

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.

The Senior Managers of the Service are fully committed to this policy.

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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.
- 1.4 The individual grievance procedure is intended to cover the range of concerns, problems and issues which individuals may raise with their employer. It fulfils the statutory requirements, which are set out in the annexes to the ACAS Code of Practice on Grievance and Disciplinary Procedures.
- 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.

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- 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.

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- 2.2 This policy does not apply to Agency Workers, Self-Employed Contractors, volunteers, members of the Public, or Third Party Service Providers, who should use the Complaints procedure.
- 2.3 Should a grievance be made against a decision taken by Service Leadership Team or the Deputy Chief Fire Officer, the grievance will be heard by the Chief Fire Officer with appeals to the Police, Fire and Crime Commissioner.
- 2.4 Should a grievance be raised against the Chief Fire Officer, or against a decision taken by the Chief Fire Officer, the grievance will be heard by an appropriate person as appointed at the Monitoring Officer (PFCC)'s discretion, with appeals to the Police, Fire and Crime Commissioner.
- 2.5 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.
- 2.5 Complaints that amount to an allegation of misconduct on the part of another colleague will be investigated and dealt with under the Disciplinary Policy.
- 2.6 Collective grievances will be dealt with via the collective grievance procedure, which follows the same principles as for an individual grievance, with one joint grievance and appeal.
- 2.7 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, 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 not raised in good faith, then the individual raising the grievance may be subject to further management action. In such instances, the Disciplinary Policy may apply.

4. PROCEDURE

Informal Stage

- 4.1 The Service is committed to resolving issues informally wherever it is possible to do so. Employees should aim to resolve most grievances quickly and informally by discussing them with their line manager. Where the grievance is a complaint against the line manager with whom the grievance would normally be raised, the employee can approach that person's manager or another manager at the same or similar level of authority. If employees are not satisfied with the outcome of this initial informal stage, they may move to formal stage.
- 4.2 Employees are expected to attempt to resolve their concerns informally with their line manager in the first instance before raising a formal grievance. Facilitated conversations or informal mediation, or similar methods, may be an option.

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- 4.3 Managers will meet with the employee as soon as possible, and will aim to do so within seven calendar days of the grievance being raised, to listen to the employee's concerns, and to establish the facts surrounding the issue and, where possible, to resolve the issue.
- 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 seven calendar 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 seven calendar 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.
- 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 or similar level of authority, who will try and resolve the issue at the informal stage.
- 4.7 At the end of the informal stage, the manager will inform the employee of the outcome 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 Stage

- 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

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grievance is of a more serious, or exceptional, nature, they can raise a formal grievance.

- 4.10 If a grievance cannot be settled informally, it should then be raised formally in writing with the appropriate level of management. Normally, this will be the line manager. Again, where the grievance is a complaint against the line manager with whom the grievance would normally be raised, the employee can approach that person's manager or another manager at the same or similar level of authority.
- 4.11 Managers will meet with the employee as soon as possible, and will aim to do so within seven calendar 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. It is important that the meeting is not interrupted and that the employee feels their grievance is being treated seriously and in confidence. If an employee's representative cannot attend on a proposed date, the employee can suggest another date so long as it is reasonable and is not more than seven calendar days after the date originally proposed by the manager. This seven-day time limit may be extended by mutual agreement. The employee will be given a full opportunity to explain their complaint and say how they think it should be settled. If a point is reached in the meeting where it is not clear how to deal with the grievance or further investigations are necessary the meeting should be adjourned to get advice or make further investigations. The manager should give the grievance careful consideration before responding.
- 4.12 At the formal stage, the manager may invite an appropriate member of the Human Resources team who has not previously been involved with the case to the grievance meeting as an adviser. 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 or the employee consider that a further or separate investigation

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is required, a reasonable timescale should be agreed with affected employee to allow further investigation.

- 4.14 In certain circumstances, such as when legislation needs to be complied with (e.g. Data Protection Act 2018), or where commercially sensitive information is involved, it may not be possible for such information to be shared.
- 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 arrange a meeting within previously agreed timescales to inform the employee of the outcome. This outcome should be confirmed to the employee in writing in seven calendar days of the meeting. A copy of the written outcome 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 the grievance
- 4.18 Notes of the meeting should be taken, and, where possible, agreed and signed at the meeting, and the employee should be provided with a copy and the opportunity to comment on the notes taken within seven calendar days (unless otherwise agreed). Should the notes not be agreed, then the complainant's comments can be attached as an appendix to the original notes.

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- 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 agreed with them.

