Constabulary Report to OPCC

Agenda Item No 07

TITLE OF REPORT:	**Constabulary Grievances**
DATE OF MEETING:	**12 May 2022**
ORIGINATING OFFICER:	**Diane Johnson - HR Manager**
PART 1 or PART 2 PAPER:	**PART 1 (OPEN)**

Executive Summary:

The report provides a position overview in respect of ongoing, finalised and newly submitted grievances for the period 01 October 2021 to 31 March 2022.

The last report was October 2021.

Recommendation:

- That the Ethics and Integrity Panel note the report.

MAIN SECTION

1. Introduction and Background

1.1 The attached Grievance Statistics Report shows the number of grievances lodged during the period 01 October 2021 up until 31 March 2022, together with a summary of ongoing and finalised cases within the reference period.

1.2 Included in the report is an overview of the characteristics of those lodging grievances. The report identifies the gender and race of those submitting grievances as well as an overview as to the nature of the grievance. In addition, statistics relating to whether the aggrieved is a police officer or member of staff and whether the grievance relates to alleged discrimination have been included.

1.3 Summary position is as follows:

- 11 grievances were ongoing or opened during the reference period and 3 new grievances lodged in this reporting period.
- 6 remain outstanding at the end of the reporting period.
- Some issues raised relate to dissatisfaction regarding perceived less favourable treatment and amount to 3 of the grievances submitted by the same officer for the same issues, 1 other from another officer and 1 from a staff member. 3 were in relation to interpretation of Terms & Conditions and 3 in relation to queries concerning job profiles linked to potential redundancy.
- Grievances dealt with during this period are approximately 80% male and 20% female; with one being a collective grievance relating to both male and female and the majority are from a white, British ethnicity with one unknown. The data from the collective grievance is not contained within the %.

1.4 It should be noted that the Grievance Policy, Procedure and Guidance documents have been reviewed and include an informal stage. This policy & procedure was reviewed by the panel and was subsequently approved at Operations Board on 30 September 2021 and is now available in the policy library.

The period comparison data shows that over the last 2 reference periods a number of grievances have been resolved at all the various stages of the process. It should be noted that some grievances overlap the old and new policy and escalation to different stages has occurred if appropriate.

2. Issues for Consideration

2.1 Drivers for Change

Links to Police & Crime Plan and priorities; legal requirement; efficiency requirement; improvement.

- There is an emerging theme surround interpretation of Police Staff Terms & Conditions. 1 ongoing (2 people) is lodged at an Employment Tribunal and the other is the collective grievance.

3. Financial Implications and Comments

Budget implications – one off and/or on-going costs, savings, growth, capital and revenue.

3.1 Please see Risk and Equality Implications

4. Legal Implications and Comments

Including advice received.

4.1 Please see Risk and Equality Implications

5. Risk Implications

Including any mitigating actions that can be taken.

5.1 With any complaint which is potentially linked to the employment relationship there is the risk of employment tribunal or judicial review should the matter not be resolved. 4 cases are currently being dealt with by the Constabulary's Legal Department with 3 progressing to Employment Tribunals. These are relating to less favourable treatment and interpretation of Terms & Conditions.

5.2 Through working in partnership with Unison and the Federation the aim is to continue to avoid formal proceedings and resolve issues in an informal manner to the satisfaction of all parties. The new Grievance procedure clearly identifies the informal and formal stages.

5.3 Specific items impacting on equality are raised through the Diversity and Inclusion Group (DIG) to ascertain if there are any issues that the Constabulary should be dealing with. At this time no issues have been raised.

5.4 1 case is referred to an external legal process in relation to Disability Discrimination. No further information can be provided at this time as it is ongoing.

5.5 2 cases are progressing to an Employment Tribunal for the same issue with two different staff members. No further information can be provided at this time as it is ongoing.

5.6 The People Department will continue to meet with the Federation and Unison when necessary to discuss issues that are emerging and look to informally resolve them prior to a formal grievance being submitted. The Constabulary proactively engages to address concerns.

