

# Police Service of Northern Ireland

HQ Ref: Diversity 24/GP2006

PD 02/05

## POLICY DIRECTIVE

---

## GRIEVANCE POLICY

---

### 1. POLICY IDENTIFICATION

<b>POLICY TITLE:</b>	<b>Grievance Policy</b>
<b>DEPARTMENT BRANCH</b>	<b>Human Resources Equality and Diversity Unit</b>
<b>AUTHOR</b>	<b>Maura Muldoon</b>
<b>POLICY APPROVED BY:</b>	
<b>CCF REF/OTHER DATE OF APPROVAL</b>	<b>Chief Constable's Forum – 65/04 27 September 2006</b>
<b>IMPLEMENTATION DATE:</b>	<b>12 January 2005</b>
<b>DATE OF ISSUE:</b>	<b>12 January 2005</b>
<b>DATE VERSION 3 ISSUED:</b>	<b>8 July 2009</b>
<b>REVIEW DATE:</b>	<b>9 July 2010</b>

**INDEX**

**SECTIONS 1- 7**

<b>Section</b>	<b>Subject</b>	<b>Page</b>
<b>1</b>	<b>Policy Identification Page</b>	<b>1</b>
<b>2</b>	<b>Policy Statements</b>	<b>3</b>
<b>3</b>	<b>Introduction</b>	<b>3</b>
3(1)	Summary	3-4
3(2)	Application	4-5
3(3)	Legal Basis	5
<b>4</b>	<b>Implications of the Policy</b>	<b>5</b>
4(1)	Financial and Efficiency Implications	5
4(2)	Training	5
4(3)	Partnerships	5
4(4)	Internal Policy Links	6
4(5)	Risks	6
4(6)	Consultation	6
<b>5</b>	<b>Human Rights/Equality/Integrity/Freedom of Information</b>	<b>6</b>
<b>6</b>	<b>Monitoring and Review</b>	<b>6</b>
 <b>SECTION 7</b> 		
<b>Paragraph</b>		
1.	General	7
2.	The Informal Grievance Procedure	7-8
3.	External Mediation (Labour Relations Agency)	8-9
4.	The Formal (Standard) Grievance Procedure	9
5.	Stage 1 – Formal Complaint Lodged in Writing	10-11
6.	Meeting with Management (Stage 2)	11-12
7.	Appeal (Stage 3)	12-13
8.	Modified Grievance Procedure	13
9.	Documentation	13-14
 <b>Guidance Notes</b> 		
10.	Handling Grievances	14-15
11.	Attending Meetings	15
12.	Overlapping Disputes	16
13.	Mediation	16-17
14.	Accompaniment	17
 <b>Appendices</b>		
Appendix 'A'	Grievance Procedure (2008) Flow Chart	18
Appendix 'B'	Grievance Forms G1A, G1B, LRA1, LRA2	19-30
Appendix 'C'	Mediation Fact Sheet	31-32
Appendix 'D'	Template Letter (acknowledging receipt of formal grievance)	33
Appendix 'E'	Industrial Tribunal Jurisdiction	34

## 2. POLICY STATEMENT

- (1) The Police Service of Northern Ireland (the Service) is committed to providing a productive and harmonious working environment.
- (2) As such, the Service's Grievance Policy (this Policy) is designed to provide both formal and informal mechanisms for all police officers and police staff to report any grievance which arises from and/or during the course of employment.
- (3) The introduction and implementation of this Policy is to ensure that all grievances which arise within (and at events closely associated with) the workplace are investigated and dealt with in a fair, reasonable and prompt manner.
- (4) This Policy does not apply for those matters where an alternative appeal mechanism exists. In other words, if you have raised the grievance 'issue' before or during the appeal stage of a previous process, you cannot raise the issue again through the grievance procedure.
- (5) If it is believed that procedure has not been followed correctly or that the relevant policy was misapplied, it is the responsibility of the police officer or member of staff to raise this issue as part of their initial appeal process (and not subsequently as a grievance).
- (6) Any grievance seeking a review of previous decisions (which are themselves subject to a 3-step process) will not be processed.
- (7) The grievance procedure if used to appeal against the determination made in another process which does not have a separate appeal process, should be seen as a review of the previous matter in its entirety ie decision and investigation, and not as a fresh investigation.
- (8) In determining if a previous procedure either in investigation or decision was flawed, two points must be considered. First was the process as a whole fair. Secondly was the conclusion based on the question "did the employer do what a reasonable employer would have done?" This is not an opportunity for the individual to challenge or overturn the decision made as a result of a previous process.
- (9) Individuals are reminded that they should make all reasonable endeavours to resolve grievances informally or through the external mediation process before lodging a formal complaint.

## 3. INTRODUCTION

### (1) Summary

- (a) A 'grievance' is a complaint by a police officer or member of police staff, about action that their employer has taken or is contemplating taking in relation to them, which has not already been investigated by another process. In terms of the formal grievance procedure, the issue complained of must be of a jurisdictional nature, ie the action by the employer could form the basis of a complaint to either an Industrial or Fair Employment Tribunal [as set out in Schedules 2 – 4 of the Employment (NI) Order 2003 and Article 38 of the Fair Employment and Treatment Order 1998].
- (b) This Policy explains how work related grievances will be managed within the Service.
- (c) Whilst recognising that a grievance procedure is an essential tool in the management of employee relations and is a transparent process for resolving problems, it is also recognised that healthy dialogue and low level resolution of difficulties are essential components in maintaining a harmonious workforce and the integrity of effective employee relations.

- (d) Harmonious working relations and sound line management are key aspects of effective performance. It is envisaged that the successful implementation of this Policy will enhance the service which the PSNI delivers.

**(2) Application**

**(a) General**

- (i) The actions and behaviour of all police officers are governed by the PSNI Code of Ethics and those of police staff by the Northern Ireland Civil Service (NICS) Handbook (encapsulating a Disciplinary Code and Code of Ethics). In addition to those codes all police officers and police staff have a duty to adhere to and comply with this Policy.
- (ii) Implementation of this Policy will have implications for managers, police officers and police staff.
- (iii) Line managers have a responsibility to manage police officers and police staff in a way that reduces the likelihood of grievances arising and likewise, police officers and police staff also have a duty to maintain harmonious and effective working relationships with their colleagues and line managers.
- (iv) As an employer the Service has a duty to ensure that its policies, procedures and protocols are in place, working effectively, applied consistently and that all police officers and police staff are not only made aware of their existence but also receive training and instruction on their content.
- (v) This Policy and Procedure covers all police officers and police staff in the Service and the Service aims to ensure that all police officers and police staff are treated equally irrespective of their employment status.

