

Haringey Council

[No.]

Agenda item:

General Purposes Committee

On 10 March 2009

Report Title. **Capability, Grievance, Bullying & Harassment Procedures Review**

Report of **Stuart Young, Assistant Chief Executive (People & OD)**

Date 26/2/09

Contact Officer : **Steve Davies, Head of Human Resources, 020 8489 3172**

Wards(s) affected: **ALL**

Report for: **Key decision**

1. Purpose of the report

1.1. To approve the revised Capability, Grievance and Bullying & Harassment Procedures.

2. Introduction by Cabinet Member – Cllr Charles Adje

2.1. Following the review of the Capability, Grievance, Bullying and Harassment policies this report recommends agreement to new procedures and as such Members are asked to agree the recommendations contained within the report

3. State link(s) with Council Plan Priorities and actions and /or other Strategies:

3.1. Links with People Strategy – Ways of Working theme to get the best out of our people and support continued and sustained improvement in performance.

4. Recommendations

4.1. To agree the attached revised Capability, Grievance, and Bullying & Harassment procedures (appendix A, B and C) with an implementation date of 6 April 2009 to tie in with removal of the statutory grievance and disciplinary processes.

5. Reason for recommendation(s)

5.1. A review of a number of the Council's formal employment procedures concluded that the grievance and capability procedures needed to be revised to improve them for the benefit of both staff and managers to use.

6. Other options considered

6.1. During the course of negotiations with the unions to change the procedures a number of changes have been made to the policies/ procedures. There are no viable alternatives to having these procedures.

7. Summary

7.1. A review of a number of the Council's formal employment procedures – grievance, capability, disciplinary and sickness management - was conducted during the summer/ autumn of 2007. The review was based on an investigation of monitoring processes and interviews with a number of key stakeholders including the trade unions, HR officers, managers, and elected members who have sat on formal procedures appeals panels.

7.2. The outcome of the review concluded that the grievance and capability procedures needed to be revised to improve them for the benefit of both staff and managers to use. The review also concluded that improvements should be made to the monitoring and management of the capability, grievance/ bullying & harassment, disciplinary and sickness procedures.

8. Chief Financial Officer Comments

8.1. There are no direct financial implications arising from this report

9. Head of Legal Services Comments

9.1. The Head of Legal Services has been consulted on the content of this report. From April 2009 procedures dealing with grievances and poor performance should comply with the general principles outlined in the statutory Code of Practice on Disciplinary and Grievance Procedures published by ACAS. In addition the procedures must be capable of determination as being reasonable in relation to the case law based on the statutory provisions. The determination of the reasonableness and effectiveness of a contractual grievance procedure will depend upon ensuring that all appropriate stages are carried out without undue delay. There is no overriding legal requirement for an effective grievance procedure to consist of more than two formal meetings. A fair procedure for dealing with capability/competency matters must include a clear indication of the standards to be achieved and a reasonable timescale allowed for their

achievement. A clear warning should be issued where failure to reach the required standard at the penultimate stage of the capability proceedings could lead to dismissal. Criteria should be established to ensure that the review stage of the capability procedure envisaged is applied consistently and fairly. Procedures for dealing with cases of bullying and harassment will enable the Council to meet its common law and statutory duties regarding the health and safety of its employees as well as setting out the way in which any unlawful and discriminatory harassment will be considered. The procedures referred to in this report meet the requirements of the relevant statutory frameworks. Change to the current procedural arrangements for dealing with grievances and capability matters, which are contractual in effect, will require a lawful variation of contract, which allows for variation to such incorporated contractual terms by means of a collective agreement. The Legal Service should be consulted concerning the proposed scheme to monitor capability, harassment and grievance matters by reference to religion or belief or sexual orientation so as to ensure that such a scheme is compliant with the Human Rights Act 1998.

10. Head of Procurement Comments –[Required for Procurement Committee]

10.1. Not applicable.

11. Equalities &Community Cohesion Comments

11.1. A summary of equality impact assessments made for each procedure is shown in appendix D.

12. Consultation

12.1. The review was based on an investigation of monitoring processes and interviews with a number of key stakeholders including the trade unions, HR officers, managers, and elected members who have sat on formal procedures appeals panels.

12.2. Following this Human Resources officers embarked on negotiations with the unions to change the procedures/ policies. These have been ongoing for the past 12 months.

13. Service Financial Comments

13.1. There are no additional financial implications arising out of the changes proposed in this report. However, if the changes outlined in this report can be made to the grievance and capability procedures they should make these processes more efficient and therefore productivity savings will be realised in officer time.

14. Use of appendices /Tables and photographs

- 14.1. Appendix A – new Capability Procedure
- 14.2. Appendix B – new Grievance Procedure
- 14.3. Appendix C – revised Harassment & Bullying policy
- 14.4. Appendix D – Summary of Equality Impact Assessments for the capability, grievance, and harassment & bullying procedures.

15. Local Government (Access to Information) Act 1985

No documents that require to be listed were used in the preparation of this report

16. Equalities Impact Assessment

- 16.1 A summary of equality impact assessments made for each procedure is shown in appendix D.
- 16.2 The analysis shows that for each of the procedures there are not any significant areas of concern in terms of usage of the procedures. However, reference and emphasis will be made to equalities related issues, in particular ethnicity and disability issues, in the training/ learning and guidance that will be given to managers as part of implementation of the new procedures
- 16.3 A brief summary of the analysis is outlined below.
- 16.4 **Capability procedure** – The small number of capability cases (8) make statistical analysis unreliable. However, there appears to be a high proportion of disabled and Asian cases, but these cases have been reviewed and there is nothing to indicate these cases were dealt with inappropriately.
- 16.5 **Grievance procedure** – The grievance procedure analysis showed a high proportion of disabled cases and a greater proportion of men taking out grievances. In terms of age and ethnicity these broadly matched the council profile.
- 16.6 **Harassment & Bullying procedure** – A high proportion of disabled cases and a greater proportion of Black staff took out cases. The cases were reviewed and there is nothing to indicate that these cases were dealt with inappropriately.
- 16.7 The analysis has been undertaken of the usage of the procedures. There is no question that it is necessary to have good and workable procedures to both manage staff and handle their complaints. The procedural revisions attached reflect good practice and improvements based on consultation with users of these procedures.
- 16.8 Nevertheless, the proposals in the report outline the need for improved monitoring and management arrangements to be applied to all the Council's formal employment policies – grievance, harassment & bullying, capability, disciplinary and sickness. This will include monitoring of ethnicity, gender, disability and age. Separate monitoring arrangements will be put in place to monitor sexual orientation and religious belief.

