

People, Performance and Development Committee
29 January 2018

**HR Policy Changes: Grievance Policy Review and Addition to Safer
Employment and DBS Policy**

Purpose of the report:

The People, Performance and Development Committee is asked to consider and endorse a number of proposed modifications to Surrey County Council's Grievance Policy and Procedure which includes renaming it to the 'Grievance Resolution Policy and Procedure' (Annex 1) as well as noting an addition to the Safer Employment and DBS Policy of the Council (Annex 2).

Recommendations:

It is recommended that the People, Performance and Development Committee:

- i. agrees to the proposed amendments to the Grievance Policy and Procedure of Surrey County Council, including renaming it to Grievance Resolution Policy and Procedure; and
- ii. notes an addition to the Safer Employment and DBS Policy of the Council to codify a statutory obligation under the Childcare Act 2006.

Introduction:

1. The People, Performance, and Development Committee (PPDC), at its meeting of 14 June 2017, ratified an amendment to the Collective Disputes Policy of Surrey County Council (SCC) with a view to excluding collective grievances from its scope, incorporating the Council's approach to managing them into its Grievance Policy.
2. Officers within the HR&OD Service have taken the opportunity to conduct a full review of the Grievance Policy and consult with relevant stakeholders. Amendments are being proposed to emphasise the Council's approach to mediation and restorative practice, and to provide officers with more clarity and flexibility in attempting to resolve grievances.
3. The Committee is also asked to note an addition to the Safer Employment and DBS Policy of the Council. The Policy now makes clear reference to the Council's statutory obligations [under the provisions of the Childcare Act 2006] relating to disqualification by association.

Key Issues:

4. The current Grievance Policy and Procedure of the Council places relatively limited emphasis on seeking solutions to disagreements and difficult situations- it frames grievances as allegations that can be 'upheld' or 'not upheld', as opposed to issues which can be 'resolved'. The proposed revisions to the Policy incorporate linguistic and associated changes that focus on resolving complaints and disagreements. In the same spirit, the policy name has been updated to 'Grievance Resolution Policy and Procedure'.
5. In a similar vein, the current Grievance Policy and Procedure makes no reference to the Council's policy on Ending Harassment, Bullying, Discrimination and Victimisation or the comprehensive machinery which officers have at their disposal for the informal resolution of disputes (e.g. Fairness Champions, coaching, mediation, restorative framework). Furthermore, it does not outline that Trade Union support may be available to officers prior to the commencement of any formal proceedings and that it could apply to both aggrieved employees and those faced with allegations of responsibility for actions or omissions which may have led to a grievance. The proposed revisions to the policy make reference to the restorative philosophy and the associated guidance will aim to provide employees with a comprehensive outline of tools, approaches and associated sign-posting.
6. The current Grievance Policy and Procedure sets a rigid requirement for an employee to report a grievance to the manager of their line manager, something which will not be appropriate or practicable under every set of circumstances. The proposed revised Policy replaces this with a requirement to file a grievance with a "manager of appropriate seniority", together with allowing such managers to delegate the practical aspects of a case to someone "sufficiently competent and impartial".
7. The current Grievance Policy and Procedure provides the Head of Paid Service and their direct reports with no way of filing a grievance. While grievances from officers at that level of seniority are likely to be rare, it is important for them to have a clear avenue for raising concerns in a sensitive way. The proposed revised Policy includes the addition of a facility for the Chief Executive Officer and their direct reports to file a grievance with the Monitoring Officer who will be responsible for overseeing the process and providing confidential updates to the Leader of the Council [or a Member of the Council's Cabinet designated by the Leader]. The proposal includes designating the Head of the HR&OD Service as a contact for raising any concerns that may not be appropriate or practicable to raise with the Monitoring Officer.
8. The current Grievance Policy and Procedure includes timelines for various stages of the process which may be unrealistic in complex cases and/or where an employee/manager is absent due to holiday or

sickness. These stipulations can create unnecessary friction where deadlines cannot be met. The proposed revisions to the policy replace the fixed timelines for outcomes with a requirement for frequent updates (at least every two weeks, or three weeks in exceptional circumstances), and the opportunity for an officer to request a response from their Head of Service “or other appropriately senior manager” if they are not provided with an outcome within two months of filing a grievance.

