

Individual Executive Decision Notice

Report title	Dignity at Work Policy Statement and Grievance Policy	
Decision designation	GREEN	
Cabinet member with lead responsibility	Councillor Cabinet Member for Governance and Equalities Governance	
Wards affected	Not applicable;	
Accountable Director	David Pattison, Chief Operating Officer	
Originating service	Human Resources	
Accountable employee	Sukhvinder Mattu	Service Lead – HR Policy and Strategy
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Report to be/has been considered by	Governance Leadership Team	22 July 2021 – 14 October 2021
	People and Change Leadership	September 2021
	Trade Unions	December 2021 and
	SEB	January 2022

Summary

The Council already has a Dignity at Work policy statement, however a review was undertaken to ensure that it is fit for purpose and coincides with current legislation. In conjunction with this review, the Grievance policy was also reviewed to ensure the two align.

The revisions incorporate recommendations from the equality forums on Safe Space, diverse panels and has been updated to highlight our commitment to promote equality, diversity and inclusion. Furthermore, it confirms the steps that the Council will take to prevent unacceptable behaviour from third party employers.

Trade Unions have reviewed the policy statement and the Grievance policy and endorsed their use.

Recommendation for action or decision:

That the Cabinet Member for Governance, in consultation with David Pattison, Chief Operating Officer:

1. Approve the revised Dignity at Work policy statement and Grievance policy to be made available to managers and employees of the Council.

Signature

Name of Cabinet Member

Date:

Signature

Name of Director

Date:

1.0 Background

1.1 Dignity at Work policy statement and Grievance policy and guide

- 1.2 The Grievance policy and managers guide details the Council's procedure when dealing with aggrieved employee concerns, that can be raised both informally and formally. It also illustrates actions that can be taken as a result including possible disciplinary action. A review of the existing Grievance policy and management guide was undertaken to ensure that it is still fit for purpose and in line with current legislation.
- 1.3 Best practice guidance has been considered from sites including XpertHR, Chartered Institute of Personnel Development (CIPD) and ACAS. Grievance policies from other local authorities have also been benchmarked. The updated policy provides a clear and coherent vision on how the Council will respond and act when an employee raises a grievance at both the informal and formal stage. The guidance to managers provides information to help resolve grievances informally and in conjunction with the Dignity at Work Policy Statement. This includes support interventions from Human Resources, Occupational Health, Managers and Trade Unions.
- 1.4 The Dignity at Work policy statement details zero tolerance to any employee being subjected to any harm, threat of harm, bullying and harassment, discrimination or any inappropriate behaviour or language in the workplace, work related setting outside of the workplace or any setting where the employee can be considered a representative of the Council
- 1.5 It also aims to assist employees in preventing, recognising and stopping any behaviour which may amount to bullying, harassment, discrimination or victimisation, any of which can have serious consequences for employees and for the Council. The updated policy statement provides additional information on support and guidance to managers and employees, in conjunction with the Grievance policy. This includes support interventions from Human Resources, Occupational Health, Managers and Trade Unions. It encourages a positive working environment and will help to create a safe workplace where everyone is treated with dignity and respect, free of discrimination.

2.0 Progress

- 2.1 Guidance has been sought when reviewing the existing policy and policy statement to ensure the Council is legally compliant.
- 2.2 Amendments to the Dignity at Work policy statement are as follows:
- Includes the most recent definitions of bullying, harassment and victimisation.
 - The equality and diversity information has been updated to include a commitment to promoting equality and recognition of diversity. Recommendations from the

Equality, Diversity and Inclusion team have been incorporated - such as providing specific examples of homophobic, transphobic and biphobic language and misgendering.