6. HR / Equality Implications and Comments

Including any actions arising from Equality Assessment.

6.1 HR and Legal Services will be reviewing the judgement of any Employment Tribunal cases to identify any lesson to be learned with a view to appropriate dissemination within the Constabulary.

6.2 The internal pool of accredited mediators is available for utilisation through the Constabulary Mediation Scheme. The current trained mediators are attending refresher training in May 2022 to ensure skills are up to date.

7. Supplementary Information

7.1 List any relevant documents and attach to report

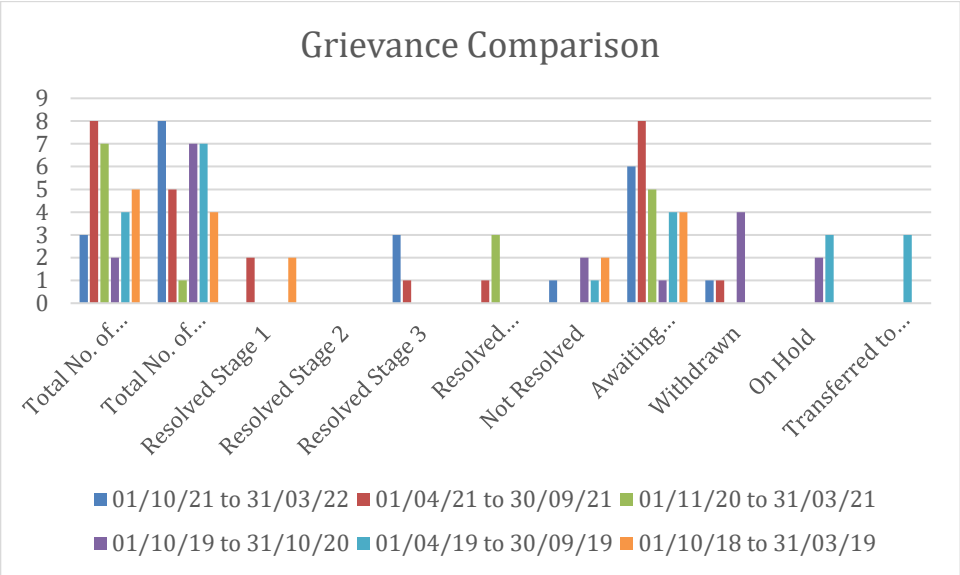
Such as Business Cases, Equality Assessments, PIDs, Media Strategy.

- Appendix 1 - Grievance Data for the reference period

Appendix 1

Grievances – Overview 01 October 2021 to 31 March 2022

	01/10/21 to 31/03/22	01/04/21 to 30/09/21	01/11/20 to 31/03/21	01/10/19 to 31/10/20	01/04/19 to 30/09/19	01/10/18 to 31/03/19
Total No. of grievances submitted in period	3	8	7	2	4	5
Total No. of grievances ongoing at start of period	8	5	1	7	7	4
Resolved Stage 1	-	2	-	-	-	2
Resolved Stage 2	-	-	-	-	-	-
Resolved Stage 3	3	1	-	-	-	-
Resolved informally prior to Stage 1	-	1	3	-	-	-
Not Resolved	1	-	-	2	1	2
Awaiting Action/Resolution	6	8	5	1	4	4
Withdrawn	1	1	-	4	-	-
On Hold	-	-	-	2	3	-
Transferred to alternative procedure	-	-	-	-	3	-



Breakdown by Business Area

	Resolved	Ongoing	Withdrawn	On Hold	Not Resolved	Other Process
West	3*			-	1	-
North				-	-	-
South		1		-	-	-
HQ		5	1	-	-	-
CID	-	-	-	-	-	-
Specialist Capabilities	-	-	-	-	-	-

*3 grievances from one individual

Gender and Ethnicity Breakdown	
Male	8
Female	2
White British	9
White Other	-
Police Officers	4
Police Staff	6