**(b) Responsibilities of Supervisors, Managers, Police Officers and Police Staff**

The PSNI Code of Ethics (Article 1 – Professional Conduct; Article 10 – Duty of Supervisors) and the NICS Handbook place an emphasis on management and supervision on line managers. All supervisors, managers, police officers and police staff have a responsibility to contribute to the achievement and maintenance of a productive, safe and equitable work environment within the Service.

**(c) Police Officers and Police Staff raising a Grievance must:**

- (i) Participate in the grievance resolution process in good faith;
- (ii) Attempt to resolve any grievance through constructive dialogue;
- (ii) Not instigate multiple, spurious, malicious or vexatious complaints or grievances;
- (iv) Be in a position to stand over any allegations (in terms of clear evidence) made against colleagues (police officers and police staff) as part of any grievance procedure, particularly where the allegations would be deemed serious or harmful by any reasonable person;
- (v) Have a realistic expectation of what can and cannot be achieved through the grievance procedure;
- (vi) Avoid reporting a grievance to several different units or individuals simultaneously (this includes for example, lodging a grievance in tandem with a report to Safecall);
- (vii) Co-operate fully in any grievance process;

- (viii) Accept that a resolution is to be honoured by all parties;
  - (ix) Appreciate that not every grievance will be capable of resolution but that every reasonable effort will be made to do so; and
  - (x) Not dictate unreasonable sanctions as their 'proposed solution'.
- (d) **Supervisors, Managers and other designated Staff dealing with a Grievance must:**
- (i) Address grievances seriously, consistently and promptly in accordance with the Service's Grievance Procedure;
  - (ii) Promote constructive dialogue and low-level resolution between the parties;
  - (iii) Distinguish between a general grievance and a complaint of bullying and/or harassment;
  - (iv) Implement practical/realistic solutions which are sustainable;
  - (v) Manage and do not abdicate responsibility to the next level of management unless there is a conflict of interests or it is otherwise appropriate in the circumstances; and
  - (vi) Implement any resolution and monitor its ongoing effectiveness.

(3) **Legal Basis**

This Policy complies with the requirements of the Employment (Northern Ireland) Order 2003 and the Employment (Dispute Resolution) Regulations (Northern Ireland) 2004.

**4. IMPLICATIONS OF THE POLICY**

(1) **Financial and Efficiency Implications**

- (a) The full implementation of this Policy will require the support of all police officers and police staff.
- (b) By fully implementing this Policy the Service will ensure that it deals with every reported grievance effectively and consistently.

(2) **Training**

In support of this Policy the following training will be developed:

- (a) A programme to inform all police officers and police staff of the process for dealing with grievances.
- (b) A programme for all line managers which will provide them with knowledge of the investigation process and the skills necessary to apply that process to any grievance enquiry they may be tasked to undertake.

(3) **Partnerships**

This Policy was developed in consultation with the Labour Relations Agency who provides a mediation process within the grievance procedure. The criteria for that mediation are set out in the Procedures and Guidance provided with this Policy.

**(4) Internal Policy Links**

- (a) Policy Directive 04/06 - Equal Opportunities Policy;
- (b) Policy Directive 01/05 - Bullying and Harassment Policy;
- (c) Policy Directive 11/07 - Integrity and Professional Standards.

**(5) Risks**

This Policy must be consistently applied across the Service to ensure that every grievance is handled and investigated to the same standard and that every individual lodging a grievance receives the appropriate and necessary assistance and support from the Service.

**(6) Consultation**

This Policy was consulted with the following: Equality Commission for Northern Ireland; Professional Standards Department; Police Federation of Northern Ireland; Superintendents' Association for Northern Ireland; Northern Ireland Public Service Alliance (NIPSA), Unite; Heads of HR; Gay Police Officers Association (GPA); Women Police Officers Association (WPA); Ethic Minority Police Officers Association (EMPA); PSNI Equality and Diversity Unit and Employment Lawyer and Human Rights Adviser.

**5. HUMAN RIGHTS/EQUALITY/INTEGRITY/FREEDOM OF INFORMATION**

- (1) This Policy is compliant with the provisions of the Human Rights Act 1998. This Policy sets out uniform procedures and guidance as to how work related grievances will be managed within the Service. It is directed towards the humane treatment of individuals, a fair hearing for both aggrieved and those complained of and provides a means for people to address alleged grievances which may include perceived discrimination. It engages with the following articles:
  - (a) Article 3 (Prohibition of Torture or to Inhumane or Degrading Treatment);
  - (b) Article 6 (Right to a Fair Trial);
  - (c) Article 14 (Prohibition of Discrimination).
- (2) In addition the following provisions set out in the PSNI Code of Ethics institutes the basic standards required of police officers and police staff. The provision of uniform procedures and guidance engage directly with Article 1 (Professional Conduct); Article 2 (Investigation); Article 3 (Privacy and Confidentiality of Information); Article 6 (Equality); Article 7 (Integrity); and Article 10 (Duties of Supervisors).
- (3) The NICS Handbook in its Chapter on Conduct and Annexed Code of Ethics establish the principles of Integrity, Honesty, Objectivity, Impartiality, Political Impartiality and Rights and Responsibilities which equate with the PSNI Code of Ethics and relate to ensuring Equality of Opportunity.
- (4) This Policy is deemed to be Human Rights compliant; it has been screened for Section 75 considerations and meets integrity standards. The Policy is suitable for disclosure in accordance with the Freedom of Information Act 2000.

**6. MONITORING AND REVIEW**

The Equality and Diversity Unit monitor and assess the impact of this Policy and reviews the application and implementation of this Policy annually. In addition the Labour Relations Agency reviews the progress of the mediation aspect of the grievance procedure with all of the respective stakeholders on a bi-annual basis.

