



# Grievance Resolution Policy

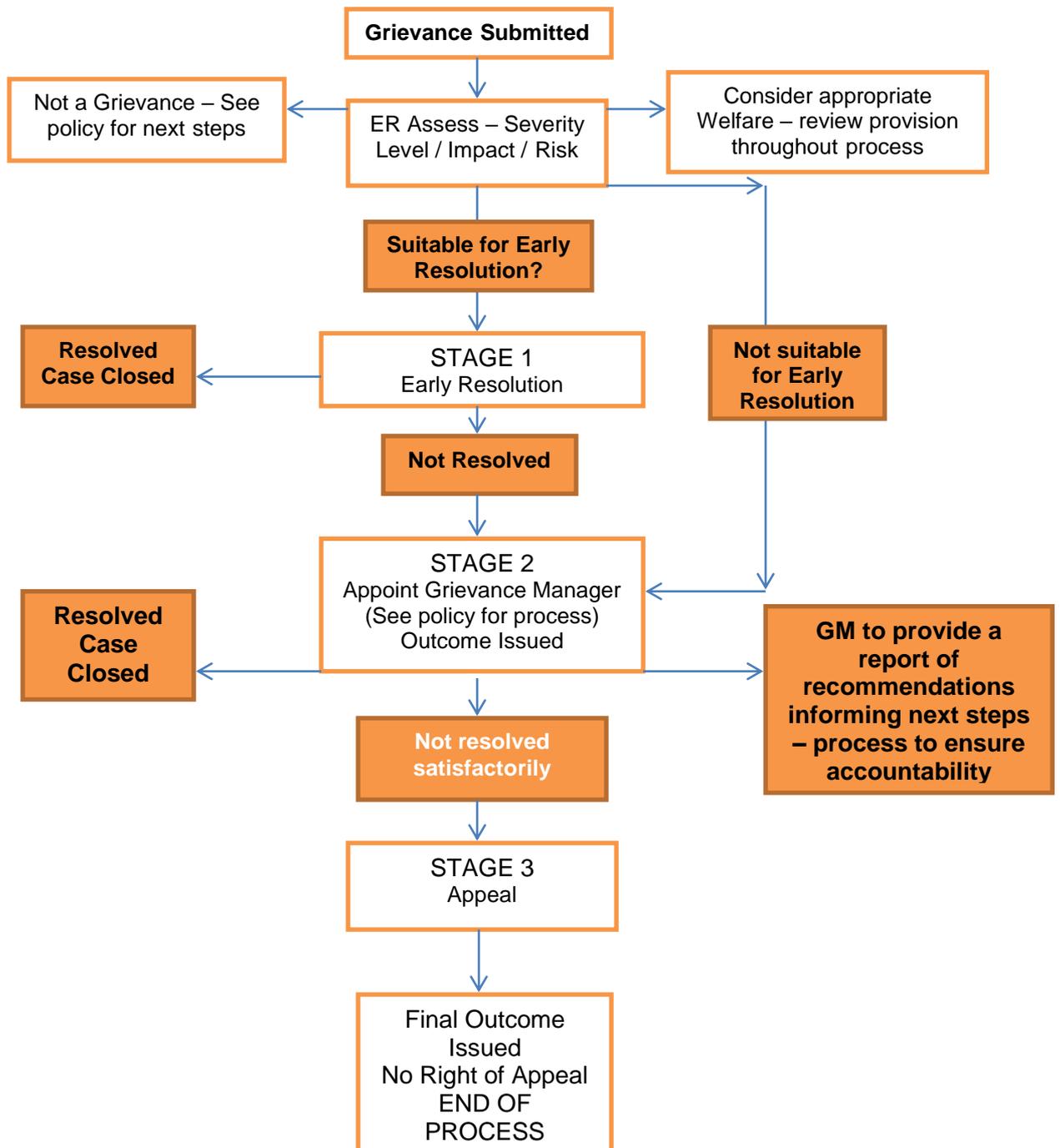
---

<b>Policy Number</b>	201
<b>Policy Owner</b>	Head of HR
<b>Version</b>	3.2
<b>Last Review Date</b>	December 2019
<b>Next Review Date</b>	November 2021
<b>Date of approval</b>	June 2011
<b>Protective Marking</b>	Official

<b>This document has been assessed for:</b>	
Compliance with Legislation	<input checked="" type="checkbox"/>
Equality Impact Assessment	<input checked="" type="checkbox"/>
Freedom of Information issues	<input checked="" type="checkbox"/>
Human Rights compliance	<input checked="" type="checkbox"/>
Health and Safety	<input checked="" type="checkbox"/>
Risk Management	<input checked="" type="checkbox"/>

**Important notice:** During times of national emergency or pandemic, the head of HR will approve relevant and necessary changes to policy and process to allow the spirit of the policy to be maintained whilst caring for and supporting our people.

