



Dyfed Powys



Gwent



North Wales



South Wales

Policing Governance in Wales

Policies and Procedures

GRIEVANCE POLICY

Policy and Procedure Summary

The purpose of the grievance procedure is to ensure that individual members of staff who feel aggrieved about the way they have been treated, either by the organisation, management or by colleagues, are given every opportunity to have their grievances resolved in a confidential and just manner.

Grievances are concerns, problems or complaints that employees raise with their employers. This grievance procedure is intended to resolve such issues within the Police Authority or Commissioner's Office as quickly, fairly and consistently as possible without apportioning blame or applying punishment. The procedure is designed to ensure that details of all grievances, and the action taken to resolve them, are properly documented.

"Local Policing Body" is a new term introduced by the Police Reform and Social Responsibility Act. At present the local policing bodies in Wales are Police Authorities. It is the Government's intention that they will be replaced in November 2012 by directly elected Police and Crime Commissioners.

This procedure has been adopted by the Four Police Authorities in Wales, but when the staff of the Police Authorities transfer to the Office of the Police & Crime Commissioner, the procedure will continue to apply unless and until amended by the Police & Crime Commissioners following consultation with staff. The policy applies to staff employed by Local Policing Bodies in Wales under the direction of the Chief Executive.

Date Ratified:

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1. Introduction

- 1.1 This document sets out the procedure for dealing with grievances arising from internal working relationships and is for use by staff employed by the Local Policing Body not under the control and direction of the Chief Constable.
- 1.2 The use of the grievance procedure is concerned primarily with the rights and responsibilities of employees. It is not to be used to apportion blame or to apply punishment but to find appropriate and positive resolutions.

2. Types of Grievance

- 2.1 The procedure is intended to deal with all types of grievance including for example, claims of unfair or unreasonable treatment or behaviour and claims of unfair interpretation or implementation of internal HR policies and/or conditions of service.
- 2.2 The procedure also includes any grievance involving claims of unfair treatment, harassment or discrimination on the grounds of Welsh Language or one or more of the protected characteristics as defined within Section 4 of the Equality Act 2010.
- 2.3 The existence of the grievance procedure does not remove an individual's right under law to take a case to an Employment Tribunal, which in most cases, should be received by the Tribunal within three months less one day of the incident.
- 2.4 The procedure is designed to ensure that details of all grievances, and the action taken to resolve them, are properly documented.
- 2.5 The grievance procedure is not a method for making an allegation under the Disciplinary procedure.

3. Representation

- 3.1 The aggrieved person and all other parties to a grievance will have the right at any stage to consult with and be accompanied by a representative of a recognised trade union or a work colleague.
- 3.2 At any meeting undertaken with the aggrieved person during the process, the representative will be allowed to confer with the aggrieved person and address the meeting to assist with putting forward the individual's case but will not be able to answer questions on the individual's behalf¹.

4. Confidentiality

- 4.1 All cases dealt with under the grievance procedure should be conducted in the strictest confidence, unless otherwise agreed with the parties involved.

5. Establishment of grievance

- 5.1 Those responsible for dealing with grievances should bear in mind that the procedure is aimed at achieving a resolution rather than establishing innocence or guilt. Grievance procedures do not provide for any punishment of the person against whom the grievance is made. It is not necessary for an aggrieved person to prove his or her case beyond all reasonable doubt. Often a grievance centres upon the word of one person against another, with little or no supporting evidence, and each case must be considered on the basis of the balance of probability. This is the standard of proof that Employment Tribunals use. The procedure is intended to provide fairness to all parties involved.

6. Victimisation

- 6.1 Victimisation of a person who invokes the grievance procedure, or who provides any form of assistance to someone who is invoking it is not acceptable and in discrimination or harassment cases, may constitute unlawful conduct.
- 6.2 The transfer of an aggrieved member of staff could be regarded as an act of victimisation and this course of action should never be undertaken simply to resolve the grievance. In some cases, a move of one of the members of staff concerned may be helpful and welcome, but before any action is taken, care should be exercised to confirm that this is the case and that any move will not be misconstrued as discreditable to the person. In some cases, the aggrieved person may ask to be moved. The reasons for the request to move must be thoroughly investigated and recorded.