## SECTION 7

### PROCEDURES AND GUIDANCE

#### 1. GENERAL

- (1) Line managers may however, on certain occasions, face the difficult task of determining the difference between a genuine grievance (which may be difficult to prove or substantiate) and a spurious (or even malicious) grievance.
- (2) If a line manager, finds themselves in this position, they must ensure that their approach to and determination of the grievance is '**reasonable**' in all the circumstances, and is based on the information which is available and presented to them (ie the evidence). The line manager must also look at the grievance from all relevant perspectives.
- (3) Where a line manager is presented with a grievance, which they reasonably believe is spurious (or malicious) they must consult with their relevant Head of HR and/or the Equality or Diversity Unit, as to the appropriate approach, which may include the instigation of the discipline process. (Attention is drawn to Policy Directive 11/07 Integrity and Professional Standards).
- (4) A grievance can be resolved by using either:
  - (a) The Informal Grievance Procedure; and/or
  - (b) External Mediation; and/or
  - (c) The Formal (Standard or Modified) Grievance Procedure.

#### 2. THE INFORMAL GRIEVANCE PROCEDURE

- (1) In the first instance a grievance should be raised informally and verbally at the lowest appropriate level of management.
- (2) The informal grievance procedure involves the grievant (and their line manager, or supervisor or any other party) entering into constructive dialogue in an attempt to resolve the matter informally and without recourse to external mediation or the formal grievance procedure.
- (3) In order to preserve the integrity of working relationships, police officers and police staff should always, apart from exceptional circumstances, attempt to resolve the matter themselves via discussion and dialogue (this approach is best practice and requires all those involved being reasonable and constructive).
- (4) The informal approach can be exercised by the police officer or member of police staff via their line manager (or supervisor or any other party). The emphasis is on achieving a prompt, informal and appropriate resolution.
- (5) In some cases, it may not always be advisable or appropriate to use the informal grievance procedure given the nature or seriousness of the grievance. However, police officers and police staff should not simply by-pass the informal grievance procedure simply because they perceive it as inappropriate or ineffective.
- (6) It is incumbent upon all parties to be reasonable in trying to resolve workplace issues. Due regard and consideration must be given to the possibility of achieving resolution informally.

- (7) Police officers and police staff are reminded that the informal grievance procedure has the advantage of maintaining the integrity of workplace relationships whilst raising the grievance in an informal manner.

**3. EXTERNAL MEDIATION (LABOUR RELATIONS AGENCY)**

- (1) If the attempt at informal resolution fails (or if in exceptional circumstances, it is not appropriate), the parties are encouraged to avail of the external mediation service provided by the Labour Relations Agency.
- (2) All parties involved in the grievance must voluntarily agree to proceed to this stage. If any of the parties do not agree to mediation, the grievance can only be resolved by recourse to the Formal Grievance Procedure.
- (3) Mediation is arranged and facilitated by the Labour Relations Agency who will act in an independent, impartial, confidential and objective capacity to get the matter resolved.
- (4) The mediator shall be appointed from a list provided by the Mediation Secretary at the Labour Relations Agency.
- (5) Before the mediation process can begin a Summary Report (of the grievance) must be compiled by the grievant on Form LRA 1 (Appendix 'B'). Form LRA1 must be completed by the grievant and emailed or posted to their HR Manager.
- (6) The HR Manager must then send a copy of the LRA1 to the person(s) against whom the grievance is made. This person(s) named in the LRA1 must then set out a summary response on Form LRA2 and email or post it to the HR Manager. The LRA2 must be completed and emailed to the HR Manager within 10 calendar days of its receipt (Forms LRA1 and LRA2 are available on PoliceNet).
- (7) Once the HR Manager has received both the LRA1 and LRA2, these must be forwarded without undue delay to the Mediation Secretary at the Labour Relations Agency.
- (8) The LRA1 must:
- (a) Be no longer than 2 A4 pages (and typed in ARIAL Font, 12 point font size);
  - (b) Set out the name of the individual(s) (both making and responding to the grievance), their job title, business address, branch/department, email address and telephone number; and
  - (c) The specific nature and substance of their grievance (this must be set out clearly in bullet point format with specific reference to dates, people involved, policy breached and supporting evidence etc).
- (9) The LRA2 must:
- (a) Be no longer than 2 A4 pages (and typed in ARIAL Font, 12 point font size);
  - (b) Set out a summary response to the grievance/issues raised in the LRA1.
- (10) The Labour Relations Agency reserves the right to return Summary Reports to those individuals who exceed the 2 A4 page limit.
- (11) Once the Labour Relations Agency has received both Forms LRA1 and LRA2 from the HR Manager, a meeting with parties will be arranged.
- (12) The Labour Relations Agency must make all reasonable endeavours to arrange this meeting within 14 calendar days of receiving the Forms LRA1 and LRA2 from the HR Manager.

- (13) The mediation process is strictly confidential and all information received by the Labour Relations Agency during the course of any mediation process will be handled with the strictest confidence.
- (a) Other than the Mediator's Report no other paperwork ie the Summary reports, notes made by the parties or notes made by the Mediator, will be amenable to discovery or use for any purpose outside the mediation process.
- (b) Information (and notes taken) will have been provided for the sole purpose of assisting in the Informal resolution of the grievance and as such it would be wholly inappropriate to use them for any other purpose.
- (14) It will be the role of the mediator to meet (separately or where appropriate jointly) with the grievant (and any other party involved in the matter) and listen to the issues, source and examine the relevant documentation and elicit any other relevant information.
- (15) The mediator will attempt to resolve the dispute to the mutual satisfaction of all parties and where appropriate make a recommendation(s) (which is not a judgement) based on the facts (see Guidance Notes and Mediation Fact Sheet - Appendix 'C'). These recommendations will be clearly set out in the Mediation Report.
- (16) The Mediation Report will be emailed and/or posted to the HR Manager and appropriate line manager (as indicated by the parties at mediation) who will be jointly responsible for ensuring all the recommendations are implemented back in the workplace (where possible).
- (17) The HR Manager must also ensure that both parties involved in the grievance receive a copy of the Mediation Report.
- (18) The HR Manager must update SAP with this information as soon as the Mediation Report is provided to the parties.

