

EMPLOYMENT AND APPEALS COMMITTEE

8 February 2022

HR POLICIES

Report of the Strategic Director Resources

Strategic Aim:	All	
Exempt Information	No	
Cabinet Member(s) Responsible:	Mr O Hemsley, Leader of the Council and Portfolio Holder for Policy, Strategy and Partnerships, Economy and Infrastructure	
Contact Officer(s):	Saverio Della Rocca, Strategic Director for Resources	01572 758159 sdrocca@rutland.gov.uk
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Ward Councillors	All	

DECISION RECOMMENDATIONS

That the Committee:

1. Approves the updated Grievance Policy.

1 PURPOSE OF THE REPORT

- 1.1 To seek approval for updates to the Council's Grievance policy – the proposed amendments have been developed to reflect lessons learnt from recent cases and where a policy change would be beneficial for managers and employees.

2 GRIEVANCE POLICY - PROPOSED AMENDMENTS

- 2.1 The existing Grievance Policy was last reviewed in December 2016 and provides us with a framework to enable us to mutually resolve an employee's grievance in the workplace. The Policy is in line with the Advisory Conciliation and Arbitration Service (ACAS) Code of Practice on Grievance Procedures.
- 2.2 Whilst our number of 'formal' grievances are relatively low, by their nature they are time consuming from a management and HR perspective and often lead to ongoing strains in working relationships. In 2021 to date, we have had one formal grievance relating to repayment of professional training fees; two formal grievances relating to the conduct of other employees; and three informal grievances connected to

working relationships with other colleagues.

- 2.3 The proposed amendments for consideration are:
 - 2.3.1 A clear description of what should be managed/ heard under this policy and procedure, with signposting to more appropriate policies, where necessary.
 - 2.3.2 A clearer framework between the informal and formal stages has been outlined. This will allow the appropriate stage of the policy to be triggered and/ or escalated, where necessary.
 - 2.3.3 Clearer management guidance has been added to the policy in the form of a flowchart and checklists. This will give managers the tools to be more self-sufficient in managing this policy and procedure.
 - 2.3.4 The timeframe for raising a grievance has been extended from 2 to 3 months aligned to the ACAS code of Practice. This allows an employee a reasonable timeframe to raise a grievance following the alleged incident/ event. An extension to this timeframe will be given in exceptional circumstances, for example. a serious claim relating to discrimination.
 - 2.3.5 Explanatory information has been added to the policy to set out Rutland County Councils position on specific scenarios that could arise throughout the grievance process. This ensures employees are clear on how these matters will be addressed and managers can confidently respond as and when issues arise.
- 2.4 The updated policy retains the same timeframes (other than above) and the same number of stages as in the previous Policy and Procedure.
- 2.5 Implementation of the revised Policy will be supported by briefings for managers to help upskill them and enable them to undertake employee relations issues effectively.
- 2.6 An amended policy is attached at Appendix A for Members' consideration and approval.

3 CONSULTATION

- 3.1 We are required to consult and agree our HR policies with Unison – the proposed updated policy has been shared with them and approved.

4 ALTERNATIVE OPTIONS

- 4.1 We could leave the Grievance policy as it is and not proceed with the proposed amendments, but this would present some potential risks with the management of grievances in the future.
- 4.2 Whilst the ACAS Code of practice is not legally binding, an Employment Tribunal can reduce or increase any compensation awarded in a case by up to 25% if the code has not been followed.
- 4.3 As outlined in para 6.1, by law we must have a grievance procedure in place.

5 FINANCIAL IMPLICATIONS

- 5.1 No financial implications directly associated with the proposed amendments. However, where an employee proceeds to make claims against an employer at an Employment Tribunal eg. where we have not been able to resolve an employee relations issue, the Council would be subject to legal costs to defend a claim and potential loss by way of compensation.

6 LEGAL AND GOVERNANCE CONSIDERATIONS

- 6.1 By law, employers must set out a grievance procedure and share it in writing with all employees.

7 DATA PROTECTION IMPLICATIONS

- 7.1 A Data Protection Impact Assessments (DPIA) has not been completed because there are risks/issues to the rights and freedoms of natural persons.

8 EQUALITY IMPACT ASSESSMENT

- 8.1 An Equality Impact Assessment (EqIA) has not been completed as there is no differentiation for the provisions against the Protected Characteristics.

9 COMMUNITY SAFETY IMPLICATIONS

- 9.1 None

10 HEALTH AND WELLBEING IMPLICATIONS

- 10.1 There are no specific health and wellbeing implications to these particular changes, but the Council has an overall duty of care to its employees which means taking all steps which are reasonably possible to effectively manage its industrial and employee relations issues.

11 ORGANISATIONAL IMPLICATIONS

- 11.1 Human Resource implications – this is an important policy in our suite of HR Policies and supports us to resolve employee grievances and manage any potential risk of challenge to the organisation as well as maintaining a stable industrial relations environment.

12 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 12.1 The Council provides updates of policies to all staff and ensures that updated copies are available on the Council's intranet.
- 12.2 The policy amendments as outlined will ensure we have a robust and effective procedure for managing employee grievances.

13 BACKGROUND PAPERS

- 13.1 None

14 APPENDICES

14.1 Appendix A – Grievance Policy.

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.