



Grievance Procedure

This procedure is part of North Yorkshire Police policy to which all Chief Constable personnel and the functions provided by the Police, Fire and Crime Commissioner are required to adhere.

Procedure Statement

Grievances are concerns or problems that staff and officers raise with an employer.

Anyone working in any organisation may at some time have problems or concerns about their work, working conditions or relationships with colleagues.

Issues that may cause grievances include, for example:

- Terms and conditions of employment
- Health and safety
- Work relations
- Bullying, harassment or victimisation
- New working practices
- Working environment
- Organisational change
- Discrimination

North Yorkshire Police (NYP) aim to:

- Enable officers and staff to raise matters which concern them
- Be receptive to legitimate grievances
- Address grievances by effective management engagement and, wherever possible, without recourse to formal procedures
- Resolve grievances promptly and fairly
- Learn lessons from grievances to identify and implement improvements.

This document sets out the procedure by which NYP achieves those aims.

Officers and staff are expected:

- To raise any grievance within 3 months and in good faith
- To engage constructively with this procedure to help NYP achieve the aims set out above

This procedure is available to all NYP personnel and volunteers.

Overarching Policies:

Equality Diversity and Human-Rights Policy
Working Arrangements and Flexibility Policy
Bullying and Harassment Policy

Procedures:

Gifts, Gratuities and Hospitality Procedure
Confidential Reporting and Whistleblowing
Suspension of police officers from duty procedure
Notifiable association procedure
Internet and Email

Other Documents:

Disputes and Problems at Work
Workplace Mediation

Process

Individuals wishing to raise a grievance (“the aggrieved person”) may do so verbally in the first instance but should always set out their concerns in writing as soon as practicable. The written grievance should set out the nature of the concern or problem and should identify how the aggrieved person would like to see it resolved. Every effort must be made to deal with grievances as soon as is reasonably practicable, in order to deal with issues promptly and without unreasonable delay. Grievances should be raised within 3 months of the problem or complaint causing the grievance, unless otherwise agreed.

Informal Process

Employees should aim to resolve their problems or concerns informally by speaking with those involved in the first instance. However, if this proves to be unsuccessful, then the next step will be for the aggrieved person to raise the grievance with their line manager who will, in most cases, be best placed to respond and able to try to resolve problems before they develop into major difficulties for all concerned.

If it is not appropriate for the line manager to deal with the grievance (for example if the line manager is the subject of the grievance and/or aggrieved person perceives they are being subjected to bullying or harassment) then they should raise the matter with their second line or another manager of or around the same rank or grade as their line manager (in another department or area if necessary). Similarly, the complaint may be so serious that it may be more appropriate to deal with it through other appropriate procedures. Advice should be sought from People Services and/or Professional Standards in such circumstances.

Line managers should consider the following steps when dealing with a with a grievance informally:

Step 1 -Talk to the employee privately – whenever an informal grievance is raised, the line manager should arrange to meet with the employee as soon as reasonably practical. The joint aims of the discussion should be to:

- ensure the employee is given the opportunity to explain their grievance

- seek a means of resolving the grievance to the employee's satisfaction, if possible while taking into account the need for consistency and fairness.

Step 2 - Arrange a face-to-face discussion (or other forms of communication can be agreed if more suitable to meet the needs of the individual) involving some or all of the people involved. Line managers should usually encourage individuals to discuss the issues constructively and should be present to facilitate such discussions, where appropriate. When facilitating a discussion, the aim is to create a safe environment for people to discuss the issues openly and to try to agree a way forward. Advice from People Services about contractual or policy relating to the matter should be sought prior to the meeting taking place.

Step 3 - Consider referral to mediation. Mediation is a well-established, flexible process for resolving disputes in which an impartial third party (the mediator) helps those in dispute find a mutually acceptable solution. Mediation is a voluntary process which can be used at any stage of a dispute but is most effective if used early on. It is totally confidential. No details of the mediated discussion can be disclosed or used in any other process. Mediation services can be accessed through People Services.

A written note should be made of the outcome of the informal process, a copy of which should be sent to the aggrieved person, so they clearly understand how the matter has been addressed.

Line managers who deal with a grievance should inform the Employee Relations Team that a grievance has been raised and what the outcome is. This enables the organisation to comply with its duty to maintain accurate records of types of grievances and how it deals with them.

Formal Process

If it is not possible to resolve a grievance informally, the aggrieved person should complete a Grievance Form and forward it to the Employee Relations Team. All formal grievances should be submitted within 3 months.