¹ The Employment Relations Act 1999 (ERA 1999)

6.3 If a person who has invoked the grievance procedure, instituted legal action or given evidence or information in connection with proceedings feels that he or she is being victimised in any way, that person should at once advise the Chief Executive. If the allegation of victimisation is made against the Chief Executive, the individual should advise the Lead of the Local Policing Body.

6.4 Under the provisions of the Public Interest Disclosure Bill 1998 'Whistleblowers Act', legal protection is given to workers who make a "protected disclosure" in certain circumstances. They have the right not to suffer discrimination. Further reference to this procedure is made in Confidential Reporting Policies.

7. Time Limits

7.1 Grievances should be investigated as promptly as possible. This is imperative particularly in cases alleging discrimination or harassment, which may also become the subject of legal proceedings. In these cases time limits should be extended only following consultation with all parties and the express agreement of the aggrieved party and having regard to the three months less one day allowed for registering a case with an Employment Tribunal. In other grievance cases the time limits can be extended with the agreement of all parties.

7.2 For discrimination cases, time limits are imposed for lodging cases with an Employment Tribunal. Individuals must register their case with the Employment Tribunal within three months less one day of the date of the last act complained of. The aggrieved person should be made aware of this fact at the outset and reminded of it at each stage of the procedure particularly if, for any reason, the time limit is likely to expire before the grievance procedure has been exhausted.

7.3 An Employment Tribunal may exercise its discretion to defer a case until internal procedures have been exhausted, but it is not obliged to do so, nor is there any guarantee it will do so. There is no reason to believe however, that requests will not be treated sympathetically and wherever possible the Employment Tribunal should be given an indication as to when internal procedures will be completed. Where it is obvious that a matter cannot be resolved at an early stage, for example, when the grievance relates to a matter of policy or involves a potentially protracted inquiry, it is imperative that the aggrieved person should be informed of the likely timescale and reasons for any delay.

8. Informal resolution – 14 days

8.1 Before the grievance procedure is invoked, a member of staff's matter of concern should, if appropriate, be discussed first with their line manager in an effort to find a resolution.

8.2 All appropriate forms of informal resolution should be considered including mediation.

9. Stages of the Grievance Procedure

- 9.1 The grievance procedure comprises of three separate and distinct stages, as set out below. Only after all avenues to resolve a grievance have been exhausted at one stage should the matter be referred to the next appropriate stage. In most cases it should be possible to resolve a grievance at Stage 1.
- 9.2 At every stage the person receiving notice of the grievance should examine the issues with a view to seeking an early resolution, taking into account the wishes and expectations of the aggrieved person and other parties.

10. Stage 1 – Initial Report to Line Manager

- 10.1 Where a matter of concern cannot be resolved informally as in point 8, an aggrieved person should initially bring a grievance to the attention of their line manager in writing.
- 10.2 Where the grievance is against the aggrieved person's line manager, the grievance should be brought in writing to the attention of the Chief Executive, in which case the procedure begins at paragraph 11. Where the grievance is against the Chief Executive or Chief Finance Officer (CFO) it should be brought to the attention of the Lead of the Local Policing Body in writing, who will appoint an external mediator to hear the grievance and make recommendations accordingly. The procedure begins at paragraph 12.
- 10.3 Where it appears to the person receiving the grievance that on the facts related, consideration should be given to criminal or disciplinary proceedings, he or she should report the matter to the Chief Executive. Where consideration should be given to criminal or disciplinary proceedings against the Chief Executive or CFO, the matter should be reported to the Lead of the Local Policing Body. In each instance, where the matter is considered to be of a criminal nature, this should also be reported to the Chief Constable, and to the CFO if of a financial nature unless the allegations are against the CFO.
- 10.4 The person to whom the grievance is first reported should aim to resolve the grievance within 7 days, paying due regard to the need for confidentiality and ensuring that the following steps are taken:
- The arrangement of a formal meeting with the aggrieved person to enable the aggrieved person to explain their grievance and state how they think it should be resolved. The aggrieved person has the right to be accompanied at this meeting as outlined in 3.1.
 - The provision of appropriate guidance to the aggrieved person and other parties involved in the Grievance procedure or any associated issues.
 - A thorough and detailed enquiry into the matter, trying to obtain an early resolution.

