



OFFICE OF  
Police & Crime  
Commissioner  
for Cheshire

# GRIEVANCE PROCEDURE

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## INTRODUCTION

1. This procedure covers all staff and volunteers (hereinafter referred to as 'employees') in the Office of the Police & Crime Commissioner for Cheshire (OPCC). In addition to this, employees might raise issues not entirely within the control of the OPCC, such as, client or customer relationships, for example, where an employee is working on another employer's site. These should be treated in the same way as grievances within the organisation. The OPCC will make it clear to any third party that grievances are taken seriously and action will be taken to protect their employee.
2. The primary purpose of this grievance procedure is to enable employees to air any concerns that they may have about practices, application of policies or procedures or treatment from other employees at work, and to produce a speedy resolution where genuine problems exist. It is designed to help all employees to take the appropriate action when they are experiencing difficulties.
3. Although it may not be possible to solve all problems to everyone's complete satisfaction, this procedure ensures that the OPCC deals objectively and constructively with all employee grievances, and that anyone who decides to use the procedure may do so with the confidence that their problem will be dealt with fairly and transparently.
4. This procedure is designed to deal with those issues that need to be approached on a more formal basis so that every route to a satisfactory solution can be explored and so that any decisions reached are final.

## GUIDANCE

5. The OPCC, when dealing with any grievances, will ensure matters are conducted in a fair, timely and transparent manner. It is important to ensure the employee feels their grievance has been heard or resolved where possible, to their satisfaction, even where there may be insufficient evidence to support it.

## DEFINITION OF A GRIEVANCE

6. Anybody working in an organisation may, at some time, have problems, concerns or complaints about their work, working conditions or relationships with colleagues that they wish to discuss with management. It is clearly in the interest of everyone involved to resolve problems before they develop into major difficulties.

Issues that may cause grievances include:

- Application of terms and conditions of employment
- Health and safety
- Work relations
- Bullying and harassment
- New working practices
- Working environment
- Organisational change
- Discrimination

## DUTY OF CARE

7. The OPCC has a duty of care to provide a safe and secure working environment for all employees. If an employee has raised a concern with their line manager which the line manager deems to be serious, then the line manager has a duty of care to take appropriate and relevant action. For example, if an employee said that they were being bullied by a work colleague but said they did not want to make an issue of it, they were just letting the line manager know, the line manager would still have a duty of care to that employee to take relevant and appropriate action. The line manager should inform the employee that management still have a duty to investigate the matter due to the OPCC's legal responsibility to ensure, as far as reasonably practicable, they provide a safe working environment for all employees.

## FORMAL PROCESS

8. Where a grievance is serious or has been raised informally without success, then the employee should raise it formally with their line manager without unreasonable delay. If it is the immediate line manager who the employee has the concerns about then the matter should be raised with the next level of line management.
9. An investigating officer will be assigned by the Chief Executive to look into the matter. This may be another employee in the OPCC or a member of staff from the Constabulary who is independent of the case.
10. All formal grievances should be made in writing and should set out in as much detail as possible the nature of the grievance. Issues that are the subject of negotiation or collective consultation with Unison should not be considered under the grievance procedure and instead these should be resolved through the relevant and applicable channel e.g. through collective consultation meetings or Trade Union representatives.
11. For former employees, the OPCC is under no obligation to investigate grievances received from them, however each case will be considered on its own merits.
12. Any grievance which highlights or amounts to an allegation of misconduct or criminal conduct should be investigated as soon as practicable under the relevant misconduct and/or complaints procedure. This should be done in conjunction with the Constabulary's Human Resources and Professional Standards Departments (HR and PSD).
13. Where an employee 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.
14. Complaints that relate to a decision made under a particular policy or procedure should be dealt with under the applicable appeals procedure.

## COUNTER GRIEVANCES

15. 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.

## COLLECTIVE GRIEVANCES

16. A collective grievance may arise where a number of people have the same grievance at the same time. This can be raised as a collective grievance by Unison or by a nominated representative of the group. The process for a collective grievance should be the same as that for an individual grievance; however collective grievances will normally be dealt with by the Chief Executive and in line with the arrangements for collective disputes outlined within the Trade Union Recognition Agreement.

## WITHDRAWING A GRIEVANCE

17. An employee may withdraw their grievance in writing and, if possible, give reasons. This should be sent to the investigating officer dealing with the grievance. The line manager should then ensure that the withdrawal notification and all other documentation relating to the grievance is recorded and kept on the employee's personnel file.

## FACT FINDING

18. The investigating officer will carry out any necessary fact-finding to establish the facts of the case. This process must be rigorous, reasonable and comprehensive. The reasonableness of the fact-finding could be a significant aspect of any potential future complaint to an Employment Tribunal.
19. The fact finding should involve
  - Interviewing the relevant parties and any witnesses (if appropriate), making full notes
  - Collating and evaluating of any relevant documents such as letters, emails, meeting notes, reports, and other background documents as soon as possible
  - Drawing conclusions as to what further action (if any) is required.

