

Grievance Procedure

Report of the Chief Fire Officer

For further information about this report please contact Alan Taylor, Chief Fire Officer, on 01743 260225 or Jan Sorrell, Human Resources Officer, on 01743 260222.

1 Purpose of Report

This report is to notify the Human Resources (HR) Committee of a current review of the Shropshire Fire and Rescue Service (SFRS) grievance procedure.

2 Recommendations

The Committee is asked to:

- a) Agree to extend the deadline for the completion of the revised Order to allow for the incoming ACAS guidelines to be incorporated; and
- b) Agree that an update should be provided to Human Resources Committee in May 2008 with the revised Order attached

3 Background

SFRS's current grievance procedure (Brigade Order Human Resources 10 Part 4) was issued in August 2007 and is due for review in August 2009. It was established in accordance with the guidelines contained in the National Joint Council (NJC) for Local Authority Fire and Rescue Services (Grey Book); the NJC for Local Government Services Scheme of Conditions of Service (Green Book) and ACAS Code of Practice on Grievance and it applies to all Brigade personnel, both uniformed and non-uniformed.

The grievance procedure enables an employee to seek redress for any grievance that may arise in relation to their employment or conditions of service under which they are employed and is designed to resolve issues as speedily, fairly and as near to the point of origin as possible. It is the responsibility of all parties to ensure that this occurs.

4 Review of Grievance Brigade Order – HR Committee

The Grievance Brigade Order is currently being revised to take into account recommendations made to the HR Committee on 4 December 2008 “Employee Grievance Determination” re: Confidential Grievance Investigation Report by David Benson, Personnel Consultant.

Recommendations in regards to grievance were: -

- “That the Service either revises its Grievance Procedure, or provides additional guidelines on its use, to ensure that the rights of those against whom complaints are made, are fully recognised and acted upon, with regard to natural justice. Unless there are exceptional circumstances demanding confidentiality the presumption should always be that an employee has sufficient and timely information about any complaints being made against them.”

The HR Committee requested that this work be completed within 3 months of their meeting on 4 December 2008.

5 Review of Grievance Brigade Order – ACAS guidelines

SFRS Grievance Brigade Order review is also taking into account Employment Act 2008 draft code. ACAS updated and issued a draft guide (June 2008) on “Discipline and Grievance at Work”. The Human Resources Manager and Officers are booked to attend ACAS Disciplinary and Grievance Procedure training being held in February / March 2009 on this guide.

ACAS Code of Practice has special status. A failure to follow any part of the code does not, in itself, make a person or organisation liable to proceedings. However, employment tribunals will take the Code into account when considering relevant cases. Employment Tribunals may adjust awards if they feel the Code has not been followed without good reason. Where the employer has failed to comply with the Code the tribunal may increase any award to the employee by up to 25%. Where the employee has failed to comply the award may be reduced by up to 25%.

The Grievance Brigade Order will therefore need to be updated to reflect the new ACAS guidance. Our written procedure and revisions will aim to be specific and clear and be agreed wherever possible with trade unions.

The HR Committee is therefore requested to consider extending the deadline for completion of the revised Brigade Order to allow Officer training to occur and to incorporate learning from that. It is suggested that an extension until 1 April 2009 would be sufficient to complete the training, consult on changes with representative bodies and introduce the new Order. It would then come before the HR Committee at their meeting on 28 May 2009.

6 Financial Implications

There are no direct financial implications arising from this report.

7 Legal Comment

As the Employment Act 2008 will repeal the statutory dispute resolution procedures in April 2009, the ACAS Code of Practice will become the key source of guidance for Tribunals in determining the fairness of any dismissal. The Grievance Brigade Order should comply with the Code.

8 Equality Impact Assessment

Officers have considered the Service's Brigade Order on Equality Impact Assessments (Personnel 5 Part 2) and have decided that there are no discriminatory practices or differential impacts upon specific groups arising from this report. An Initial Equality Impact Assessment has not, therefore, been completed.

9 Appendices

There are no appendices attached to this report.

10 Background Papers

There are no background papers associated with this report.

Implications of all of the following have been considered and, where they are significant (i.e. marked with an asterisk), the implications are detailed within the report itself.

Balanced Score Card		Integrated Risk Management Planning	
Business Continuity Planning		Legal	*
Capacity		Member Involvement	
Civil Contingencies Act		National Framework	
Comprehensive Performance Assessment		Operational Assurance	
Efficiency Savings		Retained	
Environmental		Risk and Insurance	
Financial	*	Staff	
Fire Control/Fire Link		Strategic Planning	
Information Communications and Technology		West Midlands Regional Management Board	
Freedom of Information / Data Protection / Environmental Information		Equality Impact Assessment	*