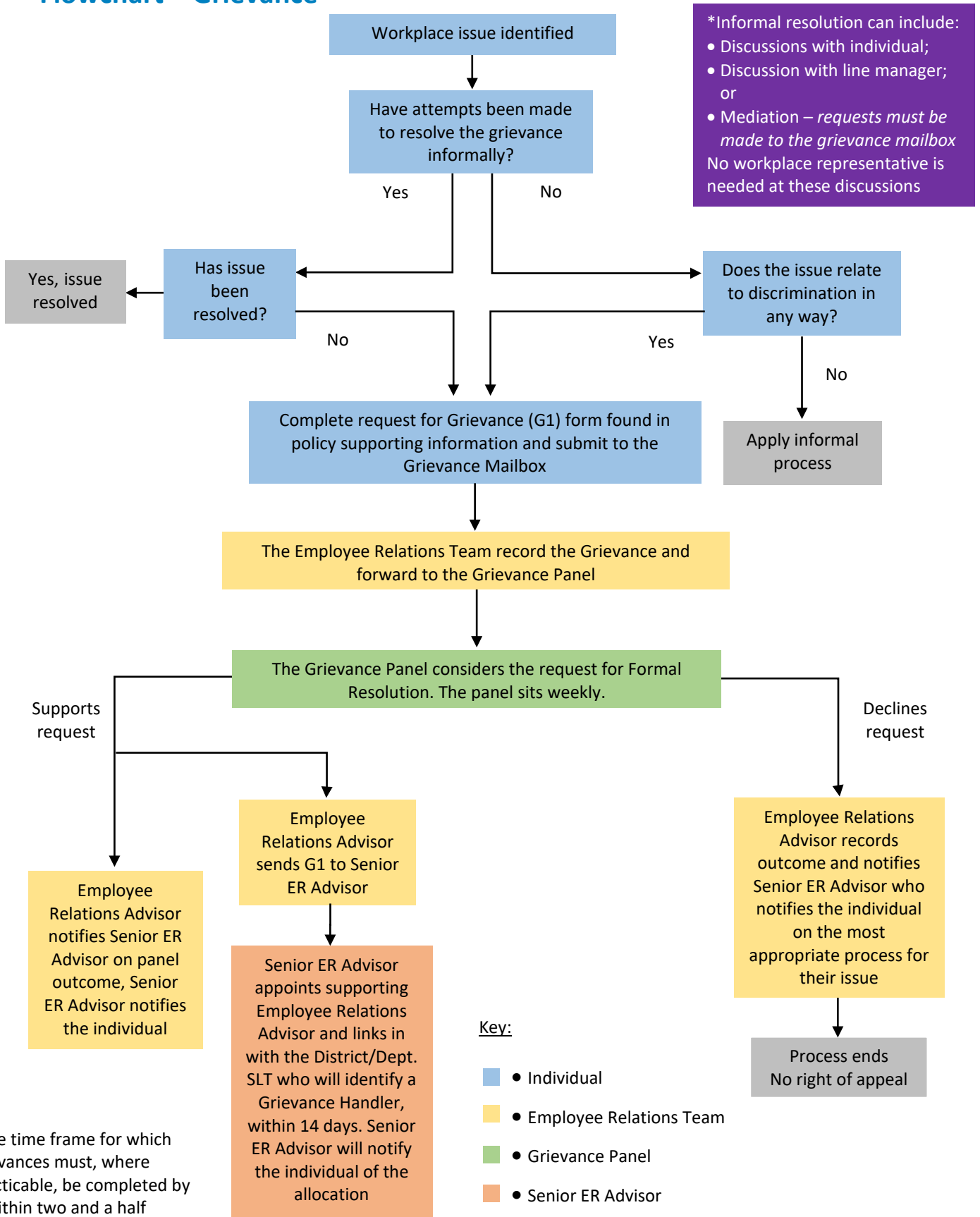


Grievance

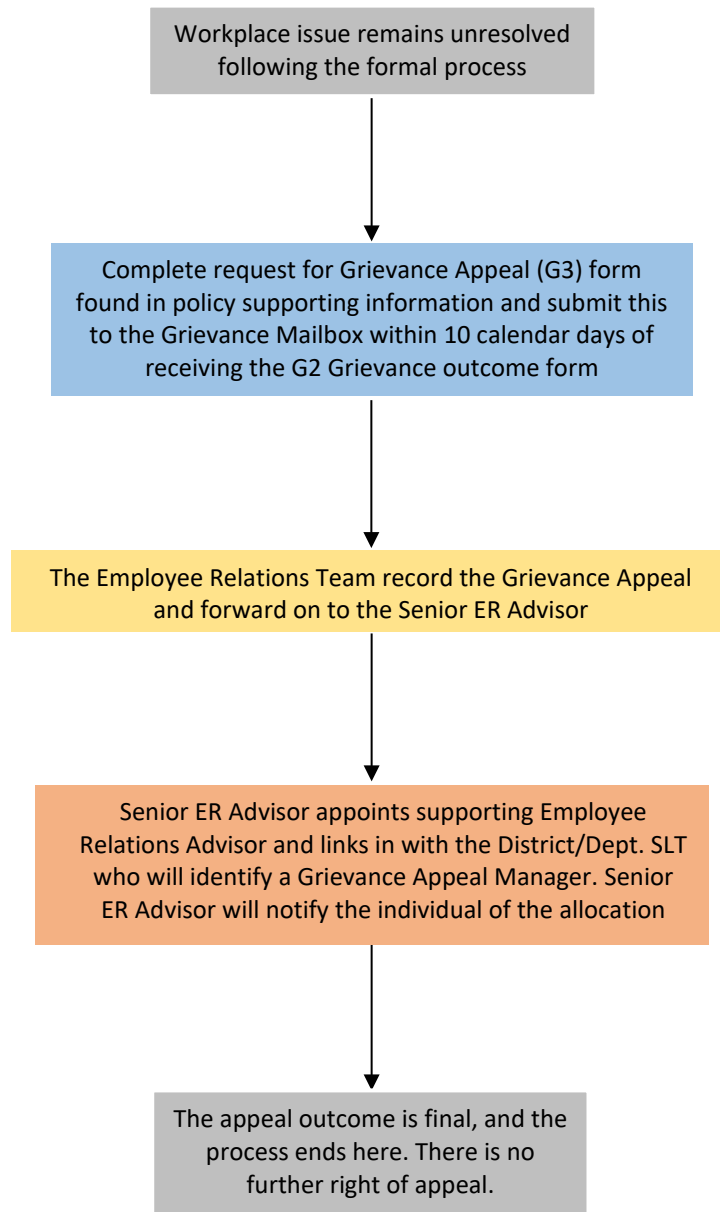
Contents

Flowchart – Grievance	2
Flowchart – Grievance Appeal	3
Policy Statement	4
Principles	4
Employee Undertaking	5
Responsibilities	6
Grievance	8
Appeals	9
Victimisation and Discrimination	10
Additional Information	11

Flowchart – Grievance



Flowchart – Grievance Appeal



Key:

- Individual
- Employee Relations Team
- Grievance Panel
- Senior ER Advisor

Policy Statement

Summary

All individuals are expected to attempt early resolution to resolve workplace issues when they arise. West Yorkshire Police will aim to resolve all workplace disputes fully and in accordance with the ACAS Code of Practice on Discipline and Grievance at work ensuring that all workplace disputes are dealt with fairly and in a timely manner.

To achieve this, West Yorkshire Police will:

- Encourage managers to deal informally with workplace disputes wherever possible.
 - Expedite serious allegations relating to discrimination or victimisation.
 - Provide a confidential internal mediation scheme to help individuals resolve any workplace issues. Requests for mediation must be made in writing to the grievance mailbox.
-

Scope

This policy applies to all police officers, police staff, apprentices, special constables and volunteers.

Principles

General

This procedure cannot be used to object to West Yorkshire Police policies or procedures.

Workplace disputes relating to organisational change must be submitted to the organisational change panel. Further details can be found in the Organisational Change policy.