#### **4. THE FORMAL (STANDARD) GRIEVANCE PROCEDURE**

- (1) The Formal (Standard) Grievance Procedure deals with any grievance that can be defined as a complaint by a police officer or member of police staff, about action which their employer has taken or is contemplating in relation to them and that action could form the basis of a complaint to either an Industrial or Fair Employment Tribunal [as set out in Schedules 2 - 4 of the Employment (NI) Order 2003 and Article 38 of the Fair Employment and Treatment Order 1998]. Please refer to Appendix 'E'.
- (2) If the complaint does not fall into one of the categories listed in this legislation (and as such there is no jurisdiction for that decision to be challenged in either an Industrial or Fair Employment Tribunal), it will not constitute a grievance under the formal procedure.
- (3) The Formal (Standard) Grievance Procedure consists of three potential stages. The three stages are as follows:
- Stage 1 - **Formal complaint lodged in writing**
- Stage 2 - **Meeting with appropriate line manager**
- Stage 3 – **Appeal**
- (4) The grievance can be resolved at either Stage 2 or 3.

5. STAGE 1 - FORMAL COMPLAINT LODGED IN WRITING

- (1) If the matter cannot be resolved informally or through mediation (or any of the parties refuse/do not wish to use those avenues of redress), the grievant should lodge a formal grievance by completing, signing and dating a Form G1A which should not extend beyond 2 pages and set out in bullet points the salient points. This should be forwarded to their HR Manager by email or internal post and ensuring that it has been received by that person. Form G1A can be obtained from PoliceNet or from the grievant's HR Manager.
- (2) Only if a grievance either directly or indirectly involves the HR Manager, should Form G1A be sent by email or internal post to the Head of Branch/District Commander. The Head of Branch/District Commander must then seek advice from either the relevant Head of HR and/or either a representative from the Equality and Diversity Unit, as to who would be the most appropriate line manager to investigate the grievance.
- (3) The grievant should make it clear on Form G1A that the first formal stage of the grievance process is being invoked.
- (4) The grievant should also make it clear on Form G1A why an attempt at informal resolution and/or mediation was not considered appropriate and/or successful.
- (5) Within 7 calendar days of receiving a Form G1A the HR Manager (or the District Commander/Head of Branch if appropriate) must:
  - (a) acknowledge receipt of Form G1A - A Template Letter is attached at Appendix 'D'; and
  - (b) email or send a copy of the Form G1A to the manager deemed most appropriate to investigate the grievance; and
  - (c) email or send a copy of the Form G1A to the individual(s) complained about (where this is the case) so that they have sight of the issues prior to meeting the Stage 2 Manager.
- (6) If the grievance involves the grievant's line manager the HR Manager should direct the grievance to an alternative and appropriate manager. The manager to whom the grievance is directed is responsible for managing the grievance.
- (7) Not all grievances are the same and each case will turn on its individual facts. As such, the Service recognises that it may be more appropriate for the matter to be managed either at a different level or via a different procedure, eg where a senior officer or member of staff is subject of the grievance and it is deemed appropriate for a higher ranking officer or manager to investigate the grievance.
- (8) The decision to assign the management of the grievance to a higher rank/grade of officer or manager, should be a joint decision to be taken by the relevant Head of HR and/or either a representative from the Equality and Diversity Unit (or as appropriate in the circumstances).
- (9) Likewise, where a grievance has named a high ranking police officer (eg Head of Crime Operations) or member of police staff (eg Head of HR or Director of Human Resources) and that individual has had no **personal and/or direct** involvement in the issue being complained of, that person(s) will not be investigated as part of the grievance. The grievant must only name individual(s) who were **personally and/or directly** involved in the issue being complained about.
- (10) However, if the grievant believes that a high ranking officer or member of staff had an awareness of the issues but failed to address them, they should be named in the grievance.

**NOT PROTECTIVELY MARKED**

- (11) A grievance should, unless in exceptional circumstances, be lodged within three months of the first day on which the grievant first had knowledge or might reasonably have had knowledge of the matter about which they are complaining.
- (12) Only in exceptional circumstances, may the time limit be extended to six months from the first day on which the grievant had knowledge or might reasonably have had knowledge of the matter about which they are complaining.
- (13) The decision to extend the time limit will rest with the relevant Head of HR and their decision will take into account all relevant factors - including whether it is just and equitable in the circumstances to extend the time limit. The decision of the relevant Head of HR will be final and not subject to appeal.
- (14) HR Managers must ensure SAP is updated regularly with details of the grievance and that all documentation relating to the grievance is stored securely and confidentially.

**6. MEETING WITH MANAGEMENT (STAGE 2)**

- (1) The purpose of the Stage 2 Meeting is to have an open, honest and transparent discussion about the grievance, to listen to and examine responses from the parties, to create and sustain dialogue between the parties (as to how the issue can be resolved) and to seek resolution of the issue.
- (2) The Stage 2 Meeting must be conducted in a manner that enables all parties to explain their cases. It must also be conducted without unreasonable delay and all parties must take all reasonable steps to attend the meeting.
- (3) The manager directed to investigate the grievance (ie 'the Stage 2 Manager') must make all reasonable endeavours to:
  - (a) meet all relevant parties (at 'the Stage 2 Meeting') within 14 calendar days of receiving the Form G1A from the HR Manager;
  - (b) examine the substance of the grievance (including the information which came to light during the Stage 2 Meeting) during that same 14 day period; and
  - (c) provide the HR Manager with their written decision within 14 calendar days of the Stage 2 Meeting.
- (4) In certain circumstances the (14-day) timescale(s) may be extended. However if the time limits are being extended, the HR Manager must inform the parties of the reason(s) for time limit extension (eg because of the number of people needing interviewed, people absent from work, complexity of issues, nature of enquiries etc) as soon is practically possible.
- (5) Within 7 calendar days of receiving this information from the Stage 2 Manager, the HR Manager must ensure that:
  - (a) all parties involved in the grievance receive an email and/or letter confirming the outcome of Stage 2 – OL2 Outcome Letter (available from Equality & Diversity Unit) should be used;
  - (b) that SAP is updated with details of the Stage 2 decision; and
  - (c) the grievant is informed in writing of their right to appeal the Stage 2 decision.
- (6) Where the grievant has alleged 'unfair treatment as a result of the misapplication of a policy or procedure', the Stage 2 Manager must (in examining the substance of the grievance), refer to the (misapplied) policy or procedure, make all reasonable endeavours to contact the individual(s) who made the decision (which is being complained about), discuss the matter with them and make a determination based on the facts presented to them.