## Grievance – 3 Step Process



## **1. Policy statement**

---

This policy applies to Police Officers, Police Staff, Specials and Volunteers

The organisation believes that all individuals should be treated fairly and with respect. When a person believes that this has not been the case then they have recourse to raise a grievance. The organisation aims to ensure that individuals with a grievance relating to issues in the workplace have access to a procedure which will help to resolve the problem quickly, fairly and as close to the source of the problem as possible.

Throughout the process appropriate welfare provision will be offered (and where applicable provided) to ensure wraparound support which is bespoke to the needs of the individual.

All individuals should understand and demonstrate positively, the values and behaviours expected from everyone employed by Cleveland Police or the Office of Police and Crime Commissioner. We all have a responsibility to abide by the Code of Ethics and demonstrate the appropriate Standards of Professional Behaviour. We all have a duty to challenge, report or take action against the conduct of colleagues which falls below these standards.

The procedures set out in this document apply to all individuals including those employed by the Police and Crime Commissioner for Cleveland. It reflects the ACAS code of practice on dealing with grievances with a focus on gaining a resolution at the earliest possible stage.

This policy must be applied fairly, equally, and consistently to all individuals irrespective of age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation or any other unjustifiable grounds.

## **2. Purpose**

---

The Grievance Resolution Procedure provides a mechanism by which an individual's concerns about their work, working environment, or working relationships can be raised and addressed fairly and as swiftly as possible.

However, should examples of poor performance and/or conduct be identified throughout the grievance process then steps will be taken to proactively progress these concerns by way of appropriate measures or approved policies i.e. Action Plans, Management Action, Capability, UPP and the Disciplinary Process.

### **2.1 Issues Subject to the Grievance Resolution Procedure**

Examples of situations which may be the source of problems and which may be addressed through the Grievance Resolution Procedure are:

- Relationships or treatment at work – an individual can, under this policy raise problems they may have in their working relationships with colleagues, or with supervisors/managers, that are not appropriate to raise under any other policy;
- Lack of management action – if an individual feels they have raised issues via the appropriate channels but these have not been resolved, or there are no plans to resolve them, then it may be appropriate to raise them under this policy;
- Discrimination, harassment, victimisation, and bullying issues that an individual feels for any reason they cannot raise within their management structure;
- Health and Safety and the Working Environment;
- Terms and conditions of employment, except where these are the subject of collective negotiation or consultation with Unison, Staff Associations or Police Staff Council/Joint Branch Board.

## **2.2 Issues NOT Subject to the Grievance Resolution Procedure**

Some complaints about working arrangements fall outside the scope of the Grievance Resolution Procedure and require different treatment, for example:

- Legitimate management intervention to challenge unsatisfactory conduct, attendance or performance;
- Complaints which amount to an allegation of misconduct on the part of another individual will be investigated and dealt with under the Police (Conduct) Regulations 2008 or the Police Staff Disciplinary procedure as appropriate;
- Complaints that an individual may have about any conduct or capability action taken against them should be addressed using the appropriate processes' appeals procedure;
- Complaints about promotion procedures and outcomes which are dealt with through the promotions appeals procedure;
- The grading of police staff posts, which is dealt with in line with the appropriate job grading process, and additional payment issues e.g. additional duties, honorarium, and bonus payments for police staff which are dealt with through the Grading Panel or grading panel Chair
- A failure to adhere to the code of Ethics (police officers) and the code of conduct policy (police staff), which incorporates the Police Staff Council (PSC) standards of Professional Behaviour, which is serious enough to warrant formal misconduct action under the appropriate policy for either officers or staff
- Matters in relation to pay e.g. income tax, national insurance and pension matters should be raised initially with XPS the forces pension provider or Payroll Services, whichever is appropriate;
- Issues raised under the Public Interest Disclosure Act 1998 (or colloquially referred to as "whistle blowing"), should be raised via the Directorate of Standards and

Ethics confidential reporting mechanism or other relevant authorities referred to in the policy;

- Increment appeals (Police Staff only) which are dealt with by the increment appeals panel;
- Issues that are the subject of collective negotiation or consultation with Unison, Staff Associations or Police Staff Council/Joint Branch Board;
- Issues relating to security clearance (or colloquially referred to as “vetting”) which is dealt with via the Cleveland vetting policy and procedure;
- ARC increment appeals (Police officers only) which are dealt with by a separate process.