The Employee Relations Team will nominate a manager usually not involved with the department or any party to deal with the matter.

Once the nominated manager receives the Grievance Form, the aggrieved person will be invited to attend a meeting to discuss the grievance. The manager should:

- Hold the meeting as soon as practicable, in order to deal with issues promptly and without unreasonable delay. This may be face to face or any other form of communication as agreed with both parties.
- Hold the meeting in private, avoiding interruptions
- Consider arranging for an independent person to take notes
- Ensure that they take relevant advice from the Employee Relations Team about how similar cases have been handled in the past to ensure consistency
- Allow the aggrieved person to be accompanied by a representative from UNISON//Staff Association or a colleague, who is not a legal representative and not connected with the case
- Where the aggrieved person or their companion is disabled within the meaning of the Equality Act 2010, consider any representations made for reasonable adjustments in respect of the meeting arrangements

- Ascertain the facts
- Identify the expectations of the aggrieved person
- Summarise the main points
- Inform the aggrieved person when they might reasonably expect a response as to how the matter will be dealt with
- Consider whether a referral to mediation is appropriate if this hasn't already been done.

The manager may adjourn the meeting

- In the majority of cases **before** reaching a decision about appropriate action which should be taken in respect of the grievance
- If necessary, seek relevant advice from Professional Standards or People Services to ensure that the contemplated action is appropriate. Allegations which appear to involve breaches of the law, standards of professional behaviour for police officers, or the PSC code of conduct for police staff will require more detailed advice.

Regular updates should be provided by the grievance manager to the aggrieved person as to progress, highlighting any potential delays. Welfare support should be provided by line management or a named contact if line management is the subject of the grievance.

Regular updates should also be provided to the person who may be subject to the grievance, to ensure they are kept up to date and have the correct welfare support in place if required.

A written record will be made of the formal process, a copy of which will be sent to the aggrieved person so there is a clear understanding about how the grievance is being addressed. It is good practice for the manager to reconvene the grievance meeting to communicate the outcome directly to the aggrieved person. In any event the decision will also be confirmed in writing within 10 calendar days of the individual being verbally informed of the outcome. A copy of the written record of the outcome must be lodged with the Employee Relations Team for monitoring purposes.

The aggrieved person will be informed of their right of appeal if they are not satisfied with the outcome.

Appeal

If the aggrieved person feels their grievance has not been satisfactorily resolved, they may appeal.

Written notice of appeal stating the grounds should be lodged with the Employee Relations Team within 14 calendar days of the aggrieved person receiving written notification of the outcome. The Employee Relations Team will request all relevant paperwork from the Grievance Manager who will forward it as soon as practicable.

The Employee Relations Team will nominate an independent Appeal Manager (ideally Superintendent or police staff equivalent) to deal with the appeal. The Appeal Manager should have had no involvement in the grievance and, where possible, should be a more senior manager than the manager who dealt with the grievance.

The appeal meeting will normally be held within 15 calendar days of the appeal being received by the Employee Relations Team.

The aggrieved person will be informed of the time, date and location of the appeal meeting and their right to be accompanied by a representative from UNISON//Staff Association or a colleague, who is not a legal representative and not connected with the case. This will be done in writing by the Appeal Manager as soon as reasonably practicable following receipt of the notice of appeal.

The purpose of the appeal will be to provide the Appeal Manager with an opportunity to rectify clear errors or inconsistencies in process or determination. It will not usually be appropriate for a full re-hearing of the original grievance to take place at the appeal stage.

Following the appeal meeting, the Appeal Manager may confirm the Grievance Manager's decision or may conclude that the earlier decision should be varied. It is good practice for the Appeal Manager to communicate the decision verbally to the aggrieved person as soon as practicable in the first instance before confirming the outcome in writing. A copy of the written record of the outcome must be lodged with the Employee Relations Team.

The Appeal Manager's decision will be final. Individuals who remain dissatisfied with the outcome may of course seek their own independent legal advice.

Additional Matters

Overlapping and Disciplinary Cases

Where grievance and disciplinary matters are related, it may, under certain circumstances, be appropriate to deal with both issues concurrently.

Support/Advice/Assistance

Advice concerning this procedure is available from the Employee Relations Team.