- Includes information about third party organisations and how Council employees can challenge unacceptable behaviour. It also confirms the steps the Council will take to prevent unacceptable behaviour from third party employers.
- Includes information on safe space – SeeHearSpeakUp.
- Statement updated from no tolerance to a zero tolerance approach to any employee being subjected to harm, threats of harm, bullying and harassment, discrimination or any inappropriate behaviour or language in the workplace

2.3 Amendments to the Grievance policy and guide are as follows:

- In the current policy, it states the Council would not consider grievances from ex-employees (these were treated as 'complaints'). Information has now been included on the process for ex-employees to raise a grievance and how the Council will respond (i.e. timescale of 3 months from the incident and the council will respond in writing – meetings will be the exception). Exit interview feedback will not automatically be accepted as a grievance.
- To aid the resolution of grievances within the Council the policy states employees must lodge a grievance within 3 months of the incident taking place and only in exceptional circumstances (if agreed by a Director) will a grievance be accepted after this period (current policy states grievances must be raised without delay).
- At the Informal stage of the grievance process it was agreed that employees can receive support from Trade Unions but not representation (currently no right of support at the informal stage).
- The length of time to complete a formal grievance investigation has been extended to 3 months from the date of the initial meeting with the aggrieved employee as the previous 15 days was not achievable in undertaking a thorough investigation. Nevertheless, there remains a commitment for all grievances to be resolved as soon as possible for all parties involved.
- Includes information on safe space – SeeHearSpeakUp and when these are received, a decision will be made by on which council process to follow.
- Grievance reports will be reviewed by a diverse panel of three. The panel should represent as many of the protected characteristics as possible with a minimum criterion of race and gender diverse to be met. All panel members are required to have undertaken Unconscious Bias training and sign a confidentiality agreement prior to participating on the panel.

- Once a decision has been made by the panel the Chair and Human Resources Advisor will feedback to all parties involved.
- Manager feedback confirmed a need to provide support to employees in cases where grievances are made against them. A designated Human Resources Advisor will now be allocated to the person the grievance is against (where applicable) for support. The Policy and guidance has been strengthened to include further information on support and reasonable adjustments for all parties involved.

2.4 The revised draft Policy Statement is attached as appendix 1, the Grievance policy is attached as appendix 2. Both documents have been reviewed by recognised trade unions. They were also discussed at Governance and People and Change Leadership meetings and have been presented to equality forums.

3.0 Evaluation of alternative options

3.1 It is a legal requirement for any employer to act as reasonably as possible to protect employees from harassment, discrimination and victimisation. A Policy Statement and Grievance policy enables the Council to ensure there is a clear commitment of zero tolerance and the process that will be followed if any employee is alleged of such behaviour.

4.0 Reasons for decision

4.1 By having a Dignity at Work policy statement and Grievance policy, the Council will demonstrate a commitment to the fair treatment of its employees, potential employees or users of its services. It will ensure that any allegations of bullying, harassment, discrimination, and victimisation are fully investigated and where needed appropriate the disciplinary procedure will be followed.

5.0 Financial implications

5.1 There are no financial implications associated with the recommendation in this report. [GE/24112021/Z]

6.0 Legal implications

6.1 There are no direct legal implications arising from the report. The relevant legal duties and obligations are referred to in the body of the report.

[TC/25112021/B]

7.0 Equalities implications

7.1 The Council is committed to equality and fairness for all employees and will not discriminate because of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7.2 In developing this policy and policy statement, an Equality Analysis has been undertaken, the results of which indicate that it is lawful to proceed in the way described by this policy and statement. The Council is committed to promoting equality and recognising the diversity of our communities and will work to ensure all parts of our community are treated fairly. Equality analyses can be requested from HR for review, if required.

8.0 All other Implications

8.1 Implications for HR – Human Resources will be required to provide quarterly management training sessions on the policy statement along with Grievance and Disciplinary policies. Grievance template letters/Standard Operating Procedures will also be updated to incorporate changes to the policies where required.

9.0 Schedule of background papers

9.1 There are no background papers

10.0 Schedule of appendices

10.1 Appendix 1: Draft Dignity at Work Policy Statement

10.2 Appendix 2: Draft Grievance policy