

WIRRAL COUNCIL

THE EMPLOYMENT AND APPOINTMENTS COMMITTEE

15 NOVEMBER 2012

SUBJECT:	GRIEVANCE POLICY
WARDS AFFECTED:	ALL
REPORT OF:	ACTING DIRECTOR OF LAW, HR AND ASSET MANAGEMENT
KEY DECISION?	NO

1. EXECUTIVE SUMMARY

1.1. This report sets out the details of the proposed revised Grievance Policy for the Council (non-schools).

2. BACKGROUND AND KEY ISSUES

2.1. On 14 April 2011, Cabinet accepted a report from an independent investigation undertaken by Martin Smith into allegations of bullying and abuse, raised by Martin Morton, a former employee in Adults Social Services.

2.2 One of the recommendations in the report was that the Council needed to review its processes and procedures in relation to Whistleblowing and Grievance issues to provide a more robust framework for ensuring such issues are dealt with effectively and to improve employees' confidence to raise such matters. A revised Whistleblowing Policy was agreed in September 2011.

2.3 A full review of the grievance policy has been undertaken. In addition to the concerns raised by Martin Smith, which had focused primarily on ensuring grievances and Whistleblowing concerns were identified and separated at an early stage to ensure a due process was followed, the review also considered the way in which the current grievance policy was being applied and considered ways in which the policy could be strengthened to improve it. The following areas were identified:

- a) The practice of appointing Investigating Officers rather than managers undertaking investigations
- b) Use of informal resolution and mediation
- c) Delays in time taken for cases to reach decision/resolution
- d) Poor communication with parties involved
- e) Link between Discipline and Grievance where a grievance alleges potential misconduct
- f) The level of Human Resources (HR) Support to all parties involved in the process
- g) No provision for collective grievances
- h) A process for dealing with grievances of employees who have left the Council

- i) Monitoring of grievances to identify trends
- j) Development of guidance documents for Managers and Employees to improve understanding.

2.4 The new policy has been developed with involvement from a number of key groups and individuals across the Council. This included feedback from individuals who had been involved in lengthy grievances and a focus group of managers, who had experience of dealing with employee grievances. The views of these groups and individuals were incorporated into the drafting process.

3.0 REVISED GRIEVANCE POLICY

3.1 Council has a duty to respond to grievance in a timely manner. It has been recognised that the Council needs to improve its performance in this areas. The Council also needs to ensure there is a clear policy and procedure in place which seeks to ensure consistent application of the policy across all departments.

3.2 The revised policy and procedure incorporates the following:

- a) Clear, revised and realistic timeframes for each stage of process have been specified, with clear guidance and support for Managers and employees through the process.
- b) Greater clarity on role of managers in dealing with grievances and the implications of not doing so.
- c) Managers should investigate complaints where appropriate, and only appoint Investigating Officers where necessary e.g. complex cases.
- d) Options for informal resolution and use of mediation where appropriate have been enhanced and promoted within the Policy.
- e) Clarified the requirement for Managers to clearly communicate with the parties involved on a regular basis, including the complainant and the respondent, supported by HR.
- f) Clarified the position and procedure for complaints that raise potential disciplinary issues.
- g) Clarified the role of HR with HR Officers assigned to each case to ensure consistency and allow HR to identify and flag up any grievances that are subject to undue delay
- h) Provision for dealing with collective grievances and grievances from employees who have left the Council.
- i) Improved management information and reporting to Elected Members (Employment and Appointments Committee), Executive Team and Departmental Management Team through HR casework system developed to assist HR in managing and monitoring cases.
- j) Improved guidance to managers and employees in relation to the grievance procedure.

3.3 The revised policy is attached at Appendix A,

3.4 Two guidance documents have also been produced. An employee's guide to the Grievance Policy and also a manager's guide; 'Handling Grievances Effectively'. These do not form part of policy and do not require approval of The Employment and Appointments Committee. These documents may be amended and revised from time to time as appropriate.

- 3.5 A grievance policy is required to set out how an employer will respond to a complaint from an employee relating to their employment and what process will be followed to do that. This remains the basic premise and the revised policy seeks to strengthen and clarify existing arrangements and emphasise the responsibility of managers in ensuring that happens.
- 3.6 The Council's HR/OD Team will commence a programme of training and awareness raising for managers on the revised policy and procedure which will include an e-learning module.
- 3.7 Further work is also required to develop and access to mediation. This can be arranged currently through Human Resources accessing external mediators but we will explore other options including training of in-house mediators and/or work with partner agencies for accessing mediation services.

4.0 RELEVANT RISKS

- 4.1 There are significant risks for the Council if the policy, procedure and arrangements in place do not promote an environment where employee feels able to raise concerns about their employment and if concerns are not dealt with in a reasonable and timely manner.

5.0 OTHER OPTIONS CONSIDERED

- 5.1 A comprehensive range of other organisation's policies and practices were reviewed and best practice identified in producing the revised draft.

6.0 CONSULTATION

- 6.1 There was consultation undertaken with the Trade Unions who have agreed the revised policy.
- 6.2 There was also consultation with Executive Team, Senior Managers, HR colleagues, Legal Services and the policy was also reviewed by external legal advisor.

7.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

- 7.1 No issues arising.

8.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

- 8.1 There are no additional resource implications.

9.0 LEGAL IMPLICATIONS

- 9.1 The revised Grievance Policy complies with relevant employment legislation.

10.0 EQUALITIES IMPLICATIONS

- 10.1 The EIA is attached, and is available at:

<http://www.wirral.gov.uk/my-services/community-and-living/equality-diversity-cohesion/equality-impact-assessments/eias-2010/law-hr-asset-management>

11.0 CARBON REDUCTION IMPLICATIONS

11.1 None arising from this report.

12.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

12.1 None arising from this report.

13.0 RECOMMENDATIONS

13.1 It is recommended to the Employment and Appointments Committee that:
The revised Grievance Policy is approved.

14.0 REASONS FOR RECOMMENDATION/S

14.1 The revised Grievance Policy aim to improve the Council's current management of employee grievances.

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APPENDICES

Appendix 1 Grievance Policy

REFERENCE MATERIAL

None

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Cabinet	14 April 2011