- The seeking of advice and assistance as necessary, from an appropriate professional adviser.
- If appropriate, arrange a meeting with the person who is the subject of the grievance. This person would also have the right to be accompanied, as outlined in 3.1.
- Keeping written records and detailing all action taken at each step of the process
- Ensuring that all parties are told of the outcome of the enquiry personally, and what action (if any) is to be taken and the reason for the decision.

10.5 If the grievance cannot be resolved at this stage or is not resolved to the satisfaction of the aggrieved person, the procedure will move to a final appeal as set out in paragraph 13. All written records and papers should therefore be forwarded to the Chief Executive or Lead of the Local Policing Body as appropriate.

10.6 If the grievance is resolved to the satisfaction of the aggrieved person, the written records should also be forwarded with any other relevant papers to the Chief Executive or Lead of the Local Policing Body as appropriate.

11. Stage 2 - Role of Chief Executive

11.1 This stage of the procedure involves full consideration of the grievance by the Chief Executive where the grievance is against the employee's Line Manager. The Chief Executive will follow the process set out in paragraph 10.4.

11.2 All parties should be informed of the outcome of the inquiry personally, and what action (if any) is to be taken and the reasons for the decision. Written confirmation of the above is to be provided to the aggrieved person as soon as possible.

11.3 If the grievance cannot be resolved at this stage or is not resolved to the satisfaction of the aggrieved person, the grievance should proceed to the final appeal stage as set out in paragraph 13. Written records should therefore be forwarded with any other relevant papers to the Lead of the Local Policing Body.

11.4 If the grievance is resolved to the satisfaction of the aggrieved person, the written records should be retained by the Chief Executive.

12. Stage 3 - Role of the Lead of the Local Policing Body

- 12.1 This stage involves consideration of a grievance against the Chief Executive or Chief Finance Officer by the Lead of the Local Policing Body or external appointee who is responsible for trying to resolve the grievance in accordance with the procedure set out in paragraph 10.4.
- 12.2 The Lead of the Local Policing Body, if appropriate to do so, may request the assistance of another Local Policing Body in an effort to achieve a resolution. If the Lead of the Local Policing Body is in any way compromised or incapacitated from participating, he or she may ask an appointee to act in his or her place.
- 12.3 The Lead of the Local Policing Body should ensure that all parties are told of the outcome of the inquiry personally, and what action (if any) is to be taken and the reasons for the decision. Written confirmation will follow as soon as possible. All written records should be retained by the Lead of the Local Policing Body.

13. Right of Appeal

- 13.1 When a decision regarding resolution of the grievance has been made, the aggrieved person will receive this decision in writing. If the aggrieved person is not happy with the decision and/or suggested course of action, they have the right to appeal against the decision to an appropriate committee/sub-committee of the Local Policing Body.
- 13.2 To appeal against the decision, the aggrieved person should put their grounds for appeal in writing and this must be within 7 days of the decision having been communicated to him or her.
- 13.3 Appeals should be addressed to the appropriate person of the Local Policing Body. On receipt of a letter of appeal, an appeal hearing shall be convened within 14 days.
- 13.4 The aggrieved person will be made aware of the date of the hearing at least 7 days prior to the day. Where the aggrieved person cannot make the given date, at least one alternative date will be offered.
- 13.5 The decision maker at 1st instance and the aggrieved party may present their case to the appeal body. Both may call witnesses if they so wish. Both shall be permitted to be represented if they so wish.
- 13.6 Following the Appeal hearing, a decision will be communicated to the aggrieved person, the Lead of the Local Policing Body, within 14 days of the conclusion of the hearing.
- 13.7 This decision is final and there is no right of appeal beyond this point.

14. Grievance resolved or withdrawn

- 14.1 When a resolution is achieved at some stage in the procedure, or the aggrieved person decides to withdraw the matter, the officer handling the grievance at this stage must ensure

that the person concerned confirms this in writing. The aggrieved person should be advised that before doing so, however, he or she should discuss this decision with a colleague, friend or trade union and in every case at least 3 days should be allowed to elapse to enable the person to do so.

15. Retention of Records

- 15.1 At the conclusion of the grievance procedure all records and relevant papers should be forwarded to the Chief Executive or Lead of the Local Policing Body as appropriate where they will be retained until destruction is required as outlined in the Retention & Disposal Schedule.

