

GRIEVANCE POLICY

About

This policy sets out to confirm the approach the Service will take should an employee's have a concern, issue or grievance about their employment, and to protect employee's wellbeing within the workplace.

This policy sets out to promote positive behaviour, a positive culture and set out behavioural expectations with the objective to prevent failures in expectations.

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GRIEVANCE POLICY

1. POLICY STATEMENT

- 1.1 Essex County Fire and Rescue Service (the Service) is committed to creating an environment in which employees are treated fairly and with dignity and respect.
- 1.2 The Grievance Policy includes the Service's Dignity at Work Framework. All complaints in relation to the individual rights in employment (other than those detailed in 1.7 below) including complaints of harassment and bullying are to be addressed through this procedure. Any bullying or harassment of employees is totally unacceptable and will not be tolerated.
- 1.3 The purpose of this policy is to promote the highest standards of professional behaviour among staff and to provide a platform to raise a concern, issue or grievance about their employment, and to protect employee's wellbeing within the workplace, and prevent instances of harassment or bullying.
- 1.4 The purpose of this policy is to ensure a safe and non-threatening work environment by:
- making clear the standards of behaviour expected of staff when working or associating with colleagues and also when dealing with the public
 - taking a zero tolerance approach to harassment or bullying
 - applying a proportionate approach to inappropriate behaviour
 - making clear the responsibilities of all staff for challenging harassment and bullying appropriately
 - providing access to support and advice for anyone who considers they have been harassed or bullied.

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- 1.5 It is the policy of the Service that all grievances raised by employees are dealt with in a fair and effective manner and at the appropriate level bearing in mind the nature of the complaint.
- 1.6 It is expected that most questions concerning an employee's employment with the Service will be dealt with satisfactorily in the course of the normal working relationship between the employee concerned and the immediate line manager.
- 1.7 Matters appropriately dealt with under this procedure include all questions relating to the individual rights of employees concerning their employment, other than those relating to grading, discipline, capability or appraisal or any other policy or process which has a separate appeals procedure.
- 1.8 The procedures detailed in this policy should not be used for any matter relating to nationally or locally agreed terms and conditions of service, except where the grievance relates to the interpretation or application of a particular provision to an individual employee.
- 1.9 This procedure should also not be used relating to matters which the Authority has no control e.g. income tax, national insurance or pay awards.
- 1.10 Employees are encouraged to consider mediation as an option to resolve a complaint or dispute. Some situations may, however, be more serious and may need to be dealt with under the formal procedure outlined within this policy.
- 1.11 The Service is committed to resolving issues of conduct and behaviour promptly and appropriately and encourages the use of de-escalation and informal resolution where possible

2. SCOPE

- 2.1 This policy applies to all employees of the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority (the “Service”), including those on a Fixed Term Contracts, Casual Contracts, Full and Part-time employees and employees with flexible working agreements.
- 2.2 This policy does not apply to Agency Workers, Self-Employed Contractors, and Volunteers, members of the Public or Third Party Service Providers, who should use the Complaints procedure.
- 2.3 Should a member of the Service Leadership Team wish to raise a grievance, they should do so in accordance with the procedure set out within the terms and conditions of their employment.
- 2.4 Complaints that amount to an allegation of misconduct on the part of another colleague will be investigated and dealt with under the Disciplinary Policy.
- 2.5 Collective grievances (two or more individuals) will be dealt with via the collective grievance procedure (which can be found at points 5.6 – 5.9), which follows the same principles, with one joint grievance and appeal.
- 2.6 Unless there are exceptional circumstances any grievance must be raised within three months of the incident or action giving rise to it. Any grievance raised outside of that time may not be considered.

3. PRINCIPLES

- 3.1 The Service will treat all grievances as being raised in good faith unless there is clear evidence to contrary, and is committed to ensuring a fair investigation process.

