

Subject:	Adoption of Grievance & Disputes Procedures
Date of Meeting:	9 June 2016
Report of:	Executive Director, Finance & Resources
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Ward(s) affected:	None

FOR GENERAL RELEASE

Note: The special circumstances for non-compliance with Council Procedure Rule 3, Access to Information Procedure Rule 5 and Section 100B(4) of the Local Government Act 1972 (as amended), (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) were that negotiations were ongoing and have only just successfully concluded with the recognised trade unions.

1. SUMMARY AND POLICY CONTEXT:

- 1.1 It is good practice to review key employment procedures to ensure they remain appropriate to the organisation and its staff. A review of the councils Grievance and Dispute Procedures was established after concerns from Members about their involvement in workplace conflict resolution and the fact the Council had not reviewed its procedures since 1999.
- 1.2 The council's Grievance & Dispute procedure is currently formally agreed between Unison and GMB, as the councils' recognised trades unions. The status of the procedure is that it is a contractual document, as an employer must have a process to enable its workforce to raise matters of concern.
- 1.3 After an initial period of review during 2014 a number of proposals for change to the existing procedure were debated. Whilst there was no immediate agreement on the changes proposed, it was agreed that a joint working group be set up to explore changes to the process and procedure. In particular, it was agreed to look at the speed with which grievances could be dealt with and the appropriateness of Members involvement.
- 1.4 However, despite some engaged discussions, it was not possible to reach a mutual agreement to revise the existing procedures at the conclusion of the review at the end of September 2014.
- 1.5 In January 2015 formal notice was served to end the current collectively agreed Grievance and Dispute Procedure. During this period of notice the Council met with its recognised unions on five occasions to jointly agree a new Grievance and Disputes Procedure.

- 1.6 It was not possible to reach a joint agreement on a new procedure and GMB and Unison raised a collective dispute on the introduction of the new procedure. This dispute was heard by a Personnel Appeal Sub Committee on 8 February 2016.
- 1.7 The outcome of the appeal was for the Chief Executive and the unions to meet to see if a resolution and agreement to the procedure was possible. Meetings were held during May 16 and as a result joint agreement has been reached on the introduction of a new Grievance and separate Dispute Procedure.

2. RECOMMENDATIONS:

- 2.1 That the Committee agrees to adopt a new Grievance Procedure and a separate Disputes Procedure (attached at Appendix 1 and 2), which have been jointly agreed with GMB and Unison.
- 2.2 That the Committee notes that further training for managers will be provided to help equip them to implement the new Procedures appropriately.
- 2.3 That the Committee notes the operation of the new procedures will be reviewed twelve months after their implementation to ensure that timescales and the process for dealing with disputes has improved and is appropriate for the organisation.
- 2.4 That in addition, the Committee notes that there will be a joint review with the unions after 6 months on the effectiveness of the provision to make a reasonable request to change the hearing manager at Stage 2 of the grievance process (Appendix 1 para 8.5)
- 2.5 That the Committee delegates authority to the Chief Executive to take the steps necessary to implement these recommendations.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 During 2014 a formal consultation period commenced with the Trade Unions into the following proposals:-
- To amend the current grievance procedure so that the Personnel Appeals Sub-Committee hear dismissals and collective grievances/disputes but not individual grievances
 - Individual grievances, at Stage 3, to be heard in the alternative by Senior Officers
 - Refinement of the definition of Work Group in grievances to mean Directorate
 - Refinement of the definition of Collective Dispute to require the issue to impact on more than one Work Group.
- 3.2 The consultation period ended with the agreement to delay giving notice on the current procedure for six months. This was to allow for a joint working party to review and make improvements to the current grievance process. It was agreed

that if sufficient progress and improvements had been agreed on the current procedure the proposals for change may be reconsidered. A Grievance Review Group (GRG) was created February 2014. Members of the GRG were from HR, Legal, GMB and Unison.