Special cases:

- Where a grievance and disciplinary case are related, it may be appropriate to deal with both issues concurrently;
- Where the organisation believes a grievance has been raised in a vexatious or malicious manner, consideration will be given to use of either the Police Conduct proceedings for Police Officers or the Police Staff Disciplinary procedure.

### **2.3 Complaints concerning a partner organisation**

Where an individual from the office of the Chief Constable or PCC wishes to raise an issue(s) about matters not entirely within the control of the organisation e.g. a complaint against a partner employee / organisation for poor service or behaviours, this will be treated as a complaint and not as a grievance. The Individual will escalate these issues through the appropriate complaints procedure relevant to the partner organisation.

## **3. Responsibilities**

---

The organisation expects every individual to act within approved policies and take appropriate professional advice as necessary.

### **3.1 Individuals will:**

Engage and co-operate with the Employee Relations (ER) team, their Line Management and any Investigating officer to effectively conclude any investigation in the shortest possible time in line with the policy and procedure.

Participate and engage in measures including mediation (if deemed appropriate) in order to facilitate an early resolution.

Proactively engage with the Wellbeing team and other supportive services in order to manage their wellbeing throughout the process.

### **3.2 The Employee Relations Team will:**

Provide advice and guidance to all employees and managers to reduce the likelihood of a grievance being raised, or if a grievance is raised to secure the earliest possible resolution.

Aim to contact the employee within five working days upon completion of the ER Manager's assessment of the grievance submission, this excludes weekends and Bank Holidays.

The Employee Relations team will establish and maintain contact with all relevant parties to ensure that they are updated on a regular basis as to the progress of the investigation.

### **3.3 The Wellbeing Team will:**

Provide appropriate support to help manage the wellbeing of all parties involved in this process.

This will be reviewed throughout the process to ensure that the provision is bespoke to the needs of the individual(s).

### **3.4 Our Line Managers will:**

Actively seek advice and guidance from the Employee Relations team to provide early intervention and resolution when an employee is experiencing issues or concerns with matters in the work place;

Engage and co-operate with the Employee Relations teams and any grievance investigating officer in order to secure the earliest possible resolution of the matters raised.

Manage the expectations of all parties in respect of timescales taking into account the complexity of the grievance.

Undertake the role of Grievance Manager when appointed by the ER Team or member of the Executive team.

## **4. The Grievance**

---

### **4.0 Grievance Resolution Trigger**

If an issue emerges that is in line with the examples as outlined in section 2.1 the grievance resolution procedure should be considered to address the issues raised at the earliest possible opportunity.

### **4.1 Resolving Issues at a Local Level**

The individual should in the first instance discuss their concerns with either the person that is the cause of their issue or alternatively they should discuss their concerns with

their line manager, with the aim to resolve the situation at a local level. If the individual feels unable to approach their line manager, they should approach another appropriate manager, usually their second line manager, who will discuss ways of dealing with the matter, with the focus on gaining a resolution.

## **4.2 Raising a Grievance**

Where the individual feels they cannot raise the grievance with their line management, or has been unable to resolve those issues then they should complete the Grievance Submission form A12-30 which can be accessed via the Force templates.

For those individuals not in the workplace, contact should be made with the Service Desk on 01642 301234 Option 2 to request a grievance submission form.

You can contact the Employees Relations Team on Ext 1234 or via e-mail ERteam@cleveland.pnn.police.uk to seek appropriate advice and guidance.

Throughout the grievance resolution procedure the individual(s):

- Will have access to wellbeing support which can be provided by the Wellbeing Team for both the initiator of the grievance and the subject of the grievance;
- Will have the right to be accompanied to a meeting by a Staff Association or Trade Union representative or a work colleague;
- Will receive in writing the outcome of the fact finding meetings and the recommended resolution by the Grievance investigator.

## **4.3 ER Assessment: Grievance Submission**

On receipt of the grievance submission the Employee Relations Manager will conduct a Severity / Risk Assessment and will determine one of the following outcomes:

1. Not a grievance – please see paragraph 2.2
2. Suitable for Early Resolution – Stage 1
3. Not suitable for Early Resolution – proceed to Stage 2

If the issue is unable to be resolved locally, the Employee Relations Team will provide advice and guidance to the individual (s) who is/are aggrieved, explaining the process to be followed, as per the flow chart.

The organisation will deal with any grievance sensitively and professionally. In order to ensure that grievances are dealt with appropriately the organisation would strongly encourage all grievances to be submitted as soon as practically possible. The longer a grievance is not raised potentially reduces the ability of the organisation to successfully provide any satisfactory resolution to the issue(s) raised.

## **4.4 Stage 1**

Once assessed by the ER Manager, a member of the ER Team will meet with the individual(s) raising the grievance. They will undertake a review of the grievance submission and conduct fact finding meetings as deemed appropriate in order to assess whether the achievement of the resolution is reasonable or whether alternative resolutions can be sought.

A written summary of the Stage 1 outcome will be produced. The individual raising the grievance will be required to indicate whether they are satisfied with the outcome of Stage 1 of the process or whether they wish to request to move to Stage 2.

The individual will need to clearly outline the grounds for their request based on one or more of the following reasons:

1. The perceived unfairness of the findings
2. The perceived unfairness of the resolution recommendations
3. Procedural irregularities.

#### **4.5 Stage 2**

Stage 2 of the process will be deemed appropriate for one of the following reasons;

1. Risk / impact assessment conducted by the ER Manager deemed it not suitable for resolution at Stage 1.
2. Where Stage 1 has not been successful in gaining a resolution and the individual has requested to move to Stage 2 of the process.

When determining the appointment of the most appropriate grievance manager the following criteria will be taken into account with a focus on gaining a fair and timely resolution:

1. Seniority of the individuals involved.
2. The capacity to conduct the process in a timely fashion.
3. The complexity of the issue(s) raised.
4. Any conflict of interest between the relevant parties.
5. Individual and organisational risks.

The grievance manager will review the issues of the case, meet with the individual(s) raising the grievance and undertake fact finding meetings with all relevant parties. This will enable an objective review of the issues raised and whether the achievement of a resolution is reasonable, or whether alternative resolutions can be sought.

The Grievance Manager will produce a report detailing the steps taken to investigate the grievance, outcome and any recommendations.

The aggrieved individual(s) has the right to appeal the outcome of the findings and the resolution recommendation by means of Stage 3.

#### **4.6 Stage 3: Appeal Procedure**

There shall be a right of appeal against the findings and/or the recommendations of the grievance resolution procedure at Stage 2. If an employee wishes to appeal, they must do so to the individual stated in the written outcome correspondence. Appeals against Stage 2 of the procedure will be forwarded to the ER Manager who will facilitate the allocation of the appeal to an appropriate person.

Appeals must be submitted in writing within 14 calendar days of the date on the written communication of the Stage 2 findings and resolution recommendations. It

must clearly state the grounds on which the appeal is based on one or more of the following:

- The perceived unfairness of the findings and /or resolution recommendations;
- New evidence coming to light;
- Procedural irregularities.

The appeal will be considered within 14 calendar days of receipt of the notice of appeal.

The Appeal Manager will consider the grounds that have been put forward and assess whether or not the conclusion reached in the Stage 2 process was appropriate and proportionate. The outcome of the appeal at Stage 3 of the process will be final.

The identified appeal manager will consider the written submission and the appointed Grievance Manager's information. The appeal procedure will not re-hear the whole case. This process will be paper based, however in exceptional circumstances there may be a need for individuals to attend a meeting.

If fresh evidence which could not have been reasonably known at the time of the stage 2 fact finding meetings is introduced prior to, or during the appeal, the matter should be referred back to the Grievance Manager who concluded their original findings with recommendations for them to reconsider this in light of the fresh evidence.

Subsequently, if the individual still wishes to appeal against any further decision based on the new and additional evidence, or the original decision, where this has not changed, the appeal process will be reconvened.

## **5.0 Mediation**

Cleveland Police recognises the benefits of dealing with workplace concerns as early and proactively as possible. One such method of resolution encouraged by the Force is Mediation.

Mediation is a voluntary process where the Mediator discusses the issue(s) with all those involved and seeks to facilitate a resolution. Where mediation is deemed to be the most appropriate method of gaining a resolution the Force would encourage both parties to engage in the process and enter into meaningful dialogue with a view to achieving the optimal resolution for all concerned.

Mediation can be initiated at any stage of the grievance process. The earlier the intervention the greater the probability of achieving a satisfactory outcome for all concerned.

The Mediator will be a trained / experienced member of staff. In exceptional circumstances an external Mediator may be appointed following advice from the Employee Relations Team. The mediation process will be coordinated by the Employee Relations Team once the grievance issues have been being submitted.

Where the individual(s) raising the grievance and the parties cited as the cause of the grievance agree to participate in mediation, the mediation process shall follow the below approach:

- The Mediator meets with the individual(s) who have raised a grievance to discuss the issues;
- The Mediator then meets with the people who are the subject of the issues within the grievance to discuss the issues;
- The individual(s) who have raised the grievance meet with the people the grievance is against with the Mediator in attendance to work through the issues;
- An agreement is reached between all concerned with the Mediator in attendance;
- The Mediator records the agreement reached with a copy provided to all concerned.

The Mediator will outline in more detail the approach and methodology used throughout the mediation process with all parties once assigned to a case.

Where mediation either breaks down or is only able to resolve partial elements of the grievance, then the grievance may continue at the appropriate stage of the procedure as outlined in this document.

## **6.0 Special Cases**

### **6.1 Collective Grievance**

In circumstances where a grievance is raised by more than one individual in relation to the same issue, it may be appropriate for the problem to be resolved through a collective arrangement.

### **6.2 Counter Grievances**

If, during the process, another party submits a counter grievance, this should be reviewed by the same manager and as part of the initial grievance procedure and with a view to resolving the grievances as a whole, and as part of the same process.

### **6.3 Withdrawing a Grievance**

An employee may withdraw their grievance at any stage, in writing and stating the reasons they have chosen to do this. This should be sent to the manager dealing with the grievance. The manager should then ensure that the withdrawal notification and all other documentation relating to the grievance so far is sent to the ER team.

### **6.4 Record Keeping & Data Protection (GDPR)**

At the conclusion of the process, all records detailing the nature of the grievance raised, the individual's response, and any appropriate action taken, will be retained by People Services. All other copies must either be destroyed, or be sent under confidential cover to the relevant People Services representative. This documentation will be stored by People Services in a secure location in accordance with the Data Protection Act and GDPR.

Information obtained through the grievance resolution procedure that will aid with organisational learning and improvement will be used in a way that will ensure that any individual cannot be identified.

## 7. Compliance and Version Control

This policy will be reviewed and updated at least every three years by the owner, and more frequently if necessary. The Corporate Services Department will ensure this document is available on the organisation intranet, including any interim updates.

The following identifies all version changes.

Version	Date	Reason for update	Author
0.1	28.01.11	Policy Review	████████
0.2	01.04.11	Policy Update	████████
0.3	May 11	Changes following consultation	████████
1.0	June 11	Published policy	████████
1.1	01.04.11	Policy Update	████████
1.2	15.07.12	Policy amend to reflect changes to informal grievance process as directed by Chief Constable	████████
1.3	19.11.12	Policy amendments to reflect changes to delegations of authority as a result of the Police and Crime Commissioner (PCC) election.	████████
1.4	07.10.13	Policy amend to reflect repeal of Third Party Harassment from Equality Act 2010	████████
1.5	01.04.14	Policy amended to include the Office of the Police and Crime Commissioner for Cleveland	████████
1.6	May 2015	Policy amendments in light of consultation exercise with Unison, Federation, and Supt's Association	████████
1.7	01.10.15	Policy amendments in light of consultation exercise with organisation's key stakeholders	████████
1.8	01.12.15	Amended following suggestions at Management Board.	████████
1.9	16.12.15	Policy approved at Management Board 16/12/2015	████████
2.0	12.2.16	Introduction of Grievance application form at appendix 2	████████
2.1	08.03.18	Removal of grievance application form, as force has moved to e-forms. Also updated section 2 to reflect ARC appeals are not covered by this policy. Amendment to appendices	████████

2.2	20.05.19	Revised procedure following policy review.	HR BPs and ER case managers and manager
3.0	12.12.19	Revised procedure following HMIC review.	██████████
3.1	Feb 2020	Change of owner Dept. name	██████████
3.2	Apr 2020	Addition of COVID 19 message	██████████