



**NOTTINGHAMSHIRE
POLICE**

PG 027
Type of Document: Grievance
Version: Management Guide
Registered Owner: 1.0
Author: Sharon Ault
Effective Date: Sue Peckham
Review Date: June 2012
Replaces document (if applicable): June 2015
Linked Documents: PS 141 Grievance Policy
PD 603 Grievance Procedure

Functional owner

Signed: **Date:** June 2012
Name: Margaret Monckton
Post: ACO Resources

Authorised (Head of Dept/FEG)

Signed: **Date:** June 2012
Name: Sharon Ault
Post: Head of HR & OD

Table of Contents

SECTION 1 VERSION CONTROL2
 SECTION 2 BACKGROUND3
 SECTION 3 AIMS / OBJECTIVES3
 SECTION 4 DETAILS3
 1. Informal Grievances3
 2. Grievance about a colleague3
 3. Mediation3
 4. Formal grievances.....4
 5. Representation.....4
 6. Role of the representative5
 7. Sickness.....5
 8. Timescales.....5
 9. Grievance meeting6
 10. Grievance investigation6
 11. Questioning7
 12. Witness meeting8
 13. Investigation report.....9
 14. Decision making9
 15. Grievance outcome meeting.....10
 16. Grievance appeal official10
 17. Grievances raised during a disciplinary process.....11
 18. Grievances that result in a police staff disciplinary investigation or PSD
 misconduct investigation11
 19. Temporary transfers11
 20. Files.....12
 21. Individuals Leaving Nottinghamshire Police12
 22. Victimisation12
 SECTION 5 LEGISLATIVE COMPLIANCE12

SECTION 1 VERSION CONTROL

Version No.	Date	Post Holder/Author	Post	Reason for Issue
1.0	June 2012	Sue Peckham	Senior HR Business Partner	New guide to accompany policy and procedure.

SECTION 2 BACKGROUND

This management guide must be read in conjunction with the Grievance Policy and Grievance Procedure. The management guide is applicable to police officers and police staff.

SECTION 3 AIMS / OBJECTIVES

Nottinghamshire Police is firmly committed to providing equality of opportunity for all police officers and police staff. The Force is committed to creating a working environment in which individuals can express concerns or grievances without fear of recrimination. All reasonable/legitimate grievances will be taken seriously and every effort will be made to find a solution that is acceptable to all parties.

The grievance procedure will provide a framework that allows the force to handle all reasonable/legitimate grievances in a fair, timely and transparent manner.

SECTION 4 DETAILS

1. Informal Grievances

It is recognised that individuals may, at some time, have issues or concerns with regard to their work, working conditions or relationships with colleagues. It is in both the individuals and the organisations interest to look to resolve these issues before they develop into a major problem.

Individuals should aim to settle most grievances informally with their line manager. A constructive informal discussion between the individual and line manager should be the initial step in the grievance process. Many problems can be raised and settled during the course of everyday working relationships. The facilitation of good working relationships is enhanced when managers address the issues brought to their attention in a short period of time.

2. Grievance about a colleague

These are often delicate matters and managers need to consider carefully how to approach the issue. If it is a matter such as a colleague's work capacity, attitude, poor computer skills, etc, the initial step should be to discuss in a private setting, the issue with the work colleague. It can be a situation where the counselling provider can be of assistance or additional training. This may resolve the issue.

Where there are colleagues who do not appear to be able to work together and one has complained about another then mediation should be considered.

3. Mediation

Mediation is described by Acas as follows:

'Mediation is a completely voluntary and confidential form of alternative dispute resolution. It involves an independent, impartial person helping two or more individuals or groups reach a solution that's acceptable to everyone. The mediator can talk to both sides separately or together. Mediators do not make judgments or determine outcomes - they ask questions that help to uncover underlying problems, assist the parties to understand the issues and help them to clarify the options for resolving their difference or dispute.'

The overriding aim of workplace mediation is to restore and maintain the employment relationship wherever possible. This means the focus is on working together to go forward, not determining who was right or wrong in the past.' **Acas**

Nottinghamshire Police recognise that mediation is voluntary and will only take place with agreement of both parties to support resolution. It is accepted that if used correctly, mediation can create an environment in which the individuals involved can jointly discuss the issues and find a mutually agreeable solution. It can reduce the impact on the workplace and in the longer term reduce costs both financially and to mental health.

4. Formal grievances

It is recognised that a formal procedure is required in those circumstances that cannot be resolved with an informal discussion with the line manager or through mediation.

It is not always possible to resolve grievances informally. Where the informal method has not resolved the issue, or it is not appropriate to follow an informal procedure, a formal grievance procedure should be followed.