- 3.3 Four meetings of the GRG took place between March and September 2014 to consult on and agree to amendments to the Grievance and Disputes procedure and process. Following failure to reach agreement with GMB and Unison on changes to procedure, notice was served on the Council's current Procedure in January 2015.
- 3.4 During the notice period, research was undertaken and a series of consultation meetings held jointly with the unions to seek to agree a new procedure. Five meetings took place with both unions on 29 July, 9 September, 16 September, 9 October and 4 November.
- 3.5 A shared principle in defining a new procedure was to create the circumstances for intervention and resolution where possible at the earliest opportunity. Members were also keen to add value to the process and had a view that currently some issues presented to them could and should have been resolved earlier through appropriate management. The intention is that this should result in a speedier resolution of grievances, with local accountability for manager and staff to resolve things at the immediate level.
- 3.6 The new Grievance Procedure, therefore, has a clear first informal step, where we expect a number of issues to be resolved. The subsequent formal steps provide two further opportunities for the matter to be considered and we believe therefore there is adequate opportunity for matters to be addressed.
- 3.7 During the consultation process and feedback from the GMB and Unison a number of amendments/clarification occurred to try and agree the new procedures. These included: –
 - A recognition that Members should have an involvement in disputes with the Employer.
 - Extension of the consultation period by a further two months to try and agree the new procedures
 - Confirmation the operation of the new procedures would be reviewed six months after their implementation
- 3.8 As a result of the consultation meetings two new procedures were created. A separate Grievance Procedure to deal with grievances within Officer delegations and a separate Disputes Procedure to deal with collective disputes with the employer, involving Members.
- 3.9 Following the confirmation of the end of the consultation period the proposed procedures were sent to both unions, however agreement was not forthcoming and a joint collective dispute was submitted.
- 3.10 This was heard at a Personnel Appeal Sub Committee on 8 February. The outcome of which was for the Chief Executive to meet with the Trade Unions to seek a resolution to the outstanding issues..

3.10 The Chief Executive met with the unions during May 16. As a result of discussions, it is pleasing to note that agreement has been reached on the new procedures and these are subsequently presented for approval.

4. CONSULTATION

4.1 Five meetings took place between July and November 2015, (29 July, 9 September, 16 September, 9 October and 4 November) to agree a new Grievance and Disputes Procedure. The consultation period was also mutually extended by a further two months to December 2015 in the anticipation of a positive outcome.

4.2 In addition detailed discussion took place at each meeting regarding the practical application of both the current and new procedures and ways any issues could be addressed. 4.3 The matter was debated at the Joint Staff Consultation Forum on 12th February and a meetings were held with the Chief Executive during May 16

5. ADDITIONAL INFORMATION

5.1 On 19 June 2015 a focus group was held with managers to gain their feedback on their experience of dealing with grievances and disputes under the current procedure. They were also asked for suggestions on how to improve the process. Key themes identified were as follows:-

- Over reliance on formal processes
- Lack of information regarding actual issue on grievance forms
- Concerns about time taken to resolve such issues
- Request for further training to assist in resolving grievances at the earliest opportunity

5.2 A review of other Local Authorities grievance procedures and processes was also undertaken. This included undertaking a SE Employers survey and contact with the LGA and ACAS. The findings from this research confirmed that many authorities had a formal two stage grievance procedure in line with ACAS good practice. In addition many Local Authorities no longer had Member involvement in grievances. ACAS have also confirmed the move to a two stage Grievance process is in keeping with the trend they have seen across local government.

6. CONCLUSION

6.1 Following consultation the procedures have been jointly agreed between the council and both GMB and Unison.

6.2 The intention is that under the new procedures, there is a greater emphasis on managers, staff and their representatives to resolve grievances at the earliest opportunity and as informally as possible.

- 6.3 The new procedures are part of the Council's strategy to help embed a culture of dealing with people issues in a more efficient, collaborative and effective manner by management, staff and representatives alike.
- 6.4 It is recommended the Committee agree to replace the current jointly agreed Grievance and Dispute Procedure with a new Grievance Procedure and separate Disputes Procedure.

7. FINANCIAL & OTHER IMPLICATIONS:

7.1 Financial Implications:

There are no direct financial implications arising from the proposals in this report, which are not based on cost efficiency but are intended to speed up and deal with grievance issues at an appropriate level and where possible avoiding the need for a formal hearing. The changes proposed will improve efficiency and ensure disputes are dealt with at an appropriate level of Officer accountability.

Finance member consulted: Peter Francis

7.2 Legal Implications:

The proposed new procedures accord with ACAS guidelines, in particular in relation to the number of stages that the grievance process should follow. Three stage grievance process is not expected by ACAS and it is not a requirement that the appeal stage of the process should be heard by elected members. This has been an historic local arrangement, agreed under the old procedures with the unions.

Lawyer consulted: Elizabeth Culbert

7.3 Equalities Implications:

- The Procedures comply with legislation and are considered good practice and in line with ACAS Code of Practice.
- It is proposed to carry out a full EIA on the new procedure one year after implementation –. This is in order to ensure the application of the Procedures have no negative equalities impact.

7.4 Sustainability Implications:

None.

7.5 Crime & Disorder Implications:

None.

SUPPORTING DOCUMENTATION

Appendices:

1. Grievance Procedure
2. Disputes Procedure

Documents in Members' Rooms

1. None

Background Documents

1. None