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- 3.2 Every attempt will be made to resolve grievances at the informal level and as near as possible to their point of origin to ensure grievances are dealt with as quickly as possible, and without undue delay.
- 3.3 Employees have the right to be accompanied by a fellow employee or trade union official of their choice at all formal stages of the procedure. No reasonable request for representation or to be accompanied by a companion would be refused at the informal stages of the procedure
- 3.4 Should a grievance be found to be vexatious, malicious or not raised in good faith, then the individual raising the grievance may be subject to disciplinary action. In such instances, the Disciplinary Policy will apply.

4. PROCEDURE

Informal Procedure

- 4.1 The Service is committed to resolving issues informally and de-escalating matters wherever it is possible to do so. In order to do this, employees are expected to discuss concerns with their line manager about any issue in the first instance. Employees are not expected to put informal concerns in writing although they may find it helpful to note down the main points of their concerns.
- 4.2 Employees are expected to attempt to resolve their concerns informally with their line manager and/or use informal mediation or similar methods (i.e. facilitated conversations), before raising a formal grievance.
- 4.3 Managers will meet with the employee as soon as possible, and will aim to do so within seven days of the grievance being raised, to try to resolve matters, to listen to the employee's concerns, and to establish the facts surrounding the issue.

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- 4.4 Having considered the issue, the manager must speak to the employee regarding their findings and any decisions as soon as reasonably possible, and will aim to hold the follow up meeting within ten days of the initial informal stage grievance meeting. The manager will confirm the discussion in writing as soon as reasonably practicable, and will aim to do so within five days.
- 4.5 In most cases, this open dialogue between employee, manager and, if appropriate, any third parties, should be able to resolve or explain the issue. If, however, the employee feels that their concern has not been adequately resolved, where the grievance relates to another individual, the manager may recommend a facilitated conversation or mediation as a way of addressing the concerns. It is expected that all parties will explore all appropriate avenues to resolve the issue and will participate in initial, possibly individual, meetings with a facilitator or mediator before they raise a grievance at the formal stage.
- 4.6 If the concern or complaint is against their line manager, it may be more appropriate for the employee to discuss the issue with the line manager's manager, or another manager at the same level, who will try and resolve the issue at the informal stage.
- 4.7 At the end of the informal procedure, the manager will write to the employee informing them of the outcome to the informal stage and explaining how the procedure can be progressed if they remain dissatisfied.
- 4.8 If the concern or complaint is considered to be of a more serious nature, it may be appropriate to move directly to the formal procedure.

Formal Procedure

- 4.9 If the employee is not satisfied with the outcomes shared by the manager, and have explored all other avenues to resolve their grievance informally, or if the grievance is of a more serious, or exceptional, nature, they can raise a formal grievance.
- 4.10 The employee should outline their grievance in writing. If the grievance is an escalation following attempts to resolve at the informal stage, this should be within seven days of receiving the written reply from their line manager. This written communication should also state their desired outcome. This should be sent to their manager, unless it is an escalation, when it should be sent to an employee manager's line manager, or other manager as agreed or stated in the outcome notification. If written notification is not received within the time limit, it will be taken that the grievance has been settled, unless the delay has been expressly agreed with the manager who dealt with the informal stage, or is for an unavoidable reason.
- 4.11 Managers will meet with the employee as soon as possible, and will aim to do so within ten days of receipt of the written notification. Employees have a right to be accompanied by a trade union representative or to have a fellow worker as a companion.
- 4.12 At the formal stage, an appropriate member of the HR team should be present at the grievance meeting as an adviser to the hearing manager. A note taker may also be present.
- 4.13 In some circumstances it may not be possible to resolve the grievance at the meeting (e.g. because further information, or an investigation is required). If the Manager considers that an investigation is required, then they should adjourn the meeting to ask for the necessary enquiries or investigation to be undertaken. In some circumstances, an investigation by another officer may

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be required. This investigation will be completed as quickly as possible and the process will be under the guidance of Human Resources and the Service. A reasonable timeline should be agreed with the affected employee.