**NOT PROTECTIVELY MARKED**

**NOT PROTECTIVELY MARKED**

- (7) In such cases, the Stage 2 Manager should attempt to determine whether on the facts of the particular case, there has been any element of unfairness afforded to the grievant as a result of misapplied or misinterpreted policy/and or procedure. This is not an opportunity for the Stage 2 Manager to overturn the decision of the original process.
- (8) If the Stage 2 Manager encounters some aspect of policy or procedure which appears to be unfair (eg issue, seeking that it be addressed as part of any policy review).

**7. APPEAL (STAGE 3)**

- (1) If the matter is not resolved at the Stage 2 Meeting, the grievant can appeal to Stage 3 if they wish to do so.
- (2) In order to initiate the Appeal Process (ie Stage 3), the grievant must provide their HR Manager with detailed written reasons on Form G1B as to why they are not satisfied with the Stage 2 outcome.
- (3) The grievant must send the completed Form G1B (by email and/or internal post) to their HR Manager within 7 calendar days of receiving the Stage 2 outcome letter.
- (4) The completed Form G1B will constitute the start of the Appeal process (Stage 3) and the grievant must clearly set out on Form G1B the specific issues which the Stage 3 (Appeal) Manager must address.
- (5) Within 7 calendar days of receiving the Form G1B, the HR Manager must appoint an appropriate manager to handle the Stage 3 Appeal and provide them with all relevant documentation.
- (6) Stage 3 Manager must be a higher-ranking member of police or police staff than the Stage 2 Manager, where reasonably practicable.
- (7) Within 14 calendar days of being appointed Stage 3 Manager, they must examine the basis of the appeal and take all reasonable steps to meet the relevant parties to the grievance.
- (8) All parties must take all reasonable steps to attend any meetings organised by the Stage 3 Manager to discuss and/or resolve the matter.
- (9) As with Stage 2 it is the Stage 3 Manager's responsibility to resolve the grievance in a prompt, equitable and reasonable manner, and interview any member(s) of staff who may assist in the investigation or the verification of facts. The purpose of the Stage 3 Meeting is also to have an honest and transparent discussion about the issues and the grounds for appeal, to listen to and examine responses from the parties and to seek resolution of the issue.
- (10) The Stage 3 Manager must inform the HR Manager of their decision within 14 calendar days of meeting the relevant parties.
- (11) In certain circumstances the (14 day) timescale(s) may be extended. However if the time limits are being extended, the HR Manager must inform the parties of the reason(s) for time limit extension (eg because of the number of people needing interviewed, people absent from work, complexity of issues, nature of enquiries etc) as soon as is practically possible.
- (12) Within 7 calendar days of receiving this information from the Stage 3 Manager, the HR Manager must ensure that:
  - (a) all parties involved in the grievance receive an email and/or letter confirming the outcome of Stage 3 – OL3 Outcome Letter (available from Equality & Diversity Unit) should be used;
  - (b) that SAP is updated with details of the Stage 3 decision; and

**NOT PROTECTIVELY MARKED**

**NOT PROTECTIVELY MARKED**

- (c) the grievant is informed in writing that there is no further right of appeal within the Service (where the matter has not been resolved to the grievant's satisfaction).
- (13) At the completion of Stage 3, the formal grievance procedure will have been concluded.
- (14) The Stage 3 Manager must ensure that they retain all relevant notes.
- (15) At all stages of the formal procedure due regard must be given to confidentiality of this process and any relevant documents.

**8. MODIFIED GRIEVANCE PROCEDURE**

- (1) The Modified Grievance Procedure is the procedure for handling grievances where the standard formal grievance procedure would otherwise apply but where employment has ended (ie a police officer or member of police staff has retired, resigned or been dismissed from the Service) and certain criteria [sub paragraph 8(3)(a)-(c) below] are satisfied.
- (2) The modified (two-step) grievance procedure is as follows:
  - (a) The grievant must send to the Equality and Diversity Unit a letter outlining:
    - (i) the nature of their grievance; and
    - (ii) the basis for it.
  - (b) The Equality and Diversity Unit will forward this correspondence onto an appropriate person for a written response. This response will be sent to the former police officer or member of police staff.
  - (c) There is no appeal mechanism and once the response is sent to the individual the matter is deemed closed.
- (3) The modified (two-step) grievance procedure only applies where the employment has ended and where:
  - (a) either the Service was not aware of the grievance before the employment ended; or
  - (b) was so aware, but the standard grievance procedure had not started or had not been completed by the time the employment ended; and
  - (c) the parties **have agreed in writing** that the modified, rather than the standard, grievance procedure shall apply.
- (4) There is no right of appeal within the PSNI's Modified Grievance Procedure.

**9. DOCUMENTATION**

- (1) It is important, and in the interests of both the Service and parties involved in the grievance process, to keep written records for future reference. Records should include:
  - (a) All forms G1A, G1B, LRA1, LRA2), correspondence and minutes of meetings (if any);
  - (b) All written correspondence (eg outcome letters, correspondence regarding meetings or timescales, emails, faxes, email receipts) relating to the grievance;
  - (c) Information recorded on SAP.

- (2) All information relating to the grievance must be treated as confidential and kept in accordance with the Data Protection Act 1988 (and where appropriate, the Freedom of Information Act 2000), which gives individuals the right to request and have access to certain personal data.