Individuals may raise a formal grievance by writing to their line or a manager who is not the subject of the grievance. This should be done without unreasonable delay.

The individual must provide the facts of their grievance. It would be considered inappropriate, and therefore it would not be expected, to contain insulting, inflammatory or abusive language.

The line manager should advise the HR Partner (case management) that a grievance has been received. The line manager may nominate an investigatory official to carry out an investigation at this point should they believe it is appropriate for an investigation to be carried by someone other than themselves. The line manager or nominated investigation official's role is to carry out any necessary investigation to establish the facts of the case. The line manager should inform an individual at the earliest opportunity if a grievance has been made against them and the process that is going to be followed to investigate the grievance.

5. Representation

Employees have the right to be accompanied at a formal grievance meeting by a trade union representative or work colleague. Police officers are afforded the right to be accompanied by a work colleague or staff association representative. Nottinghamshire Police allows all individuals working within the force to be accompanied at all stages of the process. If the individual's representative or work colleague is unavailable the meeting can be delayed for a maximum of 5 working days.

The Acas Code of Practice refers to an individual being able to be accompanied by a work colleague; therefore it is inappropriate to restrict the individual's choice of work colleague if they are a family member. If the work colleague is a family member, it is good practice to ensure that the family member is fully aware of their role at any of the meetings and that they must respect the procedure. It can be an emotional experience for the individual and their family member and therefore should be dealt with sensitively. We would not normally expect a family member to attend a Formal meeting. If the family member does not conform to the protocol at a meeting it can be appropriate to ask the individual to have a different work colleague to accompany them.

6. Role of the representative

The representative may:

- Put the case forward on behalf of their colleague.
- Sum up on behalf of the individual.
- Respond on the individual's behalf to any view expressed at the meeting
- Confer with their colleague during the meeting

It is good practice to allow the work colleague/trade union representative/staff association representative to participate in the meeting fully as this can facilitate resolution of the grievance.

7. Sickness

Sickness absence does not necessarily preclude an individual from participating in and assisting with a grievance investigation or attending a grievance meeting. Consideration must be given to the individual's health and their wellbeing in attending a meeting to discuss their grievance. For an individual, raising a grievance can be a stressful situation and support may be necessary. The individuals may be offered the opportunity to provide a written statement detailing the nature and facts of their grievance. In turn the Investigating Official could request that the individual respond to written questions regarding their grievance to allow the investigation to proceed promptly. It is not advisable for Investigating Officials to go to the home address of an individual to hear their grievance. In these situations, the individual could nominate a trade union representative, work colleague or staff association representative to put their case. Alternatively a mutually convenient location could be arranged. In all situations medical advice should be carefully considered in the handling of the grievance.

8. Timescales

AREA	TIMESCALES	COMMENTS
Grievance received from individual	Individual should lodge their complaint within 3 months of the alleged incident	Should be registered without unreasonable delay. Should be registered by line manager with HR.
Acknowledgement	5 working days	Line manager to action
Grievance meeting	10 working days	Line manager to action
Completion of investigation	20 working days	Where possible, the individual will be kept updated on progress of investigation. In some cases the timescales may be extended.
Letter to confirm outcome	5 working days	After the outcome meeting by line manager or investigating official
Grievance appeal	5 working days	Individual to write with appeal to nominated person
Appeal meeting	10 working days	Grievance appeal official
Appeal outcome	5 working days	After appeal meeting

		unless further investigation required. Letter from grievance appeal official
--	--	--

9. Grievance meeting

The investigating official or line manager must arrange to meet with the employee to hear their grievance. It may be that the initial written grievance from the individual does not provide sufficient information to allow the line manager to determine if this can be solved by a meeting with the line manager or whether an investigation official needs to be appointed. At this stage the line manager may want to discuss the case with the HR Department dependant on the seriousness of the complaint.

The line manager should write to the individual confirming the receipt of the grievance and arranging a meeting. Please contact HR Case Management Team for a standard letter template. The meeting should be arranged within 5 working days of receipt of the grievance.

The line manager should listen carefully to the individual's grievance, remembering that discussion and dialogue can often lead to an amicable solution. It is important that the line manager should listen to the grievance in an objective manner and make notes of the issues.

The line manager may decide to investigate the complaint themselves. It is also possible that the line manager after discussion with the HR department to decide it is appropriate to appoint an independent investigation official due to the seriousness of the grievance/complaint being made or for some other substantial reason. The line manager should also consider if the grievance is regarding a colleague, when and how to advise the colleague of the grievance that has been lodged.