Appeal Procedure

- 4.20 If the employee informs their manager in good time and in writing that they are unhappy with the decision after the formal grievance hearing, the manager should arrange for an appeal hearing to be conducted in good time. The appeal will be to a manager at a more senior role who has the practical authority to review and change the original decision. This level of authority may depend on the nature of the decision e.g. whether it simply involved application of existing policy, or was a decision introducing or changing policy. The employee should be given a written decision and explanation on their appeal within seven calendar days.
- 4.21 Serious cases such as allegations of bullying, harassment, racism or other unlawful discrimination which suggest major problems, for example of culture or management style, will (where the matter remains unresolved) require a further hearing to be conducted by the corporate level of the employing authority which is appropriate to the issue. For example, the appropriate level will be that which both appreciates the wider importance and significance of the issue and has the authority to deal with it. As with the previous stage, the employee should be given a written decision and explanation on their appeal within seven calendar days.
- 4.22 The employee must set 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

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- 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.

4.23 A Senior Manager (Group Manager, or equivalent, or above) shall hear the grievance appeal, and will aim to do so within ten days of receipt of the appeal from the employee. Should the Senior Manager request support at a grievance appeal meeting from a Human Resources practitioner, the member of Human Resources should be someone who has not previously been involved in the case.

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

4.25 Where possible, the manager shall notify the employee of their decision in person on the date of the appeal meeting and confirm this in writing within seven calendar days of the appeal hearing. A copy of the written outcome will be kept on the employee's Personal Record file (PRF).

4.26 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 the grievance

4.27 A record of the meeting agreed by both parties (where agreement is possible) should be kept.

4.28 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 agreed with them.

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4.29 The decision of the appeal hearing 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.
- Mental Health / Wellbeing champions
- Human Resources

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 procedure have been exhausted whichever is the sooner, where maintaining the status quo would be the default position. In cases of immediate operational need, including availability, risk critical circumstances, implementation will continue.

Attendance at Meetings/Appeals

5.3 Should the employee not be able to attend the meeting proposed, then the employee should suggest another meeting date within seven calendar days of the original meeting.

5.4 Representation of the employee's issues can also be made by representation, their companion, or in writing.

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Collective Grievances

- 5.6 Collective grievances relate to issues where the outcome has wider implications than just one individual or may require collective agreement.
- 5.7 Where either the authority or the recognised union determine that the matter is a collective issue, it may, at any stage, be transferred to stage one of the local negotiation procedure set out in Section 6, Part C of the Sixth Edition of the Scheme of Conditions of Service:

Stage 1

Other than for issues that arise initially at corporate level, the fire authority and/or recognised trade unions shall notify the other party of an issue that has arisen which falls within the purview of this procedure.

Where requested a meeting shall be arranged within ten working days to deal with the issue(s). As far as practicable any supporting information will be made available to all parties prior to the meeting taking place.

If no solution is found within ten working days the parties shall decide whether or not to continue discussion at this stage, refer to the next stage or end the discussion. Any party may refer the matter under negotiation to the next stage.

Stage 2

The Fire and Rescue authority and/or recognised trade unions shall notify the other parties of an issue of a corporate nature which comes within the purview of this procedure or which has been referred from a previous stage in this procedure.

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Where requested, a negotiating meeting at a level appropriate to the issue shall be arranged within ten working days to deal with the issue(s) raised. As far as practicable all parties will be provided with relevant information prior to the meeting taking place.

If no solution is found within ten working days of the meeting the parties shall decide whether or not to continue or conclude the discussion.

Where one party considers that external assistance may assist in resolving an issue at corporate level it may request the agreement of the other parties to this approach, and no party will unreasonably withhold agreement to such a request. Such a request shall be made within five working days of completion of discussion at the corporate stage. In such circumstances the parties may jointly agree to refer the issue to:

- (1) the NJC Joint Secretaries; and/or
- (2) ACAS; and/or
- (3) the NJC Resolution Advisory Panel (which shall comprise an Independent Chair and the Joint Secretaries)

to assist the parties further with their negotiations.

The above should be completed within twenty working days of the request for external assistance being made.

Grievances raised by former employees

- 5.11 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 before raising the grievance, the Service's Complaints procedure will apply.

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Time Limits

- 5.12 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 should not invalidate any outcomes (e.g. an outcome letter sent outside of agreed timescales cannot be used as just cause for a new 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 (this list is not exhaustive) 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 (e.g. should a policy or process not be correctly applied, a Grievance with may be raised in that instance).
- 6.2 In such circumstances, the relevant manager will take advice from Human Resources 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)

- 6.3 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

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misconduct, the Disciplinary Procedure will be evoked to conclude the investigation. The employees involved will be advised of the decision to move matters to the Disciplinary Procedure.

Recruitment, Transfers, Appointments and Promotion

- 6.4 Should an employee have a complaint relating to the application of the Recruitment and Selection, or Transfers, Appointments and Promotions procedures, this should be lodged as an appeal within those procedures.

Personal Development Review (Appraisal)

- 6.5 This procedure should not be used to express dissatisfaction with the Appraisal procedure. Any issues that arise from the Appraisal 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
October 2019	Steve Tovey, HRBP	Full revision and consultation of newly worded policy	October 2022