17. Review Recommendations

- 17.1 The review concluded that the grievance and capability procedures needed to be revised to improve them for the benefit of both staff and managers to use.
- 17.2 Improved monitoring and management systems should be introduced for all employment procedures. This includes - setting timescales from the outset for completing investigations and operating a review process of timescales at directorate management team level to ensure the timely progress of issues.
- 17.3 The review also recommended regular monitoring to assess whether there is an adverse impact in terms of equality considerations on staff.

17.4 For the capability and grievance procedures the review recommended a number of changes should be made. A summary of the issues and principles on which negotiations have been undertaken with the unions to revise the procedures is outlined below.

17.5 Capability procedure

Current issues

- It takes a long time to complete the process because of the number of stages – 5.
- At present the procedure is more aligned to disciplinary so have to issue written warnings at each stage.
- For the above reasons the procedure is seldom used by managers.

Principles for change

- Model the review stages of the capability procedure on those of the sickness procedure as opposed to the disciplinary procedure. Therefore instead of issuing a written warning a period of review will be determined with clear standards of work/ performance/ competence outlined for the employee to attain.
- In line with sickness there will be three stages – formal, review, final – but note that the review stage can be used more than once, as with the current sickness procedure.
- At each stage a meeting will take place with the employee and rep. Managers will agree clear work standards and/or competencies to be attained. Timescales for improvement will be reasonable and take account of the job role and working environment. Appropriate support to be given. As a guide a review period will typically be between 1-3 months depending on the nature and complexity of the job.
- Timescales to be agreed at each stage. A review period should outline reasonable timescales for improvement and set clear work standards and/or competencies to be attained
- Appeals will be allowed for dismissal, demotion to another post and relegation sanctions. Appeals to Member panel as at present.

17.6 Grievance Procedure

Current Issues

- The timescales for each stage are too short to deal with many of the grievance issues raised making it impractical for managers to respond.
- Notwithstanding the above point management do not complete grievance reviews in reasonable timescales.
- Complaints are rarely resolved.
- Stage four with Members is a complete re-hearing so many staff see the earlier stages as simply part of the journey.

Principles for change

- Three stages instead of four
- Stage 1 - Local manager; Stage 2 - Senior manager; Stage 3 – A member panel conducting a review of the case.
- A grievance will be considered if it is a matter of substance that constitutes a serious complaint about an issue relating to the employment conditions/ relationship of the individual employee. If the issue is minor or petty e.g. grading claim, non approval of holiday, etc. it will not be considered under the full 3 stage procedure, but a simplified two-stage statutory grievance procedure will be used instead.
- Any issues other than the original complaint that arise en-route during progress through the stages will be wrapped up in the ongoing process.
- Timescales will be determined in discussion with the aggrieved party & will be dependent on the complexity of the case. As a guide timescales will usually be 1 month for a standard case and 2-3 months for a complex case involving a number of issues and a number of parties to investigate/ hold discussions with. For example, a complex case involving a number of issues and a number of parties to investigate/ hold discussions may need a number of weeks to reach a conclusion. If a written response cannot be given within the agreed deadline a revised deadline must be agreed with the employee. If the employee believes the grievance is not being dealt with in a reasonable timescale s/he is entitled to request a response within the next 10 working days. A failure to respond allow the employee to proceed to the next stage.
- Remove the automatic right to progress the grievance to the next stage for failing to adhere to timescales but instead the employee can trigger a time dependant completion of the process before moving to the next stage. (See above).
- It will only be possible to go to stage 3 once a response is provided at stage two (subject to stage two completing in a reasonable timescale).
- Stage 3 will be a review of the earlier investigation and will include the aggrieved party in a meeting.
- Introduce the option of mediation referral for all grievances. The option would be to use this mechanism to resolve the grievance at any stage. Mediation will be provided by a pool of internally trained Mediators, or via external Mediation services.
- Mediation must have been considered by stage 3 or a reason provided as to why it is inappropriate.
- Ensure that all grievance cases (including informal stage) are routinely notified to HR and recorded – at present HR tend not to become aware of such cases until Stage 2 of the process

- The directorate management team should periodically review the progression and outcome of grievance cases within the directorate with a view to ensuring that these cases are managed in timely manner

17.7 Bullying & Harassment policy

There is no proposal to change the principles and substance of this policy. However, where a matter needs to be taken up formally by an individual they will be referred to the Grievance procedure and its processes to do this. This will not detriment the employee in anyway and will ensure consistency of investigation and process.

18 Implementation and communication

The effective date of the new procedures will be completion of the approval process by committee. The new revised procedure will supersede previous procedures.

For employees part way through the former Capability procedure this will continue. Alternatively the new Capability procedure will be applied from the beginning.

In relation to the Grievance and Harassment & Bullying procedures, where employees are at stage one of the process under the old procedures they will continue from stage 2 onwards on the new procedures. Where they are beyond stage 1 they will continue through the old procedure until completion.

The revised procedures will be implemented and communicated to managers and staff through a variety of channels and forum. This will include the following actions

- Identifying a pool of internal staff to be trained in Mediation techniques
- Summarising and publicising the key changes to all staff.
- Notification of the new procedures using all available staff communication channels, including where copies can be found.
- Changes to the new procedures relevant to managers communicated via briefing sessions and guidance for managers.
- Guidance notes for managers to be provided for each procedure.

CAPABILITY AT WORK PROCEDURE

INTRODUCTION

The Council's Capability at Work Procedure was approved by XX on XX.

The aim of the procedure is to enable managers to address sub-standard working with employees by putting in place clear standards and improvement measures so that performance can be raised to the required standards. All employees are provided with a copy of the procedure as part of their induction pack.

Integral to the Council's emphasis on service standards and quality services is the ability of employees to work to an acceptable standard.

Sub-standard working weakens service delivery and detrimentally affects morale within the workplace. It is therefore essential to address sub-standard working for the benefit of all parties and to do so at the earliest opportunity.

SCOPE AND DEFINITIONS

This procedure applies to all permanent Council employees, except those teachers directly employed by the Council and all staff appointed by schools operating under the Local Management of Schools, which have their own procedure and Directors/Assistant Directors or equivalent levels.