## GRIEVANCE MEETING

20. Investigating officers should remember that a grievance meeting is not the same as a disciplinary hearing, or a criminal investigation and is an occasion when discussion and dialogue may lead to an amicable solution. The purpose of the meeting is to ensure that all the relevant facts have been included in the grievance and to give the employee the opportunity to tell the manager everything that has happened prior to them raising the grievance.
21. The role of the investigating officer is not to judge or criticise, it is to listen, fact find and ascertain how the employee feels they want to move things forward. Investigating officers may wish to adjourn the meeting to make any other necessary enquiries. If this is the case, then a new date and time should be set to reconvene the meeting.
22. At the completion of the meeting investigating officers should sum up the main points and confirm to the employee that they will normally receive a response within 5 working days of the grievance meeting. If it is not possible to respond within this time period, the employee should be kept informed and given an explanation for the delay and be told when a response can be expected. The employee will be informed

in writing of the line manager's decision on the grievance and notified of their right to appeal against that decision if they are not satisfied with the outcome.

23. It is recognised that a formal grievance procedure can be a stressful and upsetting experience for all parties involved. Everyone involved in the process is entitled to be treated in a calm manner and with respect. The OPCC will not tolerate unacceptable, inappropriate, abusive, aggressive or insulting behaviour from anyone taking part in or conducting grievance procedures and will treat any such allegations as potential misconduct under the relevant misconduct procedure. In serious cases this could result in dismissal.
24. It is important that grievances are dealt with in a timely manner and timescales should be proportionate to the nature of the grievance. For example, an average grievance should take around 10 working days from start to finish. For more complex grievances a longer period may be required. There should however be no unreasonable or unnecessary delays in meeting with the employee, concluding the process and reaching a decision. The investigating officer should ensure they regularly update the employee if the fact-finding process is going to be longer than expected.

#### RIGHT TO BE ACCOMPANIED

25. At all formal meetings, the employee is entitled to be accompanied by a companion who may be a colleague or a trade union representative. There is no statutory right for the employee to be accompanied in any informal discussion; however the OPCC will allow employees to be accompanied as above should they wish to be. Please see paragraph 36 for further guidance on the role of a companion.

#### KEEPING RECORDS

26. A comprehensive record of any formal grievance meetings should be kept by taking detailed and accurate notes during any meetings to record discussions, any responses given and any actions taken or required. A tape recording of any meeting(s) may be made provided all parties are in agreement.
27. The employee should be provided with copies of any notes/minutes taken during the meetings which they are involved in. Copies of all documentation i.e. letters, forms, notes, minutes should be stored on the employee's personnel file.
28. Any records created as part of this process should be treated as sensitive and confidential. All correspondence including emails should be marked in accordance with the Government Protective Marking Scheme as 'RESTRICTED'.
29. Records should be treated as confidential and kept no longer than necessary in accordance with the Data Protection Act 1998. Employees and managers should be made aware that any notes taken may potentially be disclosable under the Criminal Procedure and Investigations Act (CPIA), Freedom of Information Act (FOIA) or a request under the Data Protection Act (DPA). It is therefore advisable to ensure that any notes made are professional and reflect accurately the details of the discussion. Once completed, they need to be stored on the employee's personnel file.
30. Copies of the original grievance letter will not be supplied to any parties involved, other than the investigating officer.

## MEDIATION

31. Mediation is the most common form of conflict resolution and in some cases an independent mediator can help resolve problems, especially those involving working relationships. Participation is voluntary and both parties need to agree to take part. It can however help the parties involved to make progress in resolving their differences.
32. The outcome of formal grievance could be to encourage the parties involved to take part in mediation and managers need to consider whether to offer independent mediation as part of the solution to an issue. The Constabulary has a number of trained mediators who will be impartial and independent and a mediator may be selected from this pool or externally.

## RESPONSIBILITIES

33. The employee's responsibilities are as follows:
  - To raise any issues/concerns with their line manager in the appropriate manner.
  - To ensure the grievance is factual and avoids any unnecessary language that may be considered insulting or abusive.
  - To comply with the requirements of the procedure e.g. attending meetings as required, notifying the investigating officer of any companions who are also attending, and completing any necessary forms etc.
  - To notify the investigating officer in writing should they wish to withdraw their grievance.
34. The line manager's responsibilities are as follows:
  - To meet with the employee where issues are raised on an informal basis.
  - To ensure the employee raises all formal grievances in writing and that the OPCC begins to apply the grievance procedure appropriately including appointing an investigating officer.
  - Regardless of the outcome of the formal grievance, the line manager has the responsibility to facilitate the restoration of a safe and healthy working environment.
35. The investigating officer's responsibilities are as follows:
  - To ensure the employee's grievance is dealt with appropriately including arranging a thorough fact finding exercise, arranging a grievance meeting and assisting with any appeals processes as appropriate.
  - To liaise with the HR department for advice on the case and the process.
  - To ensure that copies of all documentation relating to the grievance are filed on the employee's personnel file
  - To consider whether any reasonable adjustments are required for any person who is disabled and / or their representative in order to attend/take full part in the process.
  - To deal with the issues promptly and not unnecessarily delay meetings, decisions or confirmation of those decisions.
36. The companion's responsibilities are as follows:

- If requested by the employee, the companion can address the meeting to put forward and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the worker during the meeting. The companion does not have the right to answer questions on behalf of the employee or prevent the OPCC from presenting its case.

