

CABINET

23 AUGUST 2011

REPORT OF THE CABINET MEMBER FOR CUSTOMER SERVICES AND HUMAN RESOURCES

Title: Human Resources Policies and Procedures – Grievance Resolution Procedure		For Decision
Summary: <p>The Human Resources Service is carrying out a review of key employment policies and procedures to bring them in line with the latest employment legislation and best practice.</p> <p>The Grievance Resolution Procedure was previously identified as a priority for review and this has recently been completed. The Procedure was subject to extensive consultation with managers and trade unions and their comments and feedback were taken into account in the final document, which is attached at Appendix 1.</p> <p>The draft final Grievance Resolution Procedure was considered by the Employee Joint Consultative Committee at its meeting on 16 November 2010 and recommend to Cabinet for approval.</p> Wards Affected: None		
Recommendation(s) <p>The Cabinet is recommended to agree the Grievance Resolution Procedure as set out at Appendix 1.</p>		
Reason(s) <p>To ensure that the Council is compliant with the latest ACAS guidance, employment and equalities legislation and “best practice”, as well as help contribute to developing a highly effective, motivated workforce.</p>		
Comments of the Chief Financial Officer <p>The relevant considerations appear at Section 2 of the Report.</p>		
Comments of the Legal Partner <p>The relevant considerations appear at Section 3 of the Report.</p>		
Cabinet Member: Councillor John White	Portfolio: Cabinet Member, Customer Services and Human Resources	Contact Details: Tel: 020 8724 8013 E-mail: john.white@lbbd.gov.uk

Head of Service: Martin Rayson	Title: Head of Human Resources and Organisational Development	Contact Details: Tel: 020 8227 3113 E-mail: martin.rayson@lbbd.gov.uk
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1. Introduction and Proposal

- 1.1 The Human Resources Services is carrying out a review of key employment policies and procedures, in consultation with managers and trade unions.
- 1.2 The Grievance Resolution Procedure brings together the arrangements for dealing with workplace grievances under one procedure which is clearer and easier to follow. The emphasis is on grievance resolution and trying to resolve issues as quickly and as fairly as possible, in accordance with ACAS guidance etc.
- 1.3 The Procedure also sets out the Council's commitment to providing a working environment where individuals are treated with fairness, dignity and respect and free from all forms of bullying and harassment; this includes both the managers and employees personal responsibility for their own behaviour.
- 1.4 The Procedure has been equalities impact assessed and there is no adverse impact for any groups of employees; the new arrangements are objective, fair and easier to follow. The application of the Procedure will be monitored closely to ensure that it is applied fairly and consistently across the Council and in departments.
- 1.5 Additionally, in bullying and harassment cases only the officer hearing the appeal will review the decision they reach and recommendations they might make with a sub-group of the Personnel Board before notifying the employee of the outcome. The decision remains with the nominated officer and the role of the sub-group is to advise the nominated officer and enable them to reach the appropriate decision. The sub-group will also assist the Personnel Board to understand issues around bullying and harassment in the Council.

2. Financial Issues

- 2.1 There are no specific financial implications associated with this proposal.
- 2.2 The new grievance arrangements and the emphasis on resolving issues at the lowest possible level where possible, should lead to a reduction in both the amount of time spent on grievances as well as a general reduction in the number of formal grievances arising. The benefits arising from these changes are likely to include both a reduction in sickness absence through stress etc (which will increase overall service productivity) and a potential reduction in the number of grievances escalating to become Employment Tribunal cases. Currently any costs associated with ET's are funded from existing budgets and therefore any reduction in these cases will result in less being spent on such activities.
- 2.3 At this stage it is difficult to assess what the full financial benefits of these new arrangements would be until the scheme has been fully implemented and been in operation for a period of time. Officers will therefore need to monitor the new

arrangements and report back accordingly on the quantitative benefits that have arisen.

3 Legal Issues

- 3.1 The Grievance Procedures encourages workplace disputes to be resolved to avoid recourse to legal proceedings. The ACAS Revised Code of Practice 2009 on Discipline and Grievance Procedures has established a fair process for employers to follow when dealing with grievances. Failure to follow the Code does not itself make the employer liable in proceedings but the employment tribunal can take the ACAS Code into account and has a discretion to adjust an award in cases by up to 25%
- 3.2 The ACAS Code emphasis the need for employers to deal with grievances fairly and without unreasonable delay. It is imperative that the Council has a system of monitoring the progress of grievances to ensure that it does not drift into a considerable lengthy process.

4. Other Implications

- 4.1 **Risk Management** – The Grievance Policy and Procedure follow ACAS guidance, employment legislation and “best practice” and as such should help reduce the number of tribunal claims by encouraging workplace resolution of issues in a more efficient way.
- 4.2 **Staffing Issues** – The trade unions (and staff support networks) have been consulted on the proposals and their comments and feedback taken into account in the final document; they will be consulted on the arrangements for communicating and implementing these if agreed.

Background Papers Used in the Preparation of the Report:

Report to the Employee Joint Consultative Committee, 16 November 2010

List of appendices:

Appendix 1 – Grievance Resolution Procedure