Employees who are unable to carry out their duties because of unacceptable levels of sickness absence or for health reasons which affects their ability to do their job are dealt with under the Council's Sickness Absence Monitoring & Control Procedure.

Employees serving their Probationary period will be subject to the Probationary Procedure.

GENERAL PRINCIPLES

1. Managers are responsible for setting and monitoring standards of work. It is their role to deal with sub-standard work immediately it becomes apparent.
2. As soon as concerns about the work standards are identified the manager should use the standard setting framework as outlined on page 5 to discuss these with the employee, either as part of a regular review meeting (1:1 or appraisal) or, separate meeting.

3. Employees must understand that if their standard of working falls below an acceptable standard, managers will seek to address this and the employee cannot raise a grievance as a result.
4. Managers have a responsibility to support employees whose work falls below standard. Employees have a responsibility to work at the standard expected and should do their best to meet that standard, responding to any corrective measures that are identified.
5. The manager must give a copy of this procedure to an employee when he/she decides to formally address sub-standard working under stage 1 of this procedure.
6. Generally, it is usual to follow a number of stages. However, if an employee was working well below the expected standard, and this had a serious consequence to the Council it could be that the initial stages were omitted. Very serious error or omission where the Council could not risk a recurrence may be treated as gross misconduct.
7. There may be circumstances where a disciplinary/ grievance/ harassment & bullying case and a capability matter are related. In these circumstances it is normal for the processes to run in parallel with each other. However, there may be exceptions, depending on the circumstances of the case where one process is put on hold until the other process has been completed.
8. Where an employee is subject to the capability procedure and subsequently has a period of absence from work, then on the return to work of that employee the procedure will continue at the stage it was at before the employee commenced their absence.
9. Employees have the right to be accompanied by a trade union representative or work colleague at all formal meetings they attend (stages 1-3) and have the right to be represented at the Final Meeting (stage 3).
10. Timescales for improvement will be determined at each stage. These shall be reasonable and take into account the job role, working environment and the appropriate support to be given. As a guide a review period will normally be between 1-3 months depending on the nature and complexity of the job (note this timescale can be longer if deemed necessary e.g. to allow for agreed actions/training to be completed).
11. Where an employee's performance has not improved within the review period the manager will move to the next stage of the procedures.
12. Where the employee's performance has improved to an acceptable standard the manager will acknowledge the progress made, encourage the employee to sustain this and will continue to monitor their performance. Notes of this meeting must be kept and copied to the employee. If further concerns are identified at a later date (within a 12 month period of the last meeting) then the procedures will not revert back to the beginning.
13. If at any stage the desired level of achievement is reached then the manager will

send the employee a letter to acknowledge this.

14. The manager can use his/her discretion and decide to conduct more than one Intermediate Formal Meeting (stage 2) where they believe it to be appropriate.
15. The review of an employee's capability at all stages of the procedure would usually be carried out by the employee's line manager. However, it is not unusual for different levels of management to be involved at the higher stages. At the final stage, where dismissal could be the outcome, the meeting must be conducted by a 1st, 2nd or 3rd Tier manager or, by a manager empowered by a Director and must be graded higher than the employee under review.
16. Where it is evident that the employee will not be able to improve their work standards to an acceptable level then relegation or demotion can be considered earlier than stage 3. This can only be considered if it is practical to do so (e.g. the manager has a suitable vacancy at a lower grade) and all parties are in agreement.

EQUALITIES AND DIVERSITY

17. Capability cases will be monitored by gender, disability, ethnicity, religion, age and sexual orientation (religion & sexual orientation will be monitored separately).

MANAGEMENT GUIDANCE

18. Managers must read the 'Management Guidance – Capability Procedure' before taking action under this procedure. This document can be found on Harinet along with appropriate training courses.

STANDARD SETTING FRAMEWORK

1. The manager should explain why he/she is concerned about the employee's work standards and detail where he/she falls short of the expected standard. The impact on the service/organisation needs to be explained.
2. Once the Manager has explained why he/she is concerned, the employee should be given the opportunity to respond. If there is a need for the manager to clarify certain points, this should take place, especially if the employee does not immediately accept that his or her work is below standard.
3. The manager will have regard for the employee's work history and record, length of service, disciplinary record etc, and will take this into account when deciding on what action to take.
4. If, in the past, the standard of work has been totally satisfactory, it may be that the fall in standards is due to specific short term problems. Managers need to tactfully explore whether there have been any personal issues or other circumstances that have resulted in the fall in standards. If this is the case appropriate advice/support should be offered, with agreement to review the situation within a set timescale.

5. If the employee fails to offer an acceptable explanation for not reaching the expected standard of working, the manager needs to:
 - a) Explain the employee's expected duties, including any timescales in which to carry them out. Confirm with the employee that he/she fully accepts these duties and the timescales,
 - b) Explain the reasons why his/her work is considered to be below standard and agree the steps that need to be taken to bring the work back up to standard.
 - c) Identify additional supervisory requirements that may be placed on the employee.
 - d) Identify any training, development or other support that may help in raising the employee's standard of work and arrange for this to be provided at the earliest possible opportunity.
 - e) Encourage the employee to improve his/her work standard.
 - f) Advise the employee of the consequences of failing to respond positively.
 - g) Advise the employee of the impact that their work performance is having on service delivery and their colleagues.

6. Notes of the meeting must be kept and copied to the employee.

For guidance on review and monitoring timescales please refer to points 10, 11 & 12 in the general principles section.

STAGE 1 – CAPABILITY FIRST FORMAL MEETING

If the manager considers that there has not been improvement following the implementation of the measures set at the standard setting meeting the manager will arrange a meeting with the employee and their representative giving them at least 5 working days written notice. The letter should detail why he/she is concerned about the employee's work standards and, where available, enclose relevant documentary evidence to support both the original concerns and of subsequent failure to achieve the required improvement. Details of the support the manager has given the employee to date and in particular, the support that has been provided as identified at the standard setting meeting will also be provided. These might also include for example training records/1:1 notes/appraisal notes.

The employee or his/her representative should provide the manager with any of their supporting documentation they wish to be considered at the meeting at least 2 working days before the meeting.

At this meeting the manager will explain the concerns regarding the employee's performance, the impact this has on service delivery and their colleagues, the support offered to improve it and provide evidence of the subsequent failure to achieve the required improvement. Notes of the previous meetings and supporting documentation will be referred to.