Where an issue has been resolved, the Grievance will be closed.

Where the aggrieved confirms in writing that although the matter is not resolved they do not wish to appeal, the Grievance will be closed.

Where a Grievance handler deems that all reasonable and practical steps have been taken to resolve a workplace dispute, the Grievance will be closed.

All workplace disputes will be dealt with promptly, confidentially and fairly. The entire process for dealing with a formal request for Grievance including the outcome and any appeal must, where practicable, take no more than two and a half months from the date the issue is first raised. Should there be a need to extend these timescales, handlers need to ensure the process is concluded as promptly as possible.

Individuals may wish to register with ACAS at the beginning of the process to negate any Employment Tribunal submissions deadlines later on.

Leavers wishing to submit a grievance must do so within 90 days of their end date.

Employee Undertaking

Obligations on the employee

In order to achieve a successful resolution, it is essential that the individual raising the issue:

- Engages with the line manager in a positive manner as part of the informal process;
 - Is realistic and clear about the outcome required;
 - Participates fully in the process;
 - Considers using the mediation scheme. Requests for mediation must be submitted to the grievance mailbox; and
 - Respects the confidentiality of the process and does not disclose details of the dispute to others not involved in the process.
-

Transfers

Transfers of staff must only be considered as a last resort. If a transfer is being considered, the Grievance handler must:

- Consult with the supporting Employee Relations Advisor;
 - Consult with the relevant Trade Union or Federation;
 - Consult with the staff member; and
 - Hold a case conference with the local manager and Employee Relations, if necessary, to discuss how this will be managed.
-

Confidentiality

The Grievance procedure will be dealt with confidentially. All individuals must be aware that any breach in confidentiality may result in disciplinary action being taken. Parties involved in this process must be aware that information contained within their request for Grievance may be shared, where appropriate, with:

- Managers;
 - Supervisors; and
 - Senior Employee Relations Advisors/Employee Relations Advisors.
-

Witnesses

- Where an individual is identified as a witness, they need to provide evidence to the handler. If an individual is reluctant, the handler will explore why and seek to resolve concerns.
 - Only in exceptional circumstances can anonymised information be accepted.
 - Once the handler has explored the concerns, witnesses do not have to provide evidence, but if they choose not to the consequences of this must be explained to them.
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Collective dispute

- Where a group of individuals raise a concern about a common issue, they must nominate one individual to act as spokesperson at any subsequent Grievance or Appeal meeting.

- Usual timescales can vary for collective disputes.

Responsibilities

Employee Relations Team

The Employee Relations Team are responsible for, as soon as practicable:

- Recording the details of all requests for a formal Grievance and determining the most appropriate process;
- Forwarding for consideration of the Grievance panel;
- Receiving and recording the outcome of the Grievance panel;
- Informing the appropriate Senior Employee Relations Advisor of the outcome of the panel;
- Forwarding the G1 to the Senior Employee Relations Advisor for the allocation of a Grievance handler and supporting Employee Relations Advisor; and
- Ensuring the welfare of the individual submitting the grievance, and those named within it, by appointing a trained and approved welfare supporter.

Assigned supporting Employee Relations Advisor

The assigned supporting Employee Relations Advisor is responsible for, as soon as practicable:

- Providing advice and guidance to the Grievance handler and will ensure all documentation is appropriately filed thereafter;
- Making the handler aware of the specified timescales for completion;
- Notifying the Senior Employee Relations Advisor (SERA) when a grievance investigation is taking place within their area, to enable the relevant senior leadership team (SLT) to be updated;
- Providing advice and guidance to the appeal manager in the event of an outcome appeal, and will ensure all documentation is appropriately filed thereafter;
- Consulting with the DEI Team for advice and support where appropriate;
- Ensuring any recommended action captured in the G2 relating specifically to an individual is escalated by the grievance handler to the individuals line manager for implementation;
- Escalating any recommended action captured in the G2 in relation to policy, process or procedure to the appropriate department; and
- Advising the handler to notify District Commander/Department Head when individuals are being notified of grievance outcomes, to ensure support can be put in place if required.

