

Grievance Policy

Report of the Chief Fire Officer

For further information about this report please contact Paul Raymond, Chief Fire Officer, on 01743 260201 or Lisa Vickers, Human Resources Manager, 01734 260211.

1 Purpose of Report

This report seeks guidance from Members on the detail in the Grievance Policy.

2 Recommendations

The Committee is asked to:

- a) Implement the revised grievance Brigade Order as written; or
- b) Agree to amend the grievance Brigade Order as per comments received from the Fire Brigades Union (see section 4); or
- c) Agree to amend the grievance Brigade Order as per the Fire Brigades Union comments and add additional guidance notes to state that *“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”*.

3 Background

Shropshire Fire and Rescue Service’s previous grievance procedure (Brigade Order Human Resources 10 Part 4) was issued in August 2007 and was 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 (the Grey Book), the NJC for Local Government Services Scheme of Conditions of Service (the Green Book) and ACAS Code of Practice on Grievance and it applied to all of the Service’s employees, 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 the 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.

Following an internal grievance, the Grievance Brigade Order was revised early to take into account recommendations made to the Human Resources Committee on 4 December 2008 by David Benson, Personnel Consultant, in a Confidential Grievance Investigation Report.

Recommendations with 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 completed Brigade Order was then presented to the Committee for agreement on 28 May 2009. The whole Order was reviewed but Members’ attention was drawn to two specific sections to highlight changes following the employee grievance determination on 4 December 2008:

Principles (page 4)

- *Unless there are exceptional circumstances demanding confidentiality, the presumption should always be that an employee has sufficient and timely information about any grievance raised against them. Employees have the right to express their view and give an explanation. Employees who have a grievance raised against them will be informed, if appropriate, of a summary of findings*

Appeal (page 11)

- *At the conclusion of the grievance i.e. no appeal lodged or at the conclusion of appeal decision, consideration should be given, if appropriate, for a summary of findings, to be given, within a reasonable timeframe, to an employee who is the subject of the grievance report.*

The revised Grievance Brigade Order went to Policy Group on 22 April 2009 and Policy Group’s comments were considered. The Order then went out for comment from the Representative Bodies with the understanding that, should there be any significant changes or issues, the Order would be brought back to the Committee for further discussion and agreement to any changes.

4 Fire Brigades Union Response

The local Fire Brigades Union Secretary wrote to the Human Resources Manager on 23 September (a copy of that letter is attached as an Appendix to this report) to express reservations on the proposed change to the Grievance Order:

“the difficulties we have with the fifth bullet point on page 5 (NB this point is under the preceding heading, entitled Principles (page 4) under the heading “Principles” is the release of information to an employee who is the subject of a grievance are:

- *An employee considering lodging a grievance may be discouraged from making the grievance with the knowledge that information is going to be passed to the subject of the grievance.*
- *Whether the grievance is against a person, a policy or application of a policy, it will involve another person and therefore any aggrieved employee will want their grievance to be heard with the confidence that the information is handled sensitively.*
- *Early release of information to an employee who is subject of a grievance may cause unnecessary stress to that person*
- *Early release of information may worsen the relations between the employees.*

Within the procedure, once a Grievance has been lodged a grievance officer will be appointed to carry out an initial investigation and meet with the aggrieved and carry out further investigations as necessary. During this process the subject of the grievance is likely to be interviewed and will therefore be made aware of the details of the grievance. Indeed the sixth and seventh paragraphs on page ten allude to such gathering of information.

We believe that the Order here is sufficient, and that the subject of a grievance will be furnished with the information of any grievance against them (or their application of a policy) in due course and with the knowledge of the aggrieved party. There is therefore no need to change the procedure which would hasten the release of information and potentially cause further unnecessary complications.

We would therefore ask that the service does delete the first two sentences of the fifth bullet point in the “Principles” section of the Order. As we discussed in our meeting, we would consider the possibility of expansion of explanation either in the guidance given to the Grievance Manager or of the paragraphs on page ten. Although this should not be too descriptive (as this would unduly hamper the procedure), I would think that we would be able to find a compromise solution in this area.”

5 The Issue

We are now in a position where Members must consider their original decision in light of Union feedback. Given that this has been a matter for Members, it would be inappropriate for officers to seek to determine a resolution without reference to the Human Resources Committee.

6 Suggested Way Forward

The Grievance Policy was revised in accordance with ACAS guidelines and in direct response to the recommendations of an external HR consultant, following a complex employment situation between employees. This change was specified to ensure that individuals *(had) sufficient and timely information about any grievance raised against them.*

If a grievance was raised against an individual, this would be dealt with promptly, i.e. an Investigating Manager would be appointed and an interview arranged as promptly as practicable.

To respond to the FBU issues:

If a grievance was raised, details of the grievance and who raised it would be provided to the individual, as natural justice would require this and, of course, this would be handled sensitively. Only in rare cases, involving a threat of violence, would details be withheld. Information would be released at the point of, or just prior to, the investigation, not immediately on receipt, as this could cause stress to both parties.

On receipt of a grievance, the early appointment of an Investigating Manager and allocation of a meeting date are key and to do both promptly would allow information to be shared promptly but not unnecessarily early, which may cause further problems.

Therefore, it would appear possible to accommodate both the HR Consultant's direction and the FBU concern, if recommendation c), set out in section 2 of this report, were to be adopted.

7 Financial Implications

There are no direct financial implications arising from this report.

8 Legal Comment

All employers are required to have in place grievance procedures, which comply with the ACAS Code of Practice, which is issued under s199 of the Trade Union and Labour Relations (Consolidation) Act 1992 and came into force on 6 April 2009. The proposed revised Grievance Brigade Order complies with the requirements of the Code.

9 Equality Impact Assessment

The purpose of this report is to seek guidance from Members on a policy, so there is no requirement for an Equality Impact Assessment.

10 Appendix

Letter from FBU Shropshire Brigade Secretary dated 23 September 2009

11 Background Papers

Shropshire and Wrekin Fire Authority:

- Human Resources Committee 28 May 2009
Report 5 - Grievance Procedure, and non-exempt minutes
- Brigade Order Human Resources 10 part 4 Grievance Policy

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	*



Fire Brigades Union Shropshire



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23rd September 2009

To HR Manager.

Cc ACO MacKenzie.

Dear Lisa Vickers,

Grievance procedure

Following on from our meeting on the 15th September, we agreed that I should write to you to formalise our reservations on the proposed change to the Grievance Order.

To expand on the brief comments that we attached to the Order at the time of the consultation, the difficulties we have with the fifth bullet point on page 5 under the heading "Principles" is the release of information to an employee who is the subject of a grievance are:

- An employee considering lodging a grievance may be discouraged from making the grievance with the knowledge that information is going to be passed to the subject of the grievance.
- Whether the grievance is against a person, a policy or application of a policy, it will involve another person and therefore any aggrieved employee will want their grievance to be heard with the confidence that the information is handled sensitively.
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Yours sincerely,

Matt Lamb

Shropshire Brigade Secretary