The employee will be given an opportunity to respond during the meeting.

The employee will be advised of the improvement required and the timescale to achieve it. The employee will be invited to identify any additional support they believe

might assist. The manager must encourage the employee to improve and offer any reasonable support or training that will assist this improvement (as per paragraph 5 of the standard setting framework). The manager will advise the employee that his/her performance will continue to be monitored and that this could result in further action in accordance with the capability procedure and ultimately dismissal if the required standard is not achieved on a sustained basis.

For guidance on review and monitoring timescales please refer to points 10, 11 & 12 in the general principles section.

Notes of the meeting must be kept and copied to the employee along with a letter from the manager confirming the outcome of the meeting.

STAGE 2 – CAPABILITY INTERMEDIATE FORMAL MEETING(S)

The manager will in effect repeat the actions in Stage 1, and advise the employee that if there is not an appropriate improvement in their work performance within the agreed timescale then they will be referred for a Final Meeting – Stage 3 – which could result in their dismissal.

For guidance on review and monitoring timescales please refer to points 10, 11 & 12 in the general principles section.

It is possible to repeat this stage (stage 2) if further reviews are deemed necessary.

Notes of the meeting must be kept and copied to the employee along with a letter from the manager confirming the outcome of the meeting.

STAGE 3 – CAPABILITY FINAL MEETING

If any employee reaches this stage it will be despite considerable effort by management to try to improve his/her standard.

The manager will arrange a final meeting with the employee and their representative giving them at least 10 working days written notice informing them of which Senior Manager will be chairing the meeting and that this meeting could lead to their dismissal.

The letter should detail why the manager is concerned about the employee's work standards and enclosing all the relevant documentary evidence to support the concerns (including the documentation from the previous stages), plus any documents detailing the support the manager has given the employee to date e.g. training records/1:1 notes/appraisal notes etc.

The employee or his/her representative should provide the manager with any of their supporting documentation at least 2 working days before the meeting.

At this meeting the manager should explain the actions taken to date and the employee/representative will have an opportunity to respond.

The Senior Manager chairing the meeting will then decide on the appropriate course of action:

- i) to dismiss the employee with notice on the grounds of capability. The appropriate Notice will normally be paid in lieu rather than worked.
- ii) To consider relegation as an alternative where it is a practical proposition. *Relegation* means being transferred to a different post with different duties on a lower grade.
- iii) to consider demotion for a specified period or permanently where it is a practical proposition. *Demotion* means removal of duties from the employee's current job description that will result in not more than one grade lower.
- iv) to keep the situation under review for a defined period (no more than 12 months) at the end of which a decision will be taken on the appropriate course of action which could include dismissal.

Notes of the meeting must be kept and copied to the employee. A letter from the manager confirming the outcome of the meeting must be sent to the employee within 3 working days of the meeting. If the decision was to dismiss, relegate or to demote then the letter needs to outline the employee's right of appeal.

APPEAL

Employees who are dismissed, demoted or relegated have a right of appeal against this decision. An appeal must be made in writing within 10 working days of the date of the dismissal, demotion or relegation letter and must outline the employee's reasons for appealing. The appeal should be addressed to:

The Head of Human Resources
Alexandra House, Level 4
10 Station Road
Wood Green, London, N22 7TR

Appeal hearings will be heard by a Member panel and will be a review of the case. This will be arranged as quickly as practicable and employees will be advised as soon as possible when their appeal will be heard.

GRIEVANCE

Introduction

The Council's Grievance Procedure was approved by XX on XX.

The Grievance Procedure provides the formal mechanism for the Council to deal with complaints from employees about their conditions of service, work or working conditions. All new employees are provided with a copy of the procedure.

Scope and Definitions

This procedure applies to all Council employees, except those teachers directly employed by the Council and all staff appointed by schools operating under the Local Management of Schools, which have their own procedure.

Grievances raised by employees who are on a probationary period will be considered under the simplified grievance procedure.

Roles and Responsibilities

When an employee raises a grievance it is management's responsibility to ensure that the grievance is investigated and responded to in a timely and effective manner. The manager is also responsible for notifying Human Resources of all formal grievances. Human Resources are responsible for giving management appropriate advice and for recording and monitoring formal grievances.

What constitutes a grievance?

A grievance may cover any issue relating to an employee's conditions of service, work or working conditions, about which that individual feels dissatisfied.

A grievance should not be brought in the first instance and will not be considered where it is raised in direct response to the application of another procedure or where it can be raised under another procedure e.g. grading as a result of a job evaluation, an appeal against a disciplinary sanction etc.

Where an employee feels they are being harassed or bullied they should also refer to the Harassment and Bullying Policy, but note that if an issue of harassment and bullying needs to be raised formally the grievance procedure should be used.

The Council operates a simplified approach to deal with basic grievances for single employment issues for example non approval of all types of leave, flexi/toil arrangements, equal pay, change of workplace location etc.

For grievances that are of a more serious/complex nature then the Council's Full Grievance Procedure should be used.

It will be confirmed at the stage one meeting which procedure will be used.

The employee has the right for her/his grievance to be considered under the simplified approach.

General Principles

1. The efficient and fair handling of employee complaints and grievances at work can contribute significantly to the creation and maintenance of good employee relations. Sensitive handling by management can in some cases avoid minor problems turning into major disputes.
2. Where employees have a grievance relating to their employment, they have the right to express it. In the first instance they should raise their complaint informally with their line manager or another appropriate manager. Only where the matter cannot be resolved or in certain circumstances where this approach may not be appropriate should the employee move to the Council's Grievance Procedure.
3. Employees are entitled at any time to take up a grievance themselves or to ask a trade union official or work colleague to handle it for them. They also have the right to be accompanied or represented at any meeting they attend as part of the formal grievance procedure. Again this will be by a trade union official or work colleague. Grievances should be submitted no later than 3 months following the incident complained of.
4. Where a grievance is raised by a group of employees then that group must nominate one or two employees to represent the group alongside the trade union representative(s) (if applicable). The outcome of a group grievance will apply to all individuals aggrieved where their grievances are similar and they have agreed to have their grievance considered as a group grievance. Where an employee declines to be included in the group grievance the same manager will investigate the individual and group grievance.
5. There may be circumstances where a disciplinary/sickness/capability case and a grievance are related. In these circumstances it is normal for both processes to run in parallel with each other. However, there may be exceptions, depending on the circumstances of the case where one process is put on hold until the other process has been completed. In the event that a grievance and a harassment & bullying case are related then these two processes would be merged.
6. Any grievances in addition to the original grievance that arise en-route during progress through the stages will be wrapped up in the ongoing process.
7. The manager at each stage may agree remedies subject to appropriate authorisation.