## **GUIDANCE NOTES**

### **10. HANDLING GRIEVANCES**

The following paragraphs provide additional guidance on the appropriate procedure for handling grievances:

- (1) The same principles apply to individual and group grievances.
- (2) The parties will be treated as having complied with the relevant grievance procedure if the grievance is raised in writing on behalf of at least two police officers or police staff members (including the grievant) by an 'appropriate representative'.
- (3) The 'appropriate representative' is defined as an official of an independent trade union recognised by the employer for the purpose of collective bargaining or an employee of that employer who was elected or appointed to represent employees and has the authority to do so under established procedure to resolve grievances.
- (4) Other staff associations provide advice and support for staff members. Grievants may wish to consult with those associations. For the purposes of this Policy such staff association representatives may attend meetings in their capacity as a work colleague.
- (5) Likewise, when an issue is not about the application of a policy but the policy itself, it should be addressed through trade unions, employee representatives or staff associations to the policy owner/author.
- (6) Where a police officer or member of police staff has lodged a number of grievances (more than one), it may be necessary in some circumstances, to try and resolve all of those grievances as part of one process. This will ensure that Human Resources are not tied up dealing with multiple grievances, whilst also ensuring the grievant gets the most time efficient response from management.
- (7) Complaints of bullying and/or harassment **must not** be investigated under the Grievance Procedure. There is a stand alone procedure for dealing with complaints of this nature. The relevant Policy Directive for complaints of bullying and harassment is PD 02/05. This Policy is available on PoliceNet or from HR Managers.
- (8) Progression through the stages of the grievance procedure is not an automatic right. At each stage of the procedure clear and explicit reasons must be stated as to why the matter is either resolved or referred on to the next stage (these must be set out on Form G1B).
- (9) Setting out a grievance in writing might not be easy - especially for those employees whose first language is not English or who have difficulty expressing themselves on paper. In these circumstances the individual should be encouraged to seek help for example from a work colleague, a trade union or other employee representative.
- (10) Under the Disability Discrimination Act 1995 employers are required to make reasonable adjustments which may include assisting employees to formulate a written grievance if they are unable to do so themselves because of a disability.
- (11) All grievances will be handled in an impartial, fair and reasonable manner, taking into account the principles of procedural fairness and good employment practice.
- (12) Confidentiality will be respected at all times within the constraints of the relevant legislation and the need to fully investigate the grievance.

**NOT PROTECTIVELY MARKED**

- (13) Grievances will be dealt with promptly and will take into account the interests of all concerned.
- (14) Any outcome as a result of using the Grievance Procedure must be honoured and enacted by the parties involved.
- (15) The Grievance Procedure will not cease if a claim form is lodged at Industrial Tribunal.
- (16) All parties using the Grievance Procedure must recognise the importance of dialogue, reasonable behaviour and procedural correctness.
- (17) At each stage of the process all parties should bear in mind that the use of the informal approach in the Grievance Procedure is part of the day to day running of a large organisation, and should not be seen as symptomatic of major problems within the organisation. However, problems such as disingenuous grievances or failure to manage at an early stage can cause significant problems for the Service over a period of time.
- (18) Throughout the process all parties must engage in meaningful dialogue which is aimed at resolving the dispute or grievance.
- (19) The Service recognises that it will not always be possible to reach mutually satisfactory solutions. However, general dissatisfaction will not of itself be sufficient grounds for the matter to be progressed to the Appeal Stage of the Formal Grievance Procedure.
- (20) At each stage of the formal procedure, the HR Manager within each District/Department or the Equality and Diversity Unit will be able to offer police officers and police staff information and guidance regarding the Grievance Procedure;
- (21) Line managers should not merely act as recipients of grievances; they must investigate and determine outcomes. The HR Managers will have information, guidance and monitoring responsibility, and ensure numbers and types of cases are updated through SAP.
- (22) Police officers and police staff must be aware that failure to use the Grievance Procedure can have implications to subsequent Industrial Tribunal proceedings as failure to use/exhaust an employer's internal grievance procedure can mean that an employee is barred from having their claim heard in the Industrial Tribunal.
- (23) It is the Service's intention to resolve an individual's grievance prior to the commencement of any Industrial Tribunal proceedings.

**11. ATTENDING MEETINGS**

- (1) If the Stage 2 (or Stage 3) Manager, the grievant (or their companion) cannot reasonably attend a Stage 2 or Stage 3 (Appeal) Meeting, for a reason that was not reasonably foreseeable at the time the meeting was arranged, the meeting must be rearranged for the next convenient date. This must be no later than 5 calendar days after the original meeting was due to take place.
- (2) Events which would **not** be reasonably foreseeable would be cases of sudden and/or serious illness or for example, someone's car breaking down on the way to the meeting.
- (3) The Stage 2 (or Stage 3) Manager is only obliged to rearrange their meeting once. However, if the meeting falls through for a second time for unforeseeable reasons, neither party will be under any further obligation under the statutory procedures and the grievance **will be closed**.
- (4) In these circumstances, the HR Manager must update SAP indicating that the grievance has been unresolved and closed.

**NOT PROTECTIVELY MARKED**

## **12. OVERLAPPING DISPUTES**

- (1) The grievance procedure aims to ensure that the process for dealing with grievances is as clear and straightforward as possible, given the complexity of the situations that may arise in practice, and to avoid obliging the parties to go through any unnecessary repetition of procedures. Some typical examples of 'overlapping' disciplinary and grievance issues are:
  - (a) Where a senior officer (or line manager) takes disciplinary action against a police officer (or member of staff), this may prompt the police officer (or staff member) to raise a grievance against their senior officer (or line manager), either about that action or about something else, or to resign and complain of constructive dismissal; or
  - (b) The senior officer (or line manager) may have multiple disciplinary issues to address with a police officer (or member of staff); or
  - (c) A police officer (or member of staff) may have multiple grievances to raise against their senior officer (or line manager).
- (2) There may also be occasions when there are overlapping grievance and disciplinary issues. The principle is that criminal and misconduct issues should be investigated by Professional Standards Department, while grievances and/or bullying and harassment issues should be dealt with by the appropriate management (ie HR Managers and line managers) following the appropriate procedures.
- (3) Where there is an overlap of issues (eg a Professional Standards Department investigation of a police officer who then raises a grievance) the Equality and Diversity Unit should be consulted.
- (4) If there is an issue before Professional Standards Department/HR Manager for investigation, this should not prevent an officer's or member of staff's grievance being addressed. However, in order to progress the officer or member of staff's grievance in a timely manner, the disciplinary investigation must be allowed to progress.
- (5) The officer may raise their grievance at any time during the Professional Standards Department investigation. The fact that a Professional Standards Department investigation is ongoing should not prevent the officer's grievance from being managed. However, it may be appropriate in some circumstances, to hold a case conference with representatives from Professional Standards Department, the Equality and Diversity Unit and HR to determine the most appropriate manner in which to deal with issues raised.
- (6) In assigning areas of responsibility, and deciding which matters can be dealt with by local management prior to the outcome of any disciplinary investigation, the primary focus will be finding a solution which will meet the needs of the individual and organisation as a whole.
- (7) If the employee raises the grievance either:
  - (a) during the (Professional Standards Department or disciplinary) appeal stage; or
  - (b) after the Professional Standards Department Appeal or disciplinary procedure has finished,then it will be necessary for the grievance procedure to be completed in full.