Senior Employee Relations Advisor

The Senior Employee Relations Advisor is responsible for:

- Informing the individual of the outcome of the panel and advising on appropriate process if not accepted as a grievance;
- Liaising with the relevant district/department SLT for them to identify a suitable person to act as the Grievance handler;

- Where necessary, supporting the allocation of a grievance to a Grievance handler out of the associated district/directorate to insure impartiality;
 - Ensuring the SLT allocate a Grievance handler within 14 calendar days of receiving the outcome from the Grievance Panel;
 - Determining when a Grievance must be terminated where an individual has either refused to participate in the process or has refused to positively participate in trying to resolve the issue;
 - Identifying a welfare supporter/s for those individuals requiring one; and
 - Where timescales are not being met, liaising with SLT to determine a solution, i.e. protected time being given to the handler if possible.
-

**Grievance
handlers**

Grievance handlers are responsible for:

- Making contact with the individual within 10 calendar days of being allocated the grievance and arranging a meeting with the individual in order to clearly establish the facts relating to the issue;
- Informing the individual of their right to representation at the above meeting;
- Considering a referral to PSD if there are elements of potential misconduct and following their investigation, continuing with the investigation of the grievance thereafter for completeness;
- Notifying promptly the other party(ies) and all named individuals that a formal resolution has been requested, offering clarity around what information will be provided to all individuals, in what format and the anticipated timescales, providing regular updates and ensuring contact is made throughout the process;
- Determining what further investigations may be necessary and identifying whether other individuals must be spoken to in order to establish the facts;
- Considering whether any advice must be sought from the supporting Employee Relations Advisor;
- Considering whether any advice must be sought from the DEI Team. Any content relating to discrimination must be referred to the DEI Manager, who can then appoint an advisor with the appropriate specialism to assist;
- Considering whether the use of mediation may be appropriate;
- Advising the individual of expected timescales and keeping in regular contact throughout the process;
- Completing a proportionate investigation as soon as is practicable, aiming for completion within 30 calendar days;
- Giving all parties involved the opportunity to respond as part of the investigation;
- Informing all parties that they will be notified of the outcome, within 10 calendar days of completion of the investigation;
- Keeping all parties involved of the progress and informing of any unexpected delays in the process;
- Informing all parties of the outcome;
- Providing the individual submitting the grievance a copy of the full investigation report and any recommendations;

- Providing the individuals named in the grievance a copy of a summary report, outlining the outcome and any recommended action that relates to them. Where a summary report is not enough for individuals named in the grievance, the individual can request a redacted copy of the full report via Data and Information under the “Information about you” header;
- Completing a form G2 recording the outcome;
- Scanning and e-mailing a copy of the G2 to the supporting Employee Relations Advisor for recording and filing;
- Emailing a copy of this action directly to the individual and to their line manager for implementation, in cases where the G2 form documents recommended action relating specifically to an individual; and
- Raising with the supporting Employee Relations Advisor for escalation/action in cases where the G2 form documents any other recommended action not specific to an individual, e.g. in relation to policy, process or procedure.

Grievance

Resolving grievances informally

All workplace issues must be raised with the individual’s line manager in the first instance unless:

- Where the issue being raised directly concerns the individual’s line manager, then the issue must be raised with the individual’s second line manager or an independent manager.
- A meeting must be arranged to discuss the issue and individuals may want to seek support from their Trade Union, Federation or Staff Associations.

Where issues cannot be resolved informally, the individual will need to submit a request for a formal Grievance.

Formal grievance

Where informal resolution has been unsuccessful or where the issues raised relate to any form of discrimination or victimisation the individual must:

- Complete the form G1 outlining clearly the desired outcome; and
- Submit the completed form to the Grievance Mailbox.

Refusal of requests

- Requests for Grievances will not be accepted unless attempts have been made to resolve the grievance informally except where the issue relates to any kind of discrimination or victimisation.