10. Grievance investigation

A grievance investigation may be undertaken by the line manager or the appointed investigating official. The purpose of the grievance investigation is to establish all the relevant facts and whether there is sufficient information to support the individual's grievance/complaint. The investigation should look into the grievance/complaint objectively.

Points to consider when conducting a grievance investigation:

- Gather evidence promptly, this could include:
 - IT or electronic data
 - Letters, memos, emails, file notes, diary entries, voicemail
 - Policies/procedures
 - Shift patterns, schedules
 - Staff handbook extract
- Identify witnesses and arrange that all meetings be held promptly to ensure that individual's recollection of the facts is not diminished by time delays.
- It is good practice that witnesses should be asked questions rather than providing a statement as it may not include all the information you wish to know
- Keep questions to the grievance/complaint being investigated
- Always allow the employee to add anything they wish to say after you have completed any questions you may have.

- A thorough investigation is a necessity to ensure that an individual's grievance/complaint is taken seriously and looked at appropriately.

It is advisable to meet with the individual making the complaint first, followed by any witnesses or people who may be able to provide more detail on the grievance/complaint.

11. Questioning

Grievance Investigation Meeting

- Invite the employee to a grievance investigatory meeting by letter (please contact HR Case Management Team for a standard letter template) as soon as practical.
- Invite the individual to re-state their grievance at the beginning of the meeting.
- Clarify back to individual what you believe the grievance/complaint is. This makes it far easier to investigate if all parties are clear on the nature of the grievance/complaint.
- Ask the individual how they would like it resolved. Ensure that the individual is realistic about what this may look like. Wanting another employee dismissed or downgraded is not reasonable. A change in working practices maybe a reasonable resolution. Each will stand on its own merits. It is not unusual that the person with the grievance may request an apology from the person they have complained about. A discussion with a HR Advisor will support a decision on what a reasonable solution is to the grievance. It should be noted that the line manager or investigating official cannot force another person to provide an apology although an individual could be asked if they were willing to apologise to the individual who has raised the grievance. The manager or investigating official can apologise on behalf of Nottinghamshire Police should they believe that is an appropriate action.
- Prior to the meeting it is advisable to collate questions that will support you to establish the relevant facts
- Ensure the venue is private and if possible, away from the employee's normal working area.
- Remember that individuals are allowed to be accompanied by a work colleague or trade union representative for police staff or work colleague or staff association representative for police officers.
- At the outset of the meeting explain the process and that you are establishing the facts of the case.
- At the meeting take notes of the questions and response given. The notes should have marked on them 'these notes are not verbatim nor intended to be'.
- After completing the questions, ask both the employee and their work colleague/trade union representative/staff association representative if there is anything that they wish to add.
- Take a short adjournment to check your questions, the responses and any notes to see if anything has been missed.
- Make allowances for the individual to 'let off steam' as this could be highly important to them and cause them to feel stressed and anxious.
- Advise them what will happen next i.e. further witnesses to interview etc. Close the meeting and advise it may be necessary to speak to them again.

- The notes of the meeting should be sent to the individual for them to check, initial any amendments, sign as an accurate account of the meeting and then return to the investigating official. The individual should not completely remove any of the content of the statement made.

To ensure that an unbiased investigation is conducted, the investigating official should focus on how information is obtained. Good questioning can be the key to a thorough investigation. It is important that the investigating official does not influence the outcome of the questions being asked by making inappropriate suggestions. Remember that individuals who have complained may feel vulnerable; therefore a soft approach may lead to the individual opening up more. Open, closed, probing questions should be asked as appropriate. Leading questions should be avoided.

Example: In the case of a grievance that 'an individual was not allowed to change their hours'

Questions to ask the individual could include:

- When you requested a change in hours, what hours did you request? Rather than 'you were not allowed to work school time hours, were you?'
- How would you describe your manager's response to your request? Rather than 'did your manager even consider your request?'
- When did you request the change? Rather than 'Was it just 2 weeks prior to wanting to change your hours that you put in your request?'

Remember that the what, where, how, why, when questions can be very useful when conducting an investigation.

12. Witness meeting

It is good practice to advise the line manager of the witness, that they have been invited to attend a meeting so that they are released from the workplace without any difficulty. It may be necessary to liaise with the line manager of the witness before setting up the meeting to agree an appropriate time so as not to impact on the work of that area.