## **13. MEDIATION**

- (1) Mediation provided by the Labour Relations Agency shall be invoked only with the agreement of all parties.
- (2) Mediation involves an external third party acting in an independent, impartial, confidential and objective capacity.

**NOT PROTECTIVELY MARKED**

- (3) It will be the role of the mediator to meet separately with all parties, or, where appropriate, jointly, examine the relevant documentation, elicit any other relevant information and make a recommendation based on the facts.
- (4) It is not the job of the mediator to conduct in-depth investigations, question witnesses, or to apportion blame, but rather to come as close as possible to a mutually acceptable resolution via a recommendation.
- (5) Although the recommendation is not binding, due recognition must be given to the fact the mediator is totally independent and thus cannot be said to favour one-side or the other but rather they will attempt to resolve the grievance by recommending a solution based on the facts presented.
- (6) The mediation service will consist of a mediator selected by the Labour Relations Agency's Mediation Secretary from a panel of external mediators supplied by the Labour Relations Agency.
- (7) Police officers and police staff are advised to read through the Guidance Notes to ensure that the appropriate course of action is being taken and to ensure that they are aware of the consequences of abuse/misuse of procedure eg to attain audience with senior staff for a matter that has essentially been managed at a lower level but the decision has not been accepted by the member of staff.
- (8) Line managers must ensure that all that could have been done at lower levels to resolve the matter has been done before this stage was reached.

**14. ACCOMPANIMENT**

- (1) An individual involved in a formal grievance has the right to be accompanied by a trade union/staff representative or fellow worker at the Stage 2 or Stage 3 (Appeal) Meetings (but not at Mediation).
- (2) Under employment legislation an accompanying individual cannot answer questions directly on behalf of the person they are accompanying but can address the panel, sum up the case and respond to views expressed by the interviewer/panel.
- (3) There is no legal right under existing employment legislation to be accompanied by a solicitor.
- (4) All police officers and police staff have the right to lodge a complaint with the Industrial Tribunal once the grievance procedure has been exhausted. For further advice consult your staff association/trade union representative or local HR Manager. |

**GRIEVANCE PROCEDURE (2008) FLOW CHART**

**SCANNED ON AS Pdf**

**NOT PROTECTIVELY MARKED**

**APPENDIX 'B'**

**GRIEVANCE FORM LRA1**

**Held by Compositor, Publications Branch**

**NOT PROTECTIVELY MARKED**

**NOT PROTECTIVELY MARKED**

**GRIEVANCE FORM LRA1 (Continuation Sheet)**

**Held by Compositor, Publications Branch**

**NOT PROTECTIVELY MARKED**

**NOT PROTECTIVELY MARKED**

**GRIEVANCE FORM LRA1 (Continuation Sheet)**

**Held by Compositor, Publications Branch**

**NOT PROTECTIVELY MARKED**

**NOT PROTECTIVELY MARKED**

**GRIEVANCE FORM LRA1 (Continuation Sheet)**

**Held by Compositor, Publications Branch**

**NOT PROTECTIVELY MARKED**

**NOT PROTECTIVELY MARKED**

**GRIEVANCE FORM LRA1 (Continuation Sheet)**

**Held by Compositor, Publications Branch**

**NOT PROTECTIVELY MARKED**

**NOT PROTECTIVELY MARKED**

**GRIEVANCE FORM LRA1 (Continuation Sheet)**

**Held by Compositor, Publications Branch**

**NOT PROTECTIVELY MARKED**

**NOT PROTECTIVELY MARKED**

**GRIEVANCE FORM LRA1 (Continuation Sheet)**

**Held by Compositor, Publications Branch**

**NOT PROTECTIVELY MARKED**

**NOT PROTECTIVELY MARKED**

**GRIEVANCE FORM LRA2**

**EMPLOYEE'S REQUEST FOR STAGE 3 APPEAL HEARING  
(Standard Formal Grievance Procedure)**

**Held by Compositor, Publications Branch**

**NOT PROTECTIVELY MARKED**

**NOT PROTECTIVELY MARKED**

**Form G1A**

**TO BE SUBMITTED TO THE LABOUR RELATIONS AGENCY  
CONFIDENTIAL**

**GRIEVANCE SUMMARY REPORT**

**Held by Compositor, Publications Branch**

**NOT PROTECTIVELY MARKED**

**NOT PROTECTIVELY MARKED**

**Form G1A (Continuation Sheet)**

**Held by Compositor, Publications Branch**

**NOT PROTECTIVELY MARKED**

**NOT PROTECTIVELY MARKED**

**Form G1B**

**Held by Compositor, Publications Branch**

**NOT PROTECTIVELY MARKED**

**NOT PROTECTIVELY MARKED**

**Form G1B (Continuation Sheet)**

**Held by Compositor, Publications Branch**

**NOT PROTECTIVELY MARKED**



## MEDIATION IN THE WORKPLACE - FACT-SHEET FOR THE PSNI

### Introduction

In recent years there has been a growing interest in the use of a variety of types of mediation to resolve internal workplace problems. The term “problem” is used here because so far the issue has not escalated into a major dispute. Mediation offers those involved with an opportunity to resolve a problem and maintain the integrity of the working relationship. The concept of alternative dispute resolution which is built in to the organisational procedures is recognised as good employment practice and provides for the retention of quality working relationships and thereby reduces the potential for external litigation.

### Mediation – What is it?

In basic terms mediation is about an external third party intervention between two parties in order to resolve a problem and hopefully reconcile those involved. Essentially mediation provides for the voluntary facilitation of a resolution, usually via a recommendation, and it cannot work unless both parties agree to the process and the subsequent resolution. The process involves a mediator being appointed by the Labour Relations Agency's Mediation Secretary from a list of trained and approved independent mediators.

### Why have it?

Workplace problems often get out of proportion or the individuals involved become entrenched in their positions and often trust and belief in internal systems are damaged. As a result the opportunity to have an independent and impartial individual to assist in the resolution is usually welcomed as an acceptable method of resolving workplace problems which allows the parties to maintain sound working relationships.

### When is it used?

Mediation can be appropriate for a variety of workplace problems ranging from interpersonal conflicts within the work context, unresolved grievances, and problems associated with change management and so on. Although the mediation process is part of the formal procedure it affords those involved an opportunity to resolve the problem in a way that can retain the integrity of their working environment without having to exhaust the internal procedures within the organisation.

### Who does it?

The mediation service is supplied and facilitated by the Labour Relations Agency who will appoint a mediator as part of the Agency's role in improving employment relations for Northern Ireland. Once the parties involved have informed the local HR Manager that they are willing to enter Mediation, the HR Manager contacts the Agency's Mediation Secretary who will facilitate arrangements for the mediation.

The Mediation Secretary will be supplied with the appropriate documentation by the HR Manager (eg) – (copies of the G1A, G1B, and both sides submission summaries) within a 5 day period and from here the Mediation Secretary organises the process in terms of selecting the mediator, organising dates, times and locations, liaising with the mediator and providing the appropriate checks and balances throughout the process.

The normal timescale from receipt of documentation to completion of process is 14 calendar days to allow for logistical issues such as – mediator availability, booking rooms and so on. The Mediation Secretary will engage in correspondence with the local HR Manager regarding the mediation arrangements and from here the local HR Manager will inform the parties involved.

The mediation service complements existing services offered by the Agency and the key features of independence and impartiality are central to the delivery of the Agency's service.

**Where does it happen?**

The mediation process can take place on the employer's premises, if this is acceptable to all parties, and provided there are facilities for 3 separate rooms, should they be needed. Alternatively the mediation can take place at either of the Labour Relations Agency's offices located in Belfast and Derry/Londonderry.

**What does the process actually involve?**

The Mediator will inform the parties (separately or jointly depending on the circumstances) upon arrival about the details of the process and how he/she will conduct the mediation.

To this extent the process remains within the control of the Mediator who will work closely with the parties and establish the appropriate approach to resolve the problem, for example the Mediator may or may not suggest a joint meeting at a certain juncture. The Labour Relations Agency only facilitates the mediation service it does not impose prescriptive restrictions on the way in which the Mediator mediates.

The Mediator may take notes (summary or detailed) for the purpose of clarification or informing a recommendation and from here the notes will be destroyed as soon as possible after the mediation process is concluded.

Thus the only retained documentation from the mediation process is the Mediators report with a recommendation, if appropriate. This report will then be forwarded to the local HR Manager for dissemination and appropriate action.

**Who can tell me more about mediation and ADR?**

If you have further enquiries about Mediation or other forms of ADR (Alternative Dispute Resolution) you can contact the Mediation Secretary at the Labour Relations Agency – 028 90 321 442.

TEMPLATE LETTER FOR ACKNOWLEDGING RECEIPT OF FORMAL GRIEVANCE

**[Insert date]**

**Dear [insert name of grievant]**

**Re: [insert subject of grievance]**

I am writing to confirm receipt of your Formal Grievance, which has been lodged and detailed on Form G1A. I received the G1A on **[insert date]**. |

In accordance with our Grievance Procedure, I will now forward your G1A by email and hard copy to an appropriate line manager. |

That line manager will be in touch with you shortly to have a meeting to discuss the issues.

As you have named **[insert names of anyone the grievant has complained about]** as part of your grievance, in accordance with procedure, your G1A will also be forwarded to these individuals so they have sight of the issues before meeting with the Stage 2 Manager. |

If you have any queries, please contact your HR Manager. |

Kind regards

**[insert your name]**

**[cc: inset name of Stage 2 Manager]**

## INDUSTRIAL TRIBUNAL JURISDICTION

Grounds for complaints to an Industrial Tribunal (as set out in Schedules 2 - 4 of the Employment (Northern Ireland) Order 2003)

- ◆ Section 2 of the Equal Pay Act (Northern Ireland) 1970 (c. 32) (**equal pay**)
- ◆ Article 63 of the Sex Discrimination (Northern Ireland) Order 1976 (NI 15) (**sex, marital discrimination in the employment field**)
- ◆ Paragraph 156 of Schedule 1A to the Trade Union and Labour Relations (Northern Ireland) Order 1995 (NI12) (**detriment in relation to union recognition rights**)
- ◆ Section 8 of the Disability Discrimination Act 1995 (c. 50) (**disability discrimination in the employment field**)
- ◆ Article 55 of the Employment Rights (Northern Ireland) Order 1996 (NI 16) (**unauthorised deductions and payments**)
- ◆ Article 71 of that Order (**detriment in employment**)
- ◆ Article 74 of that Order (**detriment in relation to trade union membership and activities**)
- ◆ Article 145 of that Order (**unfair dismissal**)
- ◆ Article 198 of that Order (**redundancy payments**)
- ◆ Article 52 of the Race Relations (Northern Ireland) Order 1997 (NI 6) (**race discrimination in the employment field**)
- ◆ Section 24 of the National Minimum Wage Act 1998 (c. 39) (**detriment in relation to national minimum wage**)
- ◆ The Industrial Tribunals Extension of Jurisdiction Order (Northern Ireland) 1994 (SR 1994/308) (**breach of employment contract and termination**)
- ◆ Regulation 30 of the Working Time Regulations (Northern Ireland) 1998 (SR 1998/386) (**breach of regulations**)
- ◆ Regulation 32 of the Transnational Information and Consultation of Employees Regulations 1999 (S.I.1999/3323) (**detriment relating to European Works Councils**)
- ◆ Fair Employment and Treatment Order (1998) (**discrimination in the employment field relating to religious belief or political opinion**)