- 4.14 Any investigation will respect the confidentiality of the grievance process. If any evidence is gathered in the course of these investigations, the employee will be given a copy with sufficient notice for them to consider their response. This timescale will be mutually agreed in line with the scale of the evidence provided. In some circumstances, the evidence given by individuals may have to remain confidential. Where confidentiality is necessary this will be explained to the employee.
- 4.15 In carrying out any investigation, the investigating officer will:-
- Establish the facts of the case and gather evidence;
 - Interview the employee where appropriate and any relevant witnesses;
 - Ensure individuals being interviewed are aware of the purpose of the investigation.
- 4.16 Having considered the issue, the manager must speak to the employee as soon as reasonably possible regarding their findings and decision and confirm the discussion in writing as soon as reasonably practicable, and will aim to hold the follow up meeting within ten days of the formal stage grievance meeting. A copy of the reply will be kept on the employees Personal Record file (PRF).
- 4.17 The hearing manager's final response to the grievance will be either:
- To uphold (in whole or part) the grievance; or
 - To dismiss (in whole or part) the grievance
- 4.18 Notes of the meeting should be taken and the employee should be provided with the opportunity to comment on the notes taken and make any responses within seven days (unless otherwise agreed). Should the notes not be agreed,

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then the complainant's comments can be attached as an appendix to the original notes.

- 4.19 Every effort should be made to hear grievances as quickly as possible. If it is not possible to meet any of the timescales outlined above, the employee should be informed of the reason and a revised timescale confirmed to them.

Appeal Procedure

- 4.20 If the employee is not satisfied with the response or outcome of their grievance, they have the right to appeal. The appeal will be in writing and will be to the line manager of the manager who heard the grievance at the formal stage, or other manager as agreed or stated in the outcome notification. Appeals must be made within seven days of receipt of the outcome notification.

- 4.21 The employee must setting out the grounds for the appeal and any redress being sought. The employee is required to outline whether their dissatisfaction with the outcome relates to:

- The decision – the evidence did not support the conclusion of the manager
- The procedure – a failure to follow procedure had a material effect on the decision
- The proposed action to resolve the grievance
- The outcome being sought.

- 4.22 A Panel made up of a Senior Manager (Group Manager, or equivalent, or above) and an appropriate HR practitioner shall hear the grievance appeal, and will aim to do so within ten days of receipt of the appeal from the employee.

- 4.23 The employee will have the right to attend the meeting to put forward their grievance to the panel. Employees have a right to be accompanied by a trade union representative or to have a fellow worker as a companion.

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- 4.24 Where possible, the panel shall notify the employee of its decision in person on the date of the appeal meeting and confirm this in writing within seven days of the appeal hearing. A copy of the reply will kept on the employees Personal Record file (PRF).
- 4.25 The appeal hearing manager may substitute a different decision to the original Grievance outcome and may decide to:
- To uphold (in whole or part) the grievance; or
 - To dismiss (in whole or part) the grievance
- 4.26 A record of the meeting agreed by both parties (where possible) should be kept.
- 4.27 Every effort should be made to hear grievances as quickly as possible. If it is not possible to meet any of the timescales outlined above, the employee should be informed of the reason and a revised timescale confirmed to them.
- 4.28 The decision of the appeal panel is final.

5. FURTHER MATTERS

- 5.1 Supportive mechanisms available for employees who raise a grievance are:
- Mediation
 - Free Counselling Services
 - Employee Assistance Programme (EAP)
 - Occupational Health (OH)
 - Professional association, or union, if you are a member.
 - HR
- 5.2 The Service will make a decision on a case-by-case basis as to whether the proposed action that has caused the grievance should be implemented or delayed until the grievance has been resolved, or all stages of the grievance

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procedure have been exhausted whichever is the sooner. In cases of immediate operational need, implementation will continue.