Assessment of requests

- The Grievance Panel will have representatives from the Employee Relations Team, Trade Unions, Federation and Staff Associations to determine:
 - The appropriate informal action has taken place and the matter must be progressed into the formal process;
 - The desired outcome is realistic and achievable;

- The issue relates to any form of potential discrimination and must be progressed straight into the formal process;
 - The issue raised is of such a serious nature that it must be progressed straight into the formal process;
 - The issue is appropriate to be dealt with in this process if not advice on appropriate process;
 - Whether further information is required; and
 - Subject to the agreement of all parties, whether mediation will be recommended.
 - Where a Grievance includes any potential data protection matter, a member of the Grievance Panel will discuss the matter and full documentation with Data and Information.
 - The panel will routinely check the progress of a grievance once allocated and will carry out regular dip sampling for quality assurance.
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Appeals

Grounds for appeal

An individual may appeal the outcome of a grievance on the following grounds:

- The correct policy/procedure has not been followed;
 - New information is available that was not considered as part of the original investigation; and/or
 - The facts presented are inaccurate.
-

How to appeal

- If the issue remains unresolved following the formal process, an individual has the right to appeal by completing a form G3 and submitting this to the Grievance Mailbox within 10 calendar days of receiving the G2 form.
 - Requests for an extension to the appeal deadline will only be considered in exceptional circumstances and must be submitted to the Grievance Mailbox.
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Appeals process

- Upon receipt of an appeal the Employee Relations Team will record and forward the appeal on to the appropriate Senior Employee Relations Advisor who will allocate a supporting Employee Relations Advisor and liaise with the relevant district/department SLT for them to identify a suitable person to act as the Grievance Appeal Manager.
- Once a suitable appeal manager has been identified, a meeting will take place with the individual and the Appeal Manager to hear the appeal, determine if a further investigation is necessary and consider if a different outcome is appropriate.
- The individual will be informed of their right to representation at the above meeting.
- Following this meeting any necessary further investigations must be carried out.

- The handler must promptly notify the other party(ies), and all named individuals that a Grievance Appeal has been requested, offering clarity around what information will be provided to all individuals, in what format and what the anticipated timescales are, providing regular updates and ensuring contact is made throughout the process.
 - Considering whether any advice must be sought from the supporting Employee Relations Advisor.
 - Considering whether any advice must be sought from the DEI Team via the supporting Employee Relations Advisor.
 - Keeping all parties involved of the progress and informing of any unexpected delays in the process.
 - The appeal manager's decision will be notified to the individual and named individuals as soon as practicable.
 - The individual submitting the Grievance Appeal will receive a copy of the appeal outcome in writing, together with a copy of any supporting reports/ documentation and any recommendations in full.
 - The individuals named in the grievance will receive a summary of the appeal outcome, outlining any recommended action that relates to them.
 - Where a summary report is not enough for individuals named in the grievance appeal, the individual can request a redacted copy of the full report via Data and Information under the "Information about you" header.
 - A copy of the outcome will be sent to the supporting Employee Relations Advisor for recording and filing.
 - Where the appeal outcome documents any further recommended action relating specifically to an individual, a copy of this action will be emailed directly to the individual and their line manager for implementation.
 - Where the appeal outcome documents any other recommended action not specific to an individual, e.g. in relation to policy, process or procedure this will be raised with the supporting Employee Relations Advisor for escalation/action.
-

Victimisation and Discrimination

Principles

- Victimisation that occurs as a direct consequence of raising a request for a formal resolution is unlawful and is likely to be motivated by the fact that an individual has:
 - Raised an issue or concern;
 - Offered support or assistance to an individual raising an issue; or
 - Provided information relating to the issue.
 - Individuals who victimise others will be subject to disciplinary action.
 - Discrimination is treating someone less favourably due to them displaying one or more of the protected characteristics.
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Additional Information

Compliance

This policy complies with the following legislation, policy and guidance:

- Police (Conduct) Regulations 2008
 - Police (Complaints and Misconduct) Regulations 2004
 - Equality, Inclusion and Respect in the Workplace policy
 - Discipline – Police Staff policy
 - Equality Act 2010
 - Code of Conduct – Police Staff policy
 - Data Protection Act 2018
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Supporting information

The supporting information for this policy can be accessed online.
