

Southend-on-Sea Borough Council

Report of Corporate Director for Corporate Services

to

CABINET

on

6th January 2015

Report prepared by: Liz Farrell
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People and Policy

Agenda
Item No.

Grievance and Dignity at Work Policy & Procedure
Executive Councillor: Councillor Woodley

A Part 1 Public Agenda Item

1. Purpose of Report

- 1.1 To seek approval for a combined Grievance and Dignity at Work Policy & Procedure and the introduction of an Internal Workplace Mediation Policy.

2. Recommendations

- 2.1 Members are asked to approve the revised Grievance and Dignity at Work Policy and Procedure (**Appendix 1**) and the Internal Workplace Mediation Policy (**Appendix 2**).

2 Background

- 2.1 Currently we have two separate policies dealing with grievance and dignity at work issues in the workplace, the Grievance Policy & Procedure and the Dignity at Work Policy & Procedure.
- 2.2 Whilst both these policies provide employees with a frame work to have their concerns heard on either an informal or formal basis, the processes are different and as a result cause confusion and inconsistencies in how we handle such matters. The difference between the policies also makes it complicated for employees when lodging their concerns as they often do not understand which policy to use.
- 2.3 The current Grievance Policy & Procedure has a two stage appeal process, with the final Appeal stage being heard by Appeals Committee (A & B). This is significantly different to the current Dignity at Work Policy & Procedure which only has one appeal stage, heard by a Head of Service or Corporate Director.

- 3.4 The recommendation is to revise and consolidate the two policies which will make it easier for employees to understand and access when they need to raise concerns either informally or formally. The proposed Policy is attached in **Appendix 1**.
- 3.5 One policy will ensure that a consistent and clear process is followed when dealing with staff concerns and that regardless of the nature of the complaint all employees will have the same appeal rights.
- 3.6 The combined policy will also have a greater emphasises on mediation and informal resolution. Mediation has been successfully used within the Council on 8 occasions (excluding schools) as an alternative to raising a formal grievance.
- 3.7 The combined Policy will be further supported by the introduction of an Internal Workplace Mediation Scheme and Policy (**Appendix 2**).
- 3.8 The introduction of a 3 stage approach (informal stage/formal stage/Appeal stage) will reduce delays in resolving grievance and dignity at work complaints.
- 3.9 The impact of combining the Grievance and Dignity at Work Policies are minimal. Between 1 September 2010 and 24 September 2014 there have been:
- 27 Dignity at Work complaints raised. Out of these complaints only two progressed to an Appeal Hearing heard by a Head of Service/Director
 - 20 Grievances have been lodged. Out of these grievances only one went to Members Appeal Hearing
- 3.10 The evidence is clear that managers, with HR support are generally able to resolve matters prior to reaching a Members Appeal stage. Therefore removing this stage should not have any significant or detrimental impact. Indeed it should ensure that the issues are resolved in a shorter timeframe which can only be to the benefits of all parties. The proposed approach has been adopted by a number of Local Authorities.
- 3.11 It is important to note that Employment Tribunals expect organisations to deal with matters in a reasonable time frame. Where a significant length of time has passed before an organisation has reached a conclusion the ET could deem that the council has acted unreasonably and it may lead to potential findings of unfair dismissal, breach of contract and discrimination claims.
- 3.12 Furthermore it is important to recognise the impact that such formal processes have on the employees. Delays in such matters often result in stress, dips in performance, non-attendance at work, or personal injury claims against the authority.

4. Corporate Implications

4.1 Contribution to Council's Vision & Corporate Priorities

Good employee relations are a critical benchmark of any organisation. If staff believe that such matters are handled appropriately and in a fair and consistent manner then this will directly contribute to improved engagement and performance.

4.2 Financial Implications

Failure to deal with these cases in a timely and proper way can lead to increased claims and associated costs. Preparation for, and servicing of member appeal hearing is also more costly than appeals heard by Directors/Heads of Services.

4.3 Legal Implications

There is significant and complex employment legislation that has to be adhered to when handling these cases. Failure to do so could result in costly claims. This is why it is critical that we have policy that supports early resolution to such employee concerns. Legal opinion has been sought and input obtained.

4.4 People Implications

There is a requirement to have robust policy and procedure to enable the council to deal effectively with employee relation issues.

4.5 Consultation

Unison and GMB have been fully consulted on these revisions. Their responses are details below:

TO BE CONFIRMED.

4.6 Equalities and Diversity Implications

None identified

4.7 Risk Assessment

The risk of continuing with the current provision is that we will continue to deal with employee concerns inconsistently causing delays in bringing matters to a resolution.

5. Background Papers

5.1 None

6. Appendices

6.1 Appendix 1 – Grievance & Dignity at Work Policy

6.2 Appendix 2 – Internal Workplace Mediation Policy