where a criminal or disciplinary matter is suspected, the matter will cease to be considered under this policy and the parties will be informed of this. Evidence collected as part of the investigation may be used as part of a misconduct investigation or performance management process. If the matter eventually progresses to Employment Tribunal then confidentiality may be breached under statutory rules.

5.4 When raising a concern using the Fairness at Work process, the nature of the concern should be detailed including relevant dates, times, events and individuals involved. It is important that the individual fully consider the remedy they are seeking. If a concern is raised which lacks these details the manager/investigator will meet with the individual and attempt to obtain this information.

6.0 Mediation

6.1 Where there is conflict in working relationships, staff are encouraged to consider mediation as a means of resolution prior to instigating this procedure. Mediation can be initiated at any point with the agreement of both parties.

6.2 Mediation is a voluntary, confidential process, in which both parties work together with the support of an independent person, ‘the mediator’, to try to resolve the problem in order to reach a mutually agreeable outcome.

6.3 For mediation to be effective it needs to have the consent and active participation of all the parties involved, and they need to have confidence in the Mediator. Therefore, it is important that the Mediator is a person with the appropriate experience and skills, and that they have no bias or conflict of interest towards one of the parties involved.

6.4 The Mediator’s task is to help promote a settlement of the problem, acceptable to both parties. If this cannot be achieved, there may at least be a better understanding of the issues and viewpoints of the parties involved. Both parties should enter the discussion with the purpose of resolving the problem, and must be given adequate opportunity to explain their points of view.

6.5 The Mediator does not have the authority to decide any issues for the parties, but will attempt to help them reach a voluntary and mutual resolution.

7.0 Timescales

7.1 It is in the interests of all parties that complaints should be resolved as soon as possible. The timescales outlined within the policy are the maximum length of time that should be taken at each stage, under normal circumstances.

7.2 There may however be circumstances, which necessitate an extension to these timescales, (e.g. in order to carry out a thorough, proportionate investigation into the circumstances leading to the issue) and it is expected that all parties will adopt a common sense approach towards mutually agreeing to extend timescales.

7.3 Where an extension is agreed, the manager/investigator will confirm this in writing, and the individual will be kept fully informed of the progress being made.

8.0 Investigators

8.1 It is expected the line manager will be responsible for handling concerns raised by members of their team unless the concern implicates the line manager. In these situations, the individual should approach their next level manager.

Where the following situations apply, the HR Specialist may assign an Investigator instead of the next level manager:

- Where no independent individual of appropriate rank or grade exists in the departmental structure.
- Where the line manager is implicated and no next level manager exists in the departmental structure.
- Where the concern/issue is of a complex nature.
Investigators must familiarise themselves with the Fairness at Work Policy.

9.0 Informal Resolution

9.1 Informal discussions should resolve the majority of concerns raised. The first course of action should always be a concerted effort to resolve concerns through discussions with all parties. Use of Mediation as outlined in Section 6 can also be applied at this stage.

9.2 Having been advised of a concern the line manager will make every effort to resolve the issue(s) within 10 working days.

10.0 Formal Procedure

10.1 Where a concern remains unresolved by informal resolution, or the issue is so serious that informal resolution is inappropriate, the individual should record their concerns by completing Part A of the 'Fairness at Work Record', shown at Appendix A.

This form should also be used to record the informal actions taken to investigate and resolve the issues raised.

Managers should be aware that in law concerns can also be formally raised by other methods, such as text messages, e-mails, and resignation letters.

10.2 The details recorded should include relevant dates, times, events, individuals involved, the remedy the individual is seeking and details of the attempts made to reach an informal resolution.

If a 'Fairness at Work Record' is submitted without these details, the manager/investigator will meet with the individual and attempt to obtain this information and complete the form.

10.3 On receipt of the completed form the line manager/investigator will endeavour to resolve the issue(s) within 15 working days. If this is not possible, then the individual should be informed and given an indication of when a resolution will be achieved.

11.0 The Meeting

11.1 Once a concern has been received in writing, the manager/investigator will invite the individual to a meeting to discuss it further.

11.2 The individual has the right to be accompanied at this meeting. Where a work colleague accompanies the individual as their representative, they should not have been involved in any of the issues raised.

11.3 The purpose of the meeting is to:

- Clarify the nature of the concerns, e.g. who it is against, what are the specific issues, any relevant dates or incidents. For example is it one incident or issue or are there several.
- Clarify what remedy the individual is seeking.
- Explore whether mediation between parties may be appropriate.
- In more serious and complex cases, decide whether a formal investigation is needed into the allegation(s) made.
- Decide on a course of action that will resolve the problem.

11.4 The individual must take all reasonable steps to attend this meeting.

11.5 Full notes of the meeting should be taken by the manager/investigator and made available to the relevant parties as soon as practicable after the meeting. This information may also be made available if an investigation is on-going or if an investigation is required as a result of this information provided.

12.0 Outcome

12.1 The manager/investigator should ensure all actions taken to investigate the concerns raised should be recorded in Part B of the Fairness at Work Record.

12.2 The manager/investigator should also detail in Part B the results of the investigation and decisions made, i.e. confirm whether the concern is:

- Upheld (there is clear evidence to support the concern)
- Partially upheld (there exists evidence to partially support the concern)
• Dismissed (evidence exists which is contrary to the concern raised or there is no supporting evidence).

The individual should be notified of the decision in writing within **5 working days**.

12.3 In cases where, the concern or certain parts of it have been upheld and it is acknowledged that an individual(s) may have acted inappropriately or that there have been some other failings, the manager/investigator should detail this in their report.

12.4 The individual should record their response to the decisions made in Part C of the Fairness at Work Record.

12.5 If not satisfied with the decisions made consideration should again be given to whether mediation might be an appropriate way forward.

12.4 When Parts B and C of the Fairness at Work Record are completed the form should be signed by both the manager/investigator and the individual and all documentation forwarded under confidential cover to People Services within **5 working days**.

**13.0 Appeal**

13.1 When submitting an appeal the individual must detail the remedy sought and confirm grounds for appeal. An appeal must be based on one or more of the following grounds:

• That the manager/investigator decision was perverse.
• That the concern was not dealt with as set out in the Fairness at Work Policy.
• That the outcome sought has not been provided and should reasonably have been provided.

13.2 The adoption of these criteria will generally make it unnecessary for an appeal to take the form of a full re-investigation or re-hearing of the original concerns. There may however be some circumstances which merit an additional investigation or re-hearing i.e. where the grounds for the appeal relate to a “perverse decision” i.e. a decision which could not have been arrived at by any reasonable individual(s) having heard all the facts.

13.3 The HR Specialist will select an appeal manager to manage the appeal. The appeal manager will be an independent person(s) who has not previously been involved in the case and is more senior in position than the previous manager/investigator.

13.4 The Appeal Manager will invite the appellant to a meeting to discuss the appeal within **10 working days** of the appeal notification being received.

The appellant has the right to be accompanied. The individual and their representative must take all reasonable steps to attend this meeting.

13.5 The Appeal Manager will complete Part D of the Fairness at Work Record detailing the results of any further investigations and decisions made.

13.6 The individual should record their response to the decisions in Part E of the Fairness at Work Record and the form should be signed by both the appeal manager and the individual.

13.7 The decision is final and there are no further rights of appeal.

13.8 When Parts D and E of the Fairness at Work Record are completed the form should be signed by both the manager/investigator and the individual and all documentation forwarded under confidential cover to People Services.

13.9 The individual will be formally notified in writing of the decision within **5 working days** of the decision being confirmed.

**14.0 Related Policies, Protocols, Practices or Service Agreements**

This policy relates to misconduct policies and complies with the good practice principles reflected within the ACAS Code of Practice relating to Grievance Procedures.

**15.0 Monitoring**

To ensure effectiveness of this policy it will be reviewed on an annual basis. Taking account of challenges to the policy and any changes to legislation and national guidance.
16.0 **Review**  
This policy will be reviewed annually. The next review will be completed by July 2015.

17.0 **Who to Contact About this Policy**  
HR Manager, email: hradmin@dyfed-powys.pnn.police.uk.
## Fairness at Work Record

### Part A - Record of Concerns Raised  [to be completed by individual reporting concerns]

The purpose of the Fairness at Work Policy is to ensure there is a framework in place to ensure individuals who can show that they have been treated unfairly either by management or their colleagues are given the opportunity to have their concerns reconciled in a fair and just manner.

**Details of Person reporting concerns:**

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<th>Full Name:</th>
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<tr>
<td>Department:</td>
<td>Section:</td>
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<td>Post:</td>
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**Nature of Concerns:** (Briefly outline the nature and circumstances of your concerns [attach any relevant documentation])

(Continue on separate sheet if necessary)
**Detail the Outcome Sought** (what would satisfy you the issue(s) were resolved)

**Detail efforts made to resolve concerns informally** (include dates of any meetings and details of those involved)

Signed: 

Date:
### Part B – Formal Investigation and Outcome [to be completed by the line manager/investigator]

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<th>Line Manager/Investigator Details:</th>
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<td><strong>Full Name:</strong></td>
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<td><strong>Section:</strong></td>
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<td><strong>Post:</strong></td>
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Detail the action taken to investigate the concerns raised:

(Continue on separate sheet if necessary)

Detail the results of your investigation and decisions made, i.e. confirm whether the concern is:

1. **upheld** (there is clear evidence to support the concern)
2. **partially upheld** (there exists evidence to partially support the concern)
3. **dismissed** (evidence exists which is contrary to the complaint raised or there does not exists evidence to support the concern).

(Continue on separate sheet if necessary)

Individual informed of results and decisions at ...................... (time) on ......................... (date)

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### Part C – Individuals Response to Decisions of Line Manager/Investigator

Tick appropriate box

- I am / am not satisfied that my concerns have been resolved
- I wish to proceed to the appeal stage
- I wish to withdraw the concerns raised

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Return completed papers to People Services, under Confidential Cover.
**Part D – Appeal Investigation and Outcome** [to be completed by appeal manager]

### Appeal Manager Details:

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Detail the action taken to investigate the concerns raised:

(Continue on separate sheet if necessary)

Detail the results of your investigation and decisions made, i.e. confirm whether the concern is:

1. **upheld** (there is clear evidence to support the concern)
2. **partially upheld** (there exists evidence to partially support the concern)
3. **dismissed** (evidence exists which is contrary to the complaint raised or there does not exists evidence to support the concern).

(Continue on separate sheet if necessary)

Individual informed of results and decisions at ......................... (time) on ......................... (date)

Signed:  
Date:  

### Part E – Individuals Response to Appeal Decisions

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<tr>
<td>I wish to withdraw the concerns raised</td>
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Signed:  
Date:  

Return completed papers to People Services, under Confidential Cover