- Invite the witness/s to a meeting by letter please contact HR Case Management Team for a standard letter template) as soon as practical.
- Prior to the meeting it is advisable to collate questions that will support you to establish the relevant facts
- Ensure the venue is private and if possible, away from the witnesses normal working area.
- Remember that Nottinghamshire Police offer individuals the opportunity to be accompanied by a work colleague, trade union representative or staff association representative.
- At the outset of the meeting put the individuals at ease and explain the process and that you are establishing the facts of the case.
- Advise the witness that the notes of the meeting will be shared with the person who has raised the grievance.
- Remind them of the confidential nature of the grievance investigation and ask that they do not discuss the case outside of the meeting.
- At the meeting take notes recording the questions and response given. The notes should have marked on them 'these notes are not verbatim nor intended to be'.

- After completing the questions, it is good practice to take a short adjournment to go through your questions, the response and notes to check whether anything has been missed.
- Reconvene the meeting and close the meeting.
- The notes of the meeting should be sent to the individual for them to check, initial any amendments, sign as accurate account of the meeting and then return to the investigating official.

If, after meeting the individual with the grievance and witnesses there are conflicting statements or inconsistencies then it could be explored further by re-interviewing the individual with the grievance or re-interviewing witnesses to clarify accounts. It may be that there is no benefit in re-interviewing any personnel involved. At the grievance meeting with the complainant a decision is made on whether the complaint is substantiated, part substantiated or not as the case maybe.

13. Investigation report

The investigating official will write a report detailing the findings and including all the documentation (Please contact HR Case Management Team for a useful template). The Investigating Official should provide a summary of their finding and whether the grievance/complaint is substantiated, part substantiated or unsubstantiated. The report should provide all the information collated during the investigation. If the individual has made more than one complaint then it is helpful to separate the issues so that the information can clearly be attributed to the area of complaint. There is no obligation to provide the complainant with copies of the documentation collated during the investigation although it is good practice to provide a copy of the final report. Please contact HR Case Management Team for a useful template for the investigating official to write to the complainant with details of the investigation, the rationale for the conclusion, whether the grievance was substantiated and any action the force will be taking as a result of the grievance. Acas advises that individuals should be provided with any minutes or notes of meetings and that information to protect witnesses may be redacted.

14. Decision making

The grievance investigation official must consider all the information that has been gathered. If there is a contradiction in any of the information, the grievance investigation official must decide what/who they believe and have a rationale for that belief.

The grievance investigation official may decide that the grievance is not substantiated, part substantiated or fully substantiated. Consideration should be given to what the individual is expecting as resolution. Before deciding on any actions, consideration should be given to the following:

- Outcomes for similar grievances
- Impact on any force policies or procedures
- Cost to the force of any changes
- Impact on other people who work for Nottinghamshire Police
- Whether a disciplinary investigation should be commenced against another individual
- Whether the changes are reasonable in the circumstances

15. Grievance outcome meeting

The investigating official should write to the individual (Please contact HR Case Management Team for a standard letter template) to invite them to a meeting to convey the outcome of their investigation into their grievance. The individual maybe accompanied. The investigating official should advise whether the grievance is substantiated, part substantiated or unsubstantiated and what action/s the force will be taking to resolve the grievance. The meeting is not an opportunity for the individual to challenge the outcome. The individual must be advised that if they are not satisfied with the outcome then they have the opportunity to appeal.

The ACAS Code of Practice gives employees the right of appeal. Nottinghamshire Police offer all individuals working for them the right to appeal if they are not satisfied with the outcome. The appeal is not an opportunity to get the grievance re-investigated by a more senior person. It is an opportunity for the individual, if they do not feel that their grievance has been satisfactorily resolved, to raise it to the next level.

16. Grievance appeal official

The grievance appeal official will be the manager more senior than the line manager if the line manager handled the grievance at the first formal stage. If an investigating official was appointed, then the grievance appeal manager will be a manager more senior than the investigating official.

The grievance appeal official will write (Please contact HR Case Management Team for a standard letter template) to the individual to acknowledge receipt of their appeal. The grievance appeal official should review all the paperwork and information collated during the investigation prior to the appeal meeting.

The grievance appeal official will arrange a meeting to hear the appeal by writing (Please contact HR Case Management Team for a standard letter template.) to the aggrieved individual.

At the meeting:

- Ask the individual what it is that they are not satisfied about with regard to the outcome of their grievance.
- Clarify back to individual what you believe the grievance/complaint is and what the dissatisfaction is with the grievance outcome.
- Ask the individual how they would like it resolved. Ensure that the individual is realistic about what this may look like. Again continuing to want another employee dismissed or downgraded is not reasonable. Resolution has to be reasonable and within the management span of responsibility. For example an apology on behalf of the force is available as an outcome. Forcing another individual to write an apology to the aggrieved individual is not appropriate although it may be requested by the manager. Each outcome will stand on its own merits. A discussion with an HR Advisor will support a decision on what a reasonable solution is to the grievance.
- The grievance appeal official will, after giving the appeal due consideration, provide a response verbally and then confirm the outcome in writing (Please contact HR Case Management Team for a standard letter template.)