37. The Human Resources Department responsibilities are as follows:

- To provide line managers with professional guidance on the application of the grievance procedure.
- To undertake any appropriate tasks/roles as directed by the Chief Executive in accordance with the Memorandum of Understanding.

## APPEALS

38. All employees who raise a formal grievance will have the right to appeal the outcome. The appeal should be made in writing to the Chief Executive, who will arrange for the Deputy Police & Crime Commissioner to hear the appeal.
39. The Chief Executive will ensure that the Deputy Commissioner has they have all the relevant details and information prior to arranging the meeting. The meeting should be held as soon as possible, but within 10 working days of receipt of the appeal being raised where practicable.

## COMPLIANCE

40. This document has been drafted to comply with the principles of the Human Rights Act and Equal Opportunity legislation which are outlined in the 'Equality and Human Rights Commission guidance'.
41. In addition, Data Protection, Freedom of Information, the National Quality of Service Commitment and Health and Safety issues have been considered.
42. Adherence to this policy or procedure will therefore ensure compliance with all relevant legislation, internal policies and the OPCC values.





# INITIAL EQUALITY IMPACT ASSESSMENT

## STAFF GRIEVANCE PROCEDURE

### BACKGROUND

The primary purpose of the grievance procedure is to enable employees to air any concerns that they may have about practices, application of policies or procedures or treatment from other employees at work, and to produce a speedy resolution where genuine problems exist. It is designed to help all employees to take the appropriate action when they are experiencing difficulties.

The procedure is designed to deal with those issues that need to be approached on a more formal basis so that every route to a satisfactory solution can be explored and so that any decisions reached are final.

### FACTORS CONSIDERED IN INITIAL IMPACT ASSESSMENT

The Office of the Police & Crime Commissioner has a duty of care to provide a safe and secure working environment for all employees. If an employee has raised a concern with their line manager which the line manager deems to be serious, then the line manager has a duty of care to take appropriate and relevant action.

Issues that may cause grievances include:

- Application of terms and conditions of employment
- Health and safety
- Work relations
- Bullying and harassment
- New working practices
- Working environment
- Organisational change
- Discrimination

### DOES THE ACTIVITY INCLUDE MECHANISMS TO:-

Promote equality of opportunity?	Y
Eliminate discrimination that is unlawful?	Y
Eliminate harassment?	Y
Promote positive attitudes?	Y
Encourage participation?	Y
Take steps to meet people's needs, even if this requires more favourable treatment?	Y
Provide an opportunity for people to highlight the barriers presented by this procedure?	Y

DIVERSITY/GROUP	IMPACT H/M/L	REASONS/ COMMENTS
Age	L	The procedure would apply to any grievance raised due

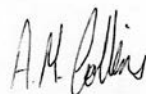
		to discriminatory practices based on age
Race	L	The procedure would apply to any grievance raised due to discriminatory practices based on race
Gender	L	The procedure would apply to any grievance raised due to discriminatory practices based on gender
Disability	L	The procedure would apply to any grievance raised due to discriminatory practices based on disability
Sex	L	The procedure would apply to any grievance raised due to discriminatory practices based on sex
Sexual orientation	L	The procedure would apply to any grievance raised due to discriminatory practices based on sexual orientation
Religious belief	L	The procedure would apply to any grievance raised due to discriminatory practices based on religious belief
Marriage & civil partnership	L	The procedure would apply to any grievance raised due to discriminatory practices based on marriage & civil partnership
Pregnancy & maternity	L	The procedure would apply to any grievance raised due to discriminatory practices based on pregnancy & maternity
Gender reassignment	L	The procedure would apply to any grievance raised due to discriminatory practices based on gender reassignment
Could any high impact be justified on the grounds of promoting equality of opportunity?		N/A
Is a full assessment necessary?		No
Could any high impact amount to an adverse impact in this procedure?		No

I am satisfied that this procedure has been successfully impact assessed.

I understand the impact assessment of this procedure is a statutory obligation and that, as owners of this procedure, we take responsibility for the completion and quality of this process.

Signed (completing officer)

DATE: 24 March 2014



Signed (Chief Executive)

DATE: 24 March 2014

