

## Office of Police & Crime Commissioner – Devon & Cornwall Policy Cover Sheet

<b>Policy Name:</b>	Grievance Policy
<b>Version Number:</b>	V1.0
<b>Date:</b>	9 November 2012
<b>Policy Author:</b>	Claire Mead, ER Specialist
<b>Policy Authorised by:</b>	Julie Hall-Williams
<b>Policy Sign off Date:</b>	12 November 2012
<b>Policy Signed off by:</b>	Sue Howl – Chief Executive
<b>Cover note:</b>	<p>This policy sets out the high level principles and ethos around the management of grievances at work and is based on the existing version held by Devon &amp; Cornwall Police (D&amp;CP).</p> <p>D&amp;CP are currently putting all HR policies into the new Force template style and reviewing content in terms of legislative changes, terminology and bringing them up to date. This policy version is based on the revised D&amp;CP draft currently being worked on to go to Partnership Group for consultation and sign off in the near future.</p> <p>It is proposed the existing PA operating procedures for managing grievances remain in place from a practical implementation of policy perspective. The link between this procedure and the prevention of harassment procedure will need clarifying.</p>
<b>EIA status:</b>	Policy will require EIA from the PA/OPCC perspective.

# Office of Police & Crime Commissioner – Devon & Cornwall Grievance Policy

Version dated:

## 1.0 Contents List [FOIA Open]

- 1.0 Contents List
- 2.0 Policy Statement
- 3.0 Introduction
- 4.0 Principles/Ethos of the Policy
- 5.0 Audit Compliance
- 6.0 Review and Ownership
- 7.0 Useful Links

## 2.0 Policy Statement [FOIA Open]

- 2.1 The Office of Police & Crime Commissioner (OPCC) is firmly committed to providing equality of opportunity for all staff.
- 2.2 To achieve this the OPCC will strive to create and maintain an environment in which there is respect for each individual and recognition of their needs, aspirations and feelings - regardless of: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, or any other factor which cannot be justified. Failure to observe this without justification is unlawful.

## 3.0 Introduction [FOIA Open]

- 3.1 The OPCC's 'people management' policies reflect the organisation's commitment to its staff, and are underpinned by the highest standards of integrity. They provide a high-level set of principles, which are supported by procedures, working practices and guidance. By nature, however, it is not possible to cover every eventuality that may occur within the context of 'people management'. It may be necessary to vary the approach to ensure matters are dealt with in the most efficient/appropriate way whilst maintaining equity and fairness. Any variance from the stated practice should be justifiable in these terms.
- 3.2 This policy supports legislation and guidelines contained within (but not limited to) the:
  - Human Rights Act 1998
  - Equality Act 2010/Public Sector Equality Duty
- 3.3 This policy is designed firstly to assist in the successful resolution of problems in the work place and secondly so that learning can be gained from experience and repetition avoided.
- 3.4 This policy does not apply to any procedure that has its own mechanism for appeal, for example, job evaluation, disciplinary, capability procedures, etc.

## **4.0 Principles/Ethos of the Policy [FOIA Open]**

### **Grievance Defined**

- 4.1 *'Grievance: is a problem or concern that an employee has about their work, working condition, or relationship with colleagues'* (Source ACAS Guide: Discipline and Grievances at Work 2008/09).
- 4.2 We recognise from time to time individuals may experience difficulties/have concerns in relation to their role, working conditions or work colleagues, which may cause upset.
- 4.3 The OPCC is committed to creating a working environment in which individuals can express concerns or grievances without fear of recrimination.
- 4.4 All reasonable/legitimate grievances will be taken seriously and every effort will be made to find a solution that is acceptable to all parties.
- 4.5 It is our aim, wherever possible, to successfully resolve at the lowest level and as soon as possible, work related concerns/grievances raised by individuals and find a mutually agreeable/positive way forward.
- 4.6 Should individuals be unable to resolve their grievance and have recourse to an employment tribunal, there is an expectation by tribunals that individuals will have taken all reasonable steps, making use of internal procedures, to resolve the problem.
- 4.7 It is understandable that raising such matters can be daunting for all concerned. Therefore it is the OPCC's aim to handle grievances in a sensitive manner, seeking to resolve matters at the lowest management level, as appropriate.
- 4.8 The organisation adopts a two phase grievance procedure, comprising of both informal & formal processes to find a positive way forward. Wherever possible we will look to 'nip problems in the bud', utilising the first phase of the procedure – the informal approach. On occasions where grievances cannot be resolved informally via the line manager, individuals will have full access to the second (formal) phase of the grievance procedure. The formal phase comprises of two stages and includes a provision for the individual to appeal if he/she is not content with the outcome of the formal grievance meeting.
- 4.9 The overriding principles of the policy are:
- 4.10 The OPCC is fully committed to the principles of natural justice and providing equality of opportunity, dignity and fair treatment at work for all staff and, as part of this commitment, seeks to create and maintain a working environment where there is mutual respect and acknowledgement of individual's needs, aspirations and feelings.
- 4.11 Other than processes that incorporate their own mechanisms for appeal, the grievance procedure is in place to address grievances that cannot be resolved in normal dialogue with the line manager or individual concerned. The grievance procedure can be used to address potentially unlawful acts such as direct