Attendance at Meetings/Appeals

- 5.3 Every effort should be made to ensure that meetings are arranged to suit the needs of management, the employee and their companion. However, should a mutually agreed location not be possible, every effort should be made by the employee and their representative or companion to attend the meetings arranged by management.
- 5.4 Should the employee not be able to attend the meeting proposed, then the employee should suggest another meeting date within seven days of the original meeting.
- 5.5 If the employee does not attend the rearranged date then the meeting may go ahead in the absence of the individual with decisions taken based on the information available to the manager at the time. Representation of the employee's issues can be made by representation, their companion or in writing.

Collective Grievances

- 5.6 Collective grievances (raised by 2 or more employees) should be resolved wherever possible through informal discussions between the relevant manager(s) and the aggrieved employees and follow the same process as for individual employees at the Informal Stage.
- 5.7 Where it has not been possible to resolve the issue informally, the aggrieved employees should submit a collective grievance which sets out the key areas of concern. Where, in addition to the general collective grievance, one or more employees have an additional or different concern, these should be dealt with

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under the individual grievance procedure separately from the collective grievance process, unless by agreement from all parties for the purpose of a less onerous process. The order of dealing with the collective or individual grievance(s) will be determined by the hearing manager(s) following discussion with HR.

- 5.8 The collective grievance procedure should not be used where employees should be raising individual grievances, where the grievances relate to a collective bargaining agreement, or where a collective bargaining agreement separately provides for a collective grievance procedure.
- 5.9 Where there is a dispute as to whether or not the collective grievance procedure applies and so should be followed, it is the Service's decision regarding whether to use the collective grievance procedure or to follow the individual grievance procedure.

Grievances raised by former employees

- 5.10 Wherever possible a grievance should be dealt with before an employee leaves the Service. Where this has not been possible and/or where the employee has already left the Service's employment, the Service's Complaints procedure will apply.

Time Limits

- 5.11 Time limits applicable to the different stages of the procedure are set out in this policy. These may be varied by mutual agreement. Failure to meet a time limit on behalf of management should not invalidate any outcomes (e.g. an outcome letter sent outside of agreed timescales cannot be used as just cause for a grievance to be upheld/not upheld, and the outcome would still be valid)

6. LINKS TO OTHER PROCEDURES

6.1 Although issues relating directly to other people procedures such as Disciplinary, Performance, Probation or Attendance Management are outside the scope of the Grievance Procedure because they all have intrinsic appeal processes, there are occasions when there are legitimate reasons for an employee to raise a grievance. In such circumstances, the relevant manager will take HR advice and decide on the most appropriate and fair way of managing the situation. This could include, but is not limited to:

- Carrying out a single investigation covering all the issues
- Consideration of the grievance at the hearing/meeting convened under the other procedure
- Running the procedures concurrently
- Suspending the other procedure for a short period until the grievance can be considered.

Harassment and Bullying (Dignity at Work)

6.2 Should an individual raise a complaint of harassment or bullying under the Dignity at Work framework, the Grievance Procedure will be applied to investigate the complaint. Where the investigation provides evidence of misconduct the Disciplinary Procedure will be evoked to conclude the investigation. The employee will be advised of the decision to move matters to the Disciplinary Procedure.

Recruitment, Movements and Promotion

6.3 Should an employee have a complaint relating to the application of the Recruitment and Selection, or Movements and Promotion, procedures this should be lodged as complaint within those procedures.

Personal Development Review (Appraisal)

6.4 This procedure should not be used to express dissatisfaction with the PDR procedure. Any issues that arise from the PDR process should be discussed with line management.

7. MONITORING AND REVIEW

7.1 All Grievance cases will be monitored and recorded by the HR Department and reports submitted to the Service annually, or as required by the Service Leadership Team

7.2 The procedures will be formally reviewed at least every three years. The policy may updated more regularly to maintain compliance with legislation and best practice.

Implementation Date	Author	Summary of changes	Date to be reviewed
TBC 2019	Steve Tovey, HRBP	Version 1, May 2019	TBC 2022