8. The option of mediation to resolve the grievance can be considered under either the simplified or full procedure at any stage of the grievance and if not considered earlier must be considered during stage 2 unless a reason is provided as to why it is inappropriate.
9. The investigating manager will decide how to conduct the investigation and how to construct the written response to the employee.
10. It is important that both the aggrieved person and the person against whom the grievance has been lodged are kept informed of progress and when things are going to happen.
11. In the event that an employee lodges a counter grievance on the same subject matter the same manager would normally investigate/consider both grievances.
12. If the employee who has raised the grievance or their representative cannot attend the meeting and if there is a prolonged delay because of this then the timescales for a response will automatically be extended.
13. The grievance procedure is a confidential process and those participating in it must not disclose the nature of the grievance or the outcome to any person who is not a party to the process except when seeking appropriate legal advice and/or if required to do so by law. This may include appropriate parties making enquiries of a number of employees to establish the facts of the case. If a disclosure is made that is in any way malicious or inappropriate to the circumstances of the grievance, this may lead to disciplinary action under the Councils Disciplinary Procedure.
14. If following the investigation it is concluded that there was a breach of the Council's Code of Conduct and Disciplinary rules then this will be dealt with under the Disciplinary Procedure.
15. If an employee feels they are unable to produce a written grievance, for example because of language or disability related issues s/he may get an appropriate person such as her/his trade union representative, workplace colleague, Human Resources, Equalities or manager if appropriate to write the grievance on their behalf.

Equalities and Diversity

16. Grievances will be monitored by gender, disability, ethnicity, religion, age and sexual orientation (religion and sexual orientation will be monitored separately).

Management Guidance

17. Investigating Managers must read the 'Management Guidance – Grievance Procedure' before investigating a grievance. This document can be found on Harinet along with appropriate training courses.

Simplified Grievance Procedure (Basic Complaints)

This procedure should be used for current employees who have a basic complaint for single employment issues for example non approval of all types of leave, flexi/toil arrangements, equal pay, change of workplace location etc.

Stage 1

The employee or her/his representative must set out her/his grievance and the basis for it in writing to her/his manager or, if this is not appropriate to their line manager's manager (copied to HR).

Management will on receipt of the grievance arrange to meet the employee and her/his representative ideally within 10 working days of receipt of the written grievance, to discuss the grievance and the possible remedy. Management will conduct a full investigation and shall then consider the grievance and decide whether or not to uphold it, giving their response in writing within 28 calendar days of the written grievance.

The option of mediation to resolve the grievance can be considered at this stage if appropriate.

Any timescale within this procedure may be altered by mutual agreement.

Stage 2

If the employee is not satisfied with the written response then s/he has a right of appeal. The employee or her/his representative must put the reasons for her/his appeal in writing to her/his Senior Manager or, where this is not appropriate to another Senior Manager (copied to HR) within 10 working days of the date of the written decision at stage 1. A further meeting will be arranged with the employee and her/his representative ideally within 10 working days of receipt of the complaint. This meeting will be with a different manager or preferably a more Senior Manager than the person who carried out stage 1, giving their response in writing ideally within 28 calendar days.

Mediation must be considered at this stage or a reason provided as to why it is inappropriate (unless it has already been tried and been unsuccessful at stage 1).

Any timescale within this procedure may be altered by mutual agreement.

The Full Grievance Procedure (Complex/Serious Complaints)

Stage 1

Employees, or her/his representative should advise her/his line manager or, if this is not appropriate, a more senior manager within the service or Human Resources that s/he wishes to take out a grievance. The grievance should be set out in writing or can be taken by other means. All grievances should be copied to Human Resources.

Should the grievance relate to the conduct of another employee, then that person will be notified of the terms of the complaint and have an opportunity of being heard.

Management will on receipt of the grievance arrange to meet the employee and her/his representative ideally within 10 working days of receipt of the written grievance, to discuss the grievance and the possible remedy.

The option of mediation to resolve the grievance can be considered at this stage if appropriate.

Management will conduct a full investigation and shall consider the grievance and decide whether or not to uphold it, giving their response in writing normally within 28 calendar days of the written grievance unless agreed otherwise at the outset. If a written response cannot be given within the agreed deadline the investigating manager must agree a revised deadline with the employee.

If the case is of a complex nature involving a number of parties to investigate/hold discussions with then it is likely the timescale will be longer and as a guide the written response time can be up to 2-3 months.

If the employee considers the grievance is not being dealt with in a reasonable timescale and this can be justified s/he is entitled to request a response within the next 10 working days. A failure to respond will then allow the employee to proceed to stage 2.

Stage 2

If the employee is not satisfied with management's response from Stage 1 or has not received a response within the timescales described above and wishes to take the matter further, s/he (or her/his representative) should set this complaint out in writing to her/his Senior Manager. The complaint must be received within 10 working days of the date of the written response at Stage 1 and must identify which part or parts of the Stage 1 decision the employee is dissatisfied with and the reasons for her/his dissatisfaction. A complaint raised outside this timescale will not normally be considered unless there are good reasons for the delay.

A Senior Manager will on receipt of the complaint arrange to meet the employee and her/his representative ideally within 10 working days of receipt, to clarify why they are

dissatisfied, whether there are any new issues to be considered and to discuss any possible remedies.

Mediation must be considered at this stage or a reason provided as to why it is inappropriate (unless it has already been tried and been unsuccessful at stage 1)

The Senior Manager will review the documentation from the previous investigation and will have the right to further investigate if necessary, giving their response in writing.

Timescales will be determined in discussion with the aggrieved party and will be dependent on the complexity of the case. As a guide timescales will usually be 1 month for a relatively straight forward case and 2-3 months for a complex case involving a number of issues and a number of parties to investigate/hold discussions with. If a written response cannot be given within the agreed deadline the investigating manager must agree a revised deadline with the employee. If the employee considers the grievance is not being dealt with in a reasonable timescale and this can be justified s/he is entitled to request a response within the next 10 working days. A failure to respond will then allow the employee to proceed to stage 3.