There are a number of sources of support and advice with NYP that personnel can contact including:

- UNISON
- Police Federation, Police Superintendents' or other staff associations
- People Services
- Health and Safety and Health and Wellbeing
- Support networks such as:
 - NYP Disability Network
 - NYP Gender Network
 - NYP LGBT + Network
 - NYP Neurodiversity Network
 - NYP Race Network
 - NYP Faith Network
 - NYP Family Network
 - The Black Police Association.

Recording

Records of grievances and their outcomes will be maintained by the Employee Relations Team.

To ensure both legal compliance as well as lessons learnt, it is important that all managers record and supply the relevant information to the Employee Relations Team.

Dissatisfaction following a formal grievance

Under certain circumstances an aggrieved person who decides not to appeal may later wish to raise a concern about, for example, the implementation of the decision reached by the Grievance Manager. In such circumstances contact with the Grievance Manager is preferable to the raising of a further grievance.

Leavers

If the aggrieved person leaves NYP before the grievance has been finalised, then any outstanding matters may be addressed by correspondence without the need for face-to-face meetings.

General

All those taking part in the grievance process are expected to act reasonably and conduct themselves in a way which is consistent with the aims of the grievance procedure.

In particular, it will usually be considered reasonable to extend the timescales set out in this procedure to take account of, for example, intervening operational commitments. It may be occasionally necessary to vary the procedure (such as choice of Grievance Manager or Appeal Manager) to accommodate particular sets of circumstances.

Confidentiality

A grievance should not be disclosed to other parties without the consent of the aggrieved person.

If other parties are spoken to, a written record must be kept.

Grievance records will be kept in confidence and in accordance with the principles of the Data Protection Act (DPA) 2018.

Monitoring

The Employee Relations Team will monitor all grievances to ensure a corporate and consistent approach. All grievances will be logged for reporting and monitoring purposes in accordance with the relevant legislation.

Summary of Timescales

Initial grievance meeting by manager – As soon as practicable
Written confirmation of decision - 10 days
Appeal in writing by aggrieved person - 14 days
Appeal meeting to be heard following written appeal - 15 days
Written confirmation of final decision - 10 days
Submission of Grievance – within 3 months
Days means calendar days in all cases.

It should be noted that these timescales are intended for guidance. Any agreement to depart from the timescales should be documented and an explanation given as to why they cannot be complied with. Where possible, these timescales should be adhered to in all but exceptional circumstances.

Whistleblowing

In accordance with the Public Interest Disclosure Act 1998 workers are able to make disclosures about certain kinds of wrongdoing to their employer so that problems can be identified and resolved speedily within the organisation. The law protects those who make protected disclosures or “blow the whistle” in this way.

The Grievance Procedure is intended to provide one way in which NYP personnel may raise protected disclosures and have them addressed.

Responsibilities

Operational Officers/Police Staff:

- Raise a grievance in good faith and within 3 months
- Submit a grievance in writing using the grievance form and identify desired outcome(s)
- Engage constructively with the procedure
- Not use the grievance procedure where another process applies
- Lodge grievance appeal setting out grounds for appeal within prescribed time limits wherever possible.

First Line Supervision

- Be receptive to legitimate grievances
- Deal with grievance promptly and within prescribed timescales where possible
- Seek advice from People Services and/or Professional Standards where appropriate
- Consider referral to mediation
- Record grievance
- Forward documentation to the Employee Relations Team.

Employee Relations Team

- Nominate Grievance Manager
- Nominate Appeal Manager, where appropriate
- Commission use of mediation, where appropriate
- Retain records of all grievances in accordance with the Data Protection Act 2018.

Grievance Manager

- Inform aggrieved person of time, date and location of meeting
- Conduct grievance meeting and reach decision
- Confirm decision verbally, if possible, but in writing
- Lodge written record with the Employee Relations Team.

Appeal Manager

- Inform aggrieved person of time, date and location of appeal meeting
- Conduct appeal meeting and make final decision on grievance
- Confirm final decision verbally, if possible, but in writing
- Lodge written record with the Employee Relations Team.

Definition of Special Terms

North Yorkshire Police Personnel – Collectively, Police Service Personnel and Commissioner Staff as defined below.

Police Service Personnel – Police Officers under the direction and control of the Chief Constable and Police Staff in the employment of the Chief Constable.

Chief Constable's Staff – All staff in the employment of the Chief Constable of North Yorkshire Police

Commissioner Staff – All staff in the employment of the Police and Crime Commissioner.

Police Staff – collectively, Commissioner and Chief Constable's staff

Work colleague (in the capacity of the right to be accompanied) – any member of North Yorkshire Police Personnel.