- It is suggested that the reasoning for the decision is explained in sufficient detail in the letter so that the individual can understand the outcome. This is also helpful for the force, should an individual bring an employment tribunal claim.

17. Grievances raised during a disciplinary process

It is possible that a police staff member or police officer subject to a disciplinary investigation or PSD misconduct investigation may raise a grievance. It should not be the norm to suspend the disciplinary investigation or PSD misconduct investigation to investigate the grievance. Each case should be considered on its own merit. Discuss the grievance with a HR Advisor or PSD before determining any action.

18. Grievances that result in a police staff disciplinary investigation or PSD misconduct investigation

There may be occasions when it becomes apparent that the seriousness of the issue detailed by the complainant, that a police staff disciplinary investigation or PSD misconduct investigation should be instigated. If the line manager or investigating official believes it would be appropriate to suspend the grievance investigation, they must, in the first instance, discuss the case with a HR Partner (case management). The manager or investigating official and HR partner (case management) will liaise as appropriate with PSD. Each case will stand on its own merit.

If it is agreed to instigate a police staff disciplinary investigation or PSD misconduct investigation then the grievance investigation should be suspended. The complainant should be notified in writing that the grievance investigation is suspended pending a police staff disciplinary investigation or PSD misconduct investigation. Interviews undertaken during the grievance investigation should not be used in the police staff disciplinary investigation or PSD misconduct investigation. Witnesses would need to be interviewed under the provisions of Police Regulations or Police Staff Misconduct policy/procedure. Other additional information collated may be used in the police staff disciplinary investigation or PSD investigation.

When the Police Staff Disciplinary investigation or PSD misconduct investigation and any subsequent meetings, hearings and appeals are concluded, then the grievance investigation should be reopened and completed as appropriate.

19. Temporary transfers

When an individual's grievance is of harassment or bullying nature, it may be appropriate to ensure that while the matter is under investigation, the complainant is not subjected to any further alleged harassment or bullying. One way to support the complainant is in one party being temporarily moved to a different part of the force. Good practice suggests that is not appropriate to move the complainant and therefore it is usual to move the alleged harasser or alleged bully temporarily. Temporary transfers can have an impact on the well-being of the individuals involved; therefore this should be discussed with the HR Department before any action is taken. The necessity to move one party to a complaint will depend upon the severity of the allegations that have been made. It is important to assess the situation and make a decision on whether it is appropriate to temporarily transfer an individual or individuals.

Although in the majority of circumstances it is the alleged bully or harasser that is moved, it can be the individual who has made the complaint that is temporarily moved to a different part of the force.

The grievance should be handled confidentiality so that no one, other than the parties involved and line management, are aware that a complaint has been made and the subsequent reason for the temporary move.

20. Files

Once the grievance and appeal are completed, the grievance file and associated documents should be filed for storage.

21. Individuals Leaving Nottinghamshire Police

There is no provision within the Acas Code of Practice with regard to individuals who submit a grievance on leaving the force.

It is good practice that if in receipt of a grievance just before or after an individual has left the force for this to be investigated.

22. Victimisation

If an individual raises a grievance and then feels like they have been singled out for treatment different to others doing a similar role, it constitutes victimisation. If an individual supports a work colleague in a discrimination grievance and are treated unfairly this also amounts to victimisation. It is therefore important for managers to ensure that when investigating a grievance that the complainant or their work colleague who is accompanying them are not singled out for any different treatment. It may have been very difficult for the individual to raise the grievance in the first place and therefore it is important to treat their case sensitively and take reasonable steps to ensure victimisation does not occur. It can be helpful to discuss this with a HR Advisor.

SECTION 5 LEGISLATIVE COMPLIANCE

This document has been drafted to comply with the general and specific duties in the Equality Act 2010; Data Protection Act; Freedom of Information Act; European Convention of Human Rights and other legislation relevant to policing.

Nottinghamshire Police grievance policy and procedure comply with the Acas Code of Practice. The code is issued under section 199 of the Trade Union and Labour Relations (Consolidation) Act 1992 and was laid before both Houses of Parliament on 9 December 2008. It came into effect by order of the Secretary of State on 6 April 2009 and replaces the Code issued in 2004.

Employment Tribunals are legally required to take the ***Acas Code of Practice on disciplinary and grievance procedures*** into account when considering relevant cases. Tribunals may adjust any compensatory awards by up to 25 per cent for unreasonable failure to comply with any provision of the Code.