Stage 3

Where the employee is not satisfied with the management response at Stage 2 or has not received a response within the timescales described in stage 2 and wishes to take the matter further, s/he (or her/his representative) should set out the complaint in writing to the Head of Human Resources. The complaint must be received within 10 working days of the date of the written response at Stage 2 and must identify which part or parts of the Stage 2 decision the employee is dissatisfied with and the reasons for her/his dissatisfaction. There must be clear reasons for moving to stage 3 for example there is dissatisfaction with the findings or remedies outlined in stage 2 or new issues are being raised. A complaint raised outside this timescale will not normally be considered unless there are good reasons for the delay.

The Head of Human Resources will refer the grievance to the Committee Secretariat Team to make the necessary arrangements for the grievance to be heard by a Member panel which will be a review of the case. Every effort will be made to convene this panel as soon as possible.

THE SIMPLIFIED GRIEVANCE PROCEDURE FLOWCHART

Procedure Steps

Action

Timescales

1st Stage

Employee or her/his rep to raise written grievance via her/his manager, or if not appropriate manager's manager (copied to HR)	→	<p>Management to meet with the employee and her/his rep.</p> <p>Management to conduct a full investigation and respond in writing</p>	→	<p>Ideally within 10 working days</p> <p>Within 28 calendar days of the grievance</p>
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2nd Stage

If the employee is not satisfied with the response at stage 1, and wishes to take the matter further s/he have a right of appeal. The employee or her/his rep must put her/his reasons for appealing in writing to her/his Senior Manager (if not appropriate to another Snr Manager)within 10 working days of the date of the written response at stage 1 (copied to HR)	→	<p>The Senior Manager (ideally a more senior manager or different manager than the person who did stage 1) to meet with the employee and her/his rep.</p> <p>Mediation must be considered</p> <p>Senior Manager to respond in writing.</p>	→	<p>Ideally within 10 working days</p> <p>Ideally within 28 calendar days of the grievance</p>
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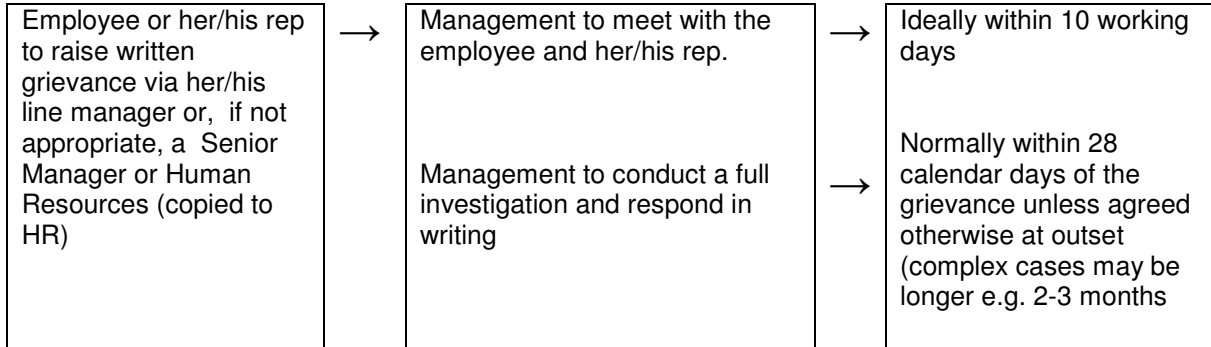
THE FULL GRIEVANCE PROCEDURE FLOWCHART