## Not Protectively Marked

discrimination, indirect discrimination, victimisation, harassment, bullying or equal pay concerns, etc.

- 4.12 The Chief Executive, line managers, individuals and HR professionals (as appropriate) each have areas of responsibility in ensuring the successful and consistent delivery of this policy.
- 4.13 If it has not been possible to resolve the grievance via an informal means and therefore the matter proceeds to a formal grievance, upon notification of the grievance, the Chief Executive will acknowledge receipt of the written grievance, ideally within 7 working days of personally receiving it, and seek to resolve all grievances as soon as is reasonably practicable; ensuring speedy resolution for all concerned. The handling of grievances should not be unreasonably delayed. Line managers will be personally accountable over matters relating to timescale and consequently unreasonable delays.
- 4.14 Where it is not possible to bring the matter to a successful close within 25 working days (with a further extension of 25 working days in the case of an appeal), the individual will be kept informed of developments and realistic timescales for handling the matter and bringing it to a conclusion.
- 4.15 All formal grievances must be submitted in writing within 3 months of the incident(s) in question.

### Responsibility and Monitoring

- 4.16 The Chief Executive has overall responsibility for overseeing the grievance procedure and will ensure:
- Consistency and fairness; identifying trends and patterns;
  - Records are kept of all grievances; and
  - A suitable marketing/communication strategy in place across the organisation.
- 4.17 The individual has a responsibility to take all reasonable steps to attempt to resolve any problems or areas of concern at the earliest opportunity. Individuals, wherever possible, should seek to resolve the problem direct with the person concerned. Where this is not possible the individual should bring such problems to the line manager's attention at the earliest opportunity. Where the subject of the grievance is the line manager, the individual should speak with their second line manager or an alternative manager of a similar role or grade. Where the matter cannot be resolved through initial discussion, the organisation's two phase grievance procedure can be implemented as appropriate.
- 4.18 The line manager/Chief Executive as appropriate and as stated to the person making the grievance, is responsible for monitoring the process locally at each stage, ensuring it is handled effectively and that timescales are being adhered to, as well as ensuring all parties are kept informed of progress/the outcome of the process.
- 4.19 The line manager/Chief Executive (as appropriate) will ensure that all parties involved in the grievance procedure are aware they have access to employee assistance support.

## **5.0 Audit Compliance [FOIA Open]**

- 5.1 This policy has been drafted and audited to comply with the principles of the Human Rights Act. Equality and diversity issues have also been considered to ensure compliance with equality legislation and policies. In addition Data Protection, Freedom of Information, Management of Police Information and Health and Safety issues have been considered. Adherence to this policy will therefore ensure compliance with all relevant legislation and internal policies. Under the Freedom of Information Act 2000, the document is classified as 'OPEN'.

## **6.0 Review and Ownership [FOIA Open]**

- 6.1 This policy is owned by the Office of the Police & Crime Commissioner, with a review undertaken on a two yearly basis or earlier if required.

## **7.0 Useful Links [FOIA Open]**

- 7.1 Practical procedures are available to assist with the effective and consistent implementation of the policy. For enquiries relating to this policy contact the Chief Executive until such time as the structure of the OPCC is determined.