9. The current Grievance Policy and Procedure does not clarify the distinction between commissioning officers (those overseeing the process and/or chairing a hearing) and investigating officers (those who are designated to carry out an investigation) and it is unclear on when an investigation should take place. The proposed revised Policy provides the reader with additional clarity which may be further enhanced in the relevant guidance documents.
10. The current Grievance Policy and Procedure does not include a facility for the Council to consider appointing an external investigator in cases where that may be warranted by the complexity of the issue or the seniority of the officers involved. The proposed revised Policy includes the codification of such a facility.
11. The proposed revised Policy and Procedure emphasises the employee wellbeing implications of raising a grievance, recommending managers to hold relevant conversations with aggrieved employees to assess the needs of the employee and consider making any adjustments that may be appropriate to individual circumstances.

Addition to Safer Employment and DBS Policy

12. A statement relating to Disqualification by Association has been added to the policy to ensure compliance with provisions in the Childcare Act 2006 which prevent individuals from carrying out certain work with children under the age of 8 if they live together with anyone who has been convicted of certain offences. There is no mechanism available to the Council for proactively checking the background of those living together with its officers and/or job applicants. Consequently, there is a requirement for employees in [and job applicants for] posts whose duties include relevant activity to declare whether they are aware of any members of their household having any offences/cautions/reprimands in their past. The Disqualification by Association provisions are likely to only apply to a very small number of Council posts (circa 25-30 according to estimates by officers in the Safer Staffing Team). The statement can be found in 2.1 of Annex 2 to this report.

Financial and value for money implications:

13. It is expected that the proposed revisions to the Grievance Policy will not result in any discernible financial impact to the Council. There is likely to be a need for officers to dedicate some additional time to providing updates on a case that has been making limited progress, however, this is likely to be outweighed by time savings related to the

avoidance of disputes around compliance with the current rigid timescales which apply to arranging meetings, providing outcomes etc.

14. The addition of the Disqualification by Association statement to the Safer Employment and DBS policy is not expected to have any direct financial impact to the Council.

Equality and Diversity implications:

15. The proposed revised Grievance Resolution Policy and Procedure does not vary the current overall approach of the Council to managing equality and diversity in employment. However, it is expected to improve the effectiveness of that approach through the introduction of a clear distinction between grievances and complaints under the Ending Harassment, Bullying, Discrimination, and Victimisation policy as well as the recommendation to consider wellbeing implications for employees who file a grievance.
16. The addition of the Disqualification by Association statement to the Safer Employment and DBS policy is not expected to have any impact on the Council's approach to managing equality and diversity in employment.

Risk Management implications:

17. There are no direct financial risks identified to the revision of the Grievance Policy and Procedure. However, the proposed revised Grievance Resolution Policy and Procedure is expected to improve risk management in the context of officer grievances, by strengthening the framework in which they can be raised and reducing the likelihood of grievances culminating in employment tribunal claims.
18. The proposed revisions to the Grievance Policy and Procedure will also provide the Council with a robust way of managing grievances by senior officers, thereby reducing reputational and related risks of major concerns being publicised as a result of gaps in the governing structure of the Authority.
19. The addition of the Disqualification by Association statement to the Safer Employment and DBS policy manages safeguarding risks in line with relevant provisions in the Childcare Act 2006 while reinforcing the Council's commitment to the safety and well-being of children.

Next Steps:

20. Publish the revised Grievance Resolution Policy and Procedure on s-net, update relevant guidance and arrange for the new policy to be disseminated to officers within HR and managers across the Council. The Safer Employment and DBS Policy has already been published in its current form.
21. Arrange for discussions to take place both within the HR&OD Service and between HR and management from across Council Directorates [as part of the HR Subgroup of the officer-led Continuous Improvement

and Performance Network] to explore whether the Ending Harassment, Bullying, Discrimination, and Victimisation Policy should be merged with, or incorporated into, the Grievance Policy.

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Annexes:

Annex 1 – Grievance Resolution Policy and Procedure

Annex 2 – Safer Employment and DBS Policy

Sources/background papers:

The proposed changes have been developed through consultation between officers within the Council's HR service, and also informed by benchmarking against practice at other organisations within Local Government.

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