Procedure Steps

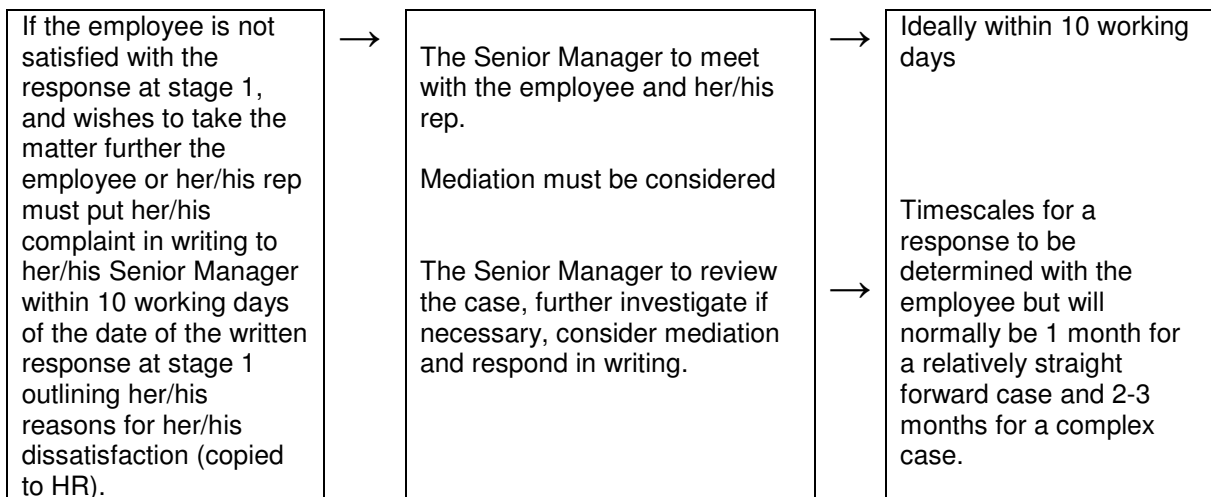
Action

Timescales

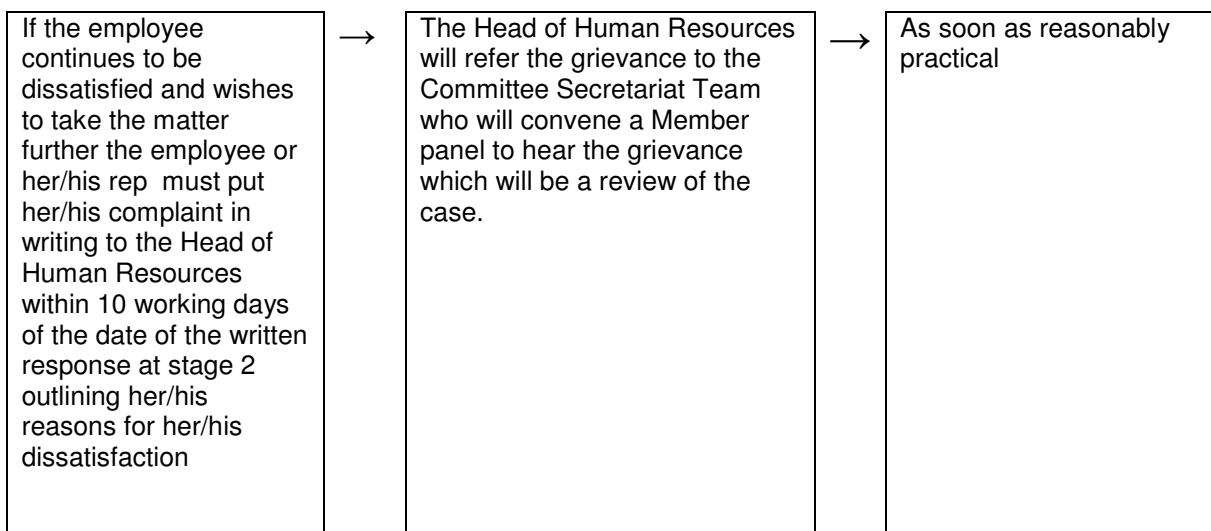
1st Stage



2nd Stage



3rd Stage



The use of Mediation in the grievance procedure

The option of mediation to resolve the grievance can be considered at any stage of the grievance and if not considered earlier must be considered during stage 2 of the full procedure or a reason provided as to why it is inappropriate.

What is Mediation?

Mediation involves the parties meeting and discussing the issues with an independent person who has not been involved previously. Mediation is a voluntary activity and must be entered into with the agreement of all involved parties. Mediation may be provided by the Council using either its own staff or specialist agencies.

Key principles of mediation

- A way of sorting out disagreements or disputes without having to go through formal procedures. A neutral third person works with those in disagreement or dispute to help them reach an agreement that will sort out their problems.
- Voluntary – you only take part if you want to.
- Confidential - nothing you tell the mediator will be passed on to anyone else unless you agree and nothing said in mediation can be used in any later Council procedures or court action.

The aim is to maintain the working relationships if at all possible and so mediation is about the future, and not about who was right or wrong.

The mediation process

The employee who has raised the grievance/the manager considering the grievance/any employee whose conduct is referred to in the grievance can request that they enter into the mediation process.

If all parties agree then the manager considering the grievance should, as soon as is reasonably practicable, arrange for all relevant parties to attend a mediation meeting.

The mediation meeting shall be chaired by a mediator (to be selected on rotation from a panel of internal staff maintained by HR or from an outside specialist Agency) and shall take place on a confidential, without prejudice basis. For the avoidance of doubt this means that the matters discussed at that meeting cannot be referred to in any resumption of the grievance process (should mediation fail to achieve a resolution), or in any subsequent legal proceedings.

The purpose of the mediation meeting is to endeavour to reach a negotiated outcome to the employee's grievance. The role of the mediator is to facilitate the discussion not to suggest or impose a solution or express any opinion on the validity or not of the grievance.

If a resolution is reached, it shall be recorded in writing and this is the only document from the mediation process that may be referred to in any further proceedings. The resolution is confidential.

If mediation fails, the grievance procedure will resume from the point it was suspended.

HARASSMENT AND BULLYING POLICY

Introduction

The Council's Harassment and Bullying Policy was approved by XX on XX. and provides the formal mechanism for the Council to deal with harassment and bullying complaints from employees.

All employees have a right to be treated with dignity and respect at all times. In Haringey we are committed to promoting a working environment free from all forms of harassment and bullying.

We will not tolerate harassment or bullying at work in any form and will strive to ensure that all employees are protected against such behaviour. Proven allegations of harassment/bullying will be treated in accordance with the Council's Disciplinary Procedures.

Scope and Definitions

This policy applies to all council employees except those teachers directly employed by the Council and all staff appointed by schools operating under the Local Management of Schools which have their own procedure. There is a separate procedure for outside contractors, voluntary workers or agency workers who wish to raise a harassment and bullying complaint.

(The Council's Violence at Work Policy covers harassment of staff by service users).

General Principles

1. Everyone has a responsibility to create an environment free from harassment and bullying by treating their colleagues and people with whom they come into contact, with dignity and respect. Employees can do much to discourage harassment by making it clear that such behaviour is unacceptable, by supporting colleagues who experience such treatment and who are considering making a complaint.
2. If an employee witnesses incidents of harassment/bullying s/he is encouraged to report the occurrence and offer supporting evidence in any investigations.
3. Managers at all levels have a responsibility to set an example in this matter, to ensure that complaints are dealt with seriously, swiftly and confidentially. Sensitive handling by management can in some cases avoid minor problems turning into major disputes. Equally, managers have a duty to manage staff effectively including dealing with difficult issues when these arise such as conduct

and capability matters. Good management practice is expected and will be supported by the Council.

4. Where an employee believes that s/he is being harassed or bullied s/he has a right to express it. In the first instance s/he should raise her/his complaint informally by using one of the three options outlined on pages 5 & 6 to resolve the issues. The informal stage can be omitted where serious allegations are being raised or where it is not appropriate. In these circumstances or, where the informal process has not resolved the matter the employee should raise a formal complaint using the Council's Grievance procedure. This should be done at the earliest reasonable opportunity to maximise potential for resolution but should be submitted no later than 3 months following the incident complained of.
5. Managers must be responsible and supportive to anyone who complains of harassment and/or bullying. They should provide clear advice on the procedure to be followed and inform employees of their right to contact their trade union representative, Equalities Officer or Human Resources Adviser for support and advice.
6. All cases/allegations of harassment and/or bullying must be recorded and investigated where applicable. Employees must be confident that they will be protected against victimisation or retaliation for bringing a complaint.
7. The Council will make reasonable efforts to ensure that investigating officers are representative of the nature of complaints brought, for example race or gender.
8. Some allegations of harassment and/or bullying although not formally reported may appear to the manager to be so severe that he/she feels it necessary to initiate formal action in accordance with the Council's Disciplinary Code of Conduct and Rules, even though an employee has not complained or where it is not the complainant's wish. This could mean that the alleged harasser is suspended pending a full investigation. This however will depend on the nature of the alleged offence.
9. Managers must take appropriate action to ensure that there are no further instances of harassment and/or bullying or any victimisation after a complaint has been addressed. Failure to respond appropriately compounds harassment.
10. At any stage of the procedures if there is evidence of a disciplinary offence whether it be harassment and/or bullying or victimisation/retaliation against the complainant because they have made the complaint then the appropriate action will be taken in accordance with the Council's Disciplinary procedures which may result in dismissal.
11. At any stage, the complainant or the alleged harasser or bully may apply to receive counselling. The Occupational Health & Welfare Service can provide this. In certain situations it may be possible to seek a resolution of the problems through mediation between the parties, if they agree to it (please refer to the Grievance Procedure for more information)
12. Whether a complaint is upheld or not, consideration may be given to relocation or transfer of one party, where this is operationally possible. If the complaint is

