



<b><u>Title</u></b>	<b>Grievance Policy</b>
<b><u>CCMT Sponsor</u></b>	<b>Director of Resources</b>
<b><u>Department/Area</u></b>	<b>Human Resources</b>
<b><u>Section/Sector</u></b>	<b>Employment Relations Team</b>

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### **1.0 Rationale**

This document is based on the Employment Act 2008 and takes account of the ACAS Code of Practice and the ACAS Guide to Discipline and Grievances at Work.

### **2.0 Intention**

The purpose of this policy is to resolve grievances. It aims to:-

- encourage open and honest communication so that grievances can be resolved quickly and at the appropriate level of management.
- resolve grievances, rather than to establish guilt or innocence.
- ensure that individual members of staff who feel aggrieved about the way they have been treated either by management or by their colleagues, are given the opportunity to express their views, and have the issues raised resolved in a fair and just manner.

### **3.0 General Principles**

#### **3.1 Scope**

This policy applies to Police Officers, Special Constables and Police Staff currently employed by the Authority. The policy is not applicable to volunteers, temporary agency workers or contractors – in such circumstances advice should be sought from the Employment Relations Team.

The policy is intended to deal with an individual's grievance, which concerns a complaint by an officer / employee about action which the organisation has taken or is contemplating taking in relation to him/her. The grievance policy should not be used as a secondary appeal process where an existing two stage appeal process exists under the relevant policy. In such circumstances, the policy appeal process should be used, and, meetings held under such process, will be deemed to be the meetings required under the statutory grievance procedure.

The policy provides for an informal and formal approach to the resolution of grievances.

#### **3.2 Informal Resolution**

Individuals should aim to resolve most grievances through discussions either directly with the individual(s) involved or via a third party such as a Federation or Staff Association representative or Line Manager.

Individuals who are the subject of a grievance should be advised of the nature of the grievance and involved in the resolution process at the earliest opportunity.

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The Employment Relations Team can provide advice and arrange mediation and restorative conference interventions to help resolve grievances. These interventions can be used at any stage of the resolution process; but individuals are encouraged to use these options at an early stage.

**3.3 Formal Resolution**

If a grievance can not be resolved informally or the nature of the grievance makes this inappropriate, the **formal standard procedure** (see 3.3.1) should be used.

**3.3.1 Formal Standard Procedure**

The standard procedure provides for:

**Step 1 - Raising a Grievance**

The aggrieved should set out their grievance in writing (on a *Raising a Formal Grievance Form*) providing all the relevant information, including details of the resolution sought. The grievance should be sent to the aggrieved's line manager or if it concerns their line manager, to the next appropriate person (NAP) as determined by an HR Adviser.

**Step 2 - Meeting**

The Line Manager/NAP should arrange for a formal meeting to be held as soon as practicable and in any case within 15 working days of receipt of the grievance. The aggrieved should be allowed to explain their grievance and the resolution/outcome they are seeking. Consideration should be given to adjourning the meeting for any investigation that may be necessary. In cases where the Line Manager/NAP who is conducting the step 2 meeting appoints an investigator, it may be appropriate for the investigator to discuss the issues with the Line Manager/NAP prior to commencing the grievance investigation.

Following the meeting, the aggrieved must be notified of the resolution decision in writing, together with their right of appeal. Where appropriate, the resolution may be an agreement to engage in facilitated mediation.

The aggrieved should respond in writing to the written resolution within 5 working days, confirming that they are either: satisfied with the resolution; indicating their wish to appeal or not to progress their grievance further.

**Step 3 - Appeal**

Appeals will normally be heard by the appropriate LPA/OCU Commander/Department Head or if appropriate his/her recognised deputy. The manager will consider the issues, make any necessary further enquiries and invite the aggrieved to a meeting to discuss the grievance and a resolution. This meeting should normally be within 15 working days of receipt by the HR BP of the written appeal.

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Following the meeting, the aggrieved must be notified of the appeal decision in writing. This finalises the statutory grievance procedure.

### **3.4 Overlapping grievance and disciplinary cases**

Where an individual raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

### **3.5 Grievance Meetings**

If it is not possible to have any of the formal meetings within the 15 working days timescale, for example because of shift patterns, absence or annual leave, a revised target date for completion will be provided.

The timing and location of the meeting(s) must be reasonable and the aggrieved **must take all reasonable steps to attend**. If the aggrieved (or their companion) cannot attend on a proposed date, an alternative date can be suggested provided it is reasonable and not more than 5 working days after the original date.

### **3.6 Right to be accompanied**

The aggrieved individual has the right to be accompanied by a workplace colleague, trade union representative or a representative of a police officer/staff association at any grievance meeting. The request to be accompanied must be a reasonable one – for example, it would not normally be reasonable for an individual to request to be accompanied by a companion whose presence would prejudice the hearing, nor would it be reasonable for him/her to be accompanied by a companion from a remote geographical location if someone suitable and willing was available from a closer location. The individual should, confirm the identity of their companion with the HR Adviser prior to the meeting.

The companion is permitted to address the meeting and put and sum up the individual's case, respond on behalf of the individual to any views expressed at the meeting and confer with the individual during the meeting. The companion however does not have the right to answer questions on the individual's behalf, address the hearing if the individual does not wish it, or prevent the Line Manager/NAP from explaining the organisation's case.

### **3.7 Support**

There will always be a certain amount of stress and anxiety for parties when dealing with grievance cases: individuals are encouraged to seek support appropriate to their needs through Corporate Health Services. Resolving grievances at the earliest opportunity and the way in which the parties engage in the process are important considerations to seek to minimise stress and anxiety.

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**3.8 Confidentiality**

All grievances dealt with under this policy will be conducted in confidence wherever possible, unless otherwise agreed. Any breach of confidentiality may be the subject of disciplinary action.

There may, however, be occasions when confidentiality between those involved in the operation of this policy cannot be maintained and others may have to be involved. Wherever possible and appropriate, members of staff who are the subject of a grievance should be kept updated by the HR Adviser on the progress rather than the details of the grievance.

**3.9 Records**

Grievance forms and relevant documents should be treated as confidential and managed in accordance with the Data Protection Act 1998.

Individuals wishing to raise a formal grievance should set out their grievance in writing on a '*Raising a Formal Grievance Form*'. If subsequently the individual wishes to withdraw their grievance they should complete a '*Withdrawal of Grievance Form*' or if applicable indicate their intention by completing the outcome section of the Step 2 or Step 3 grievance form.

The manager or NAP dealing with a grievance at step 2 should complete the '*Grievance Meeting Form*' to provide a record of the: meeting; proposed resolution and outcome. Likewise, the manager/NAP dealing with a grievance at step 3, should complete the '*Grievance Appeal Meeting Form*'.

On completion or withdrawal of a grievance all the paper work should be forwarded to the Employment Relations Team. All records (paper and electronic) relating to informal and formal grievances will be retained for 6 years after which they will be destroyed.

**4.0 Challenges & Representations**

Should be sent to:

Head of Human Resources  
Thames Valley Police HQ North  
Human Resources Department  
Oxford Spires Business Park  
Langford Lane  
Kidlington, OX5 1NZ

**5.0 Guidance, Procedures & Tactics**

Individuals involved in the grievance process have a responsibility to ensure that their actions support the intent and requirements set out in this policy. All individuals covered by the scope of the policy should be aware of the policy and

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how to access a copy of the policy. Copies of the policy and guidance notes are available on the Intranet - Corporate Policy Site and the Human Resources Policy site.

HR Business Partners, HR Advisers and the Employment Relations Team are available to advise individuals on the application and use of the policy and can provide trained mediators to facilitate meetings and restorative conferences.

### **6.0 Communication**

#### **6.1 Links to Police National Legal Database Other**

Diversity in Employment Policy

#### **6.2 Communications Strategy**

Individuals will be informed of the new policy through an All User E-mail at the time of publication. The policy will be made available electronically via the Policy and Procedures Intranet site and Human Resources site.

This policy can be made available to the general public via the Internet site.

### **7.0 Compliance and Certification**

#### **7.1 Human Rights Certification**

##### **(i) Legal Basis**

Equality Act 2010  
Employment Act 2008  
Human Rights Act 1998  
Employment Act 2002  
The Employment Act 2002 (Dispute Resolution) Regulations 2004  
Acas Code of Practice  
Fairness at Work Procedure (Home Office)

##### **(ii) Human Rights Articles Engaged**

Article 8 Right to respect for Private and Family Life  
Article 14 The Prohibition on Discrimination

##### **(iii) Prohibition of Discrimination**

There is potential for this policy to be discriminatory if the organisation does not ask whether a policy is discriminatory and take positive action in reducing the potential for such discrimination.

#### **7.2 Diversity Impact Assessment**

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A Race Equality Impact Assessment was carried out on 5 October. A Diversity Impact Assessment was completed on 9 August 2006 and the policy was assessed as having a low impact on the six strands of diversity.

### **7.3 Diversity (Human Resources)**

In the application of this policy, the Force will not discriminate against any persons regardless of their gender, sexual orientation, race or ethnic origin, religion, age or disability.

### **7.4 Data Protection**

All personal data processed in compliance with this policy will be managed in accordance with the provisions of the Data Protection Act 1998. It is recognised that 'sensitive personal data' may form part of a grievance record and additional security measures will be employed to ensure the confidentiality of such information.

### **7.5 Freedom of Information Act**

This policy is suitable to be made available to the public. Copies of the policy can be obtained from the Internet site or by writing to :

Policy Co-ordinator  
Policy Management Unit, Strategic Development  
Thames Valley Police Headquarters, South  
Oxford Road  
Kidlington  
Oxon, OX5 2NX.

### **7.6 Protective Markings**

The document has been assessed for the appropriate level of marking.

The policy is **NOT PROTECTIVELY MARKED**

### **7.7 Health & Safety at Work**

This policy does not contain Health and Safety Implications.

## **8.0 Monitoring and Review**

### **8.1 Links to Best Value/PPAF/Priorities/Performance Indicators**

This policy relates to **Domain B** of the Police Performance Assessment Framework as this domain covers the organisational capability and the effective use of resources, police officer time available for frontline policing, diversity of the workforce and working hours lost through sickness.

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The fair and timely resolution of grievances contributes to creating a positive working environment and supports individual and organisational performance. The number and nature of grievances are monitored and reported via the Diversity Monitoring Book which is published on the Intranet site.

**8.2 Review Process**

This policy document will be reviewed every two years. The review will take into account the following criteria:

- Changes in legislation
- Court rulings – Domestic, European and Human Rights
- Examples of good practice from other Forces or other organisations
- Changes in Home Office Circulars
- Developments with ACPO Policy Unit
- Representations made by individuals and relevant organisations.

This policy will next be reviewed in September 2013

For use by the Policy Management Unit Only

<u>Policy Authorisation</u>	
Policy signed off by:	
_____	_____
Director Of Resources	Date