upheld wherever practicable and appropriate, the complainant should be given first choice whether s/he wishes to stay in their existing job or be relocated and, if so, where. Where a transfer occurs it should not lead to any disadvantage for the complainant.

13. When dealing with an harassment and/or bullying case it is a confidential process and those participating in it must not disclose the nature of the complaint or the outcome to any person who is not a party to the process except when seeking appropriate legal advice and/or if required to do so by law. This may include appropriate parties making enquiries of a number of employees to establish the facts of the case. If a disclosure is made that is in any way malicious or inappropriate to the circumstances of the complaint, this may lead to disciplinary action under the Council's Disciplinary Procedure.
14. If the complainant has maliciously raised a complaint then disciplinary action may be taken against her/him.
15. Failure to comply with this Policy and its spirit and intention could result in disciplinary action being taken.
16. Harassment and Bullying cases will be monitored by gender, disability, ethnicity, religion, age and sexual orientation (religion & sexual orientation will be monitored separately).
17. The effectiveness of this Policy will be monitored and reviewed, by gathering information from Human Resources. The ongoing monitoring will allow for trends to be identified at the earliest opportunity ensuring that harassment and bullying is dealt with accordingly. It is therefore important to record and monitor details of any complaints raised and report these to Human Resources.
18. An annual report on the use of this Policy should be presented to the Management Board and the Council and Employee Joint Consultative Committee.

Management Guidance

19. Investigating Managers must read the 'Management Guidance – Grievance Procedure' before investigating a grievance. This document can be found on Harinet along with appropriate training courses.

What is Harassment and Bullying

Harassment/bullying are defined as inappropriate action, behaviour, comments or physical contact that causes offence or is objectionable. This includes inappropriate behaviour, which makes the recipient feel threatened, humiliated or patronised, and/or creates an intimidating working environment. It can be direct or indirect, verbal or physical.

Harassment is unacceptable behaviour, which focuses on a person's race, religion or belief, gender, ethnic origin or nationality, sexual orientation, disability, age, marital status, health status, membership of a union or personal dislike. This is not an exhaustive list.

Anyone who is perceived as different, who is in a minority, or who lacks organisational power, runs the risk of being harassed/bullied. Harassment can occur between people of the same or opposite sex.

Harassment is conduct, which : -

- is unreasonable and offensive and causes the recipient to feel threatened humiliated, intimidated or distressed. Such conduct may be persistent or a one-off incident of a serious nature.
- is unreasonable and offensive and leads to undermined confidence, interferes with job performance, and undermines job security and/or personal safety.
- can create a threatening or intimidating environment. .

Bullying is an abuse of power against an individual or groups of individuals, which undermines confidence and effectiveness. Power tends to be conferred by organisational structure, personal qualities, or by group dynamics. It follows that bullying may involve the misuse of power in any of these circumstances. Bullying at work is repeated abuse or harassment that destroys self-confidence and creates harmful stress.

It is often more junior employees who are subject to bullying by senior employees although it can take place among colleagues where personal influence is used in an unacceptable way, also a group may bully an individual or the individual being bullied can then bully someone else.

The Council encourages good management including dealing with issues that may not be comfortable for employees. The Council requires that managers address people management issues in line with the Council's Management Standards and support will be provided to managers dealing with these matters. Such actions are expected to be based on objective service reasoning and in accordance with the Council's Human Resources Procedures and Policies. Bullying is a difficult concept and must not be confused with managers seeking to tackle genuine people management issues such as conduct and capability matters. However, a bullying management style cannot be defended because "it achieves the necessary results". A strong management style can become bullying if it is destructive rather than constructive in its intent and/or effects. Good management action will be justifiable against objective business reasons, whereas bullying tends to lack reasonable justification.

Challenging a bullying management style or behaviour is important in progressing cultural change towards a supportive environment.

Forms of Harassment

Harassment can take many forms. They may include the following but this list is not exhaustive: -

- Physical contact ranging from touching to serious assault.
- Verbal and written harassment through offensive language, gossip, slander, letters, sexual innuendo, racist language etc. (written harassment can occur through the inappropriate use of email or computer system).
- Inappropriately blocking promotion/access to training.
- Creation of an inappropriate working environment.
- Making assumptions based on stereotyping.
- Exclusion/Victimisation.
- Victimisation directed at an individual for their willingness to challenge harassment.
- Threats of violence.

Forms of Bullying

Forms of bullying may include the following behaviours portrayed either by groups or individuals, as single actions or repeated patterns. The list is not exhaustive: -

- Shouting at employees to get things done
- Undermining (belittling) a person in front of colleagues
- Unreasonable and Inaccurate accusations about quality of work
- Setting unachievable deadlines or unequal workloads
- Persistent criticism of one person particularly in public.
- Deliberately ignoring or excluding an individual. i.e., not allowing them to participate/contribute in meetings.
- Use of profane language.
- Making someone the butt of jokes.

The effects of Harassment and Bullying

Harassment and bullying can be a cause of stress, depression and illness, which can result in absence from work. Symptoms of illness caused by harassment and/or bullying are numerous and can include anxiety, headaches, ulcers, high blood pressure, sleeplessness, loss of self-esteem and self-confidence and other types of illness. The result can interfere with job performance, reduce job and personal security, or promotion prospects. Vulnerability of the employer to legal challenge tends to increase in such cases.

The experience of the aggrieved person is often compounded where complaints of harassment or bullying are not taken seriously and/or not investigated in a timely manner.

How to make a complaint of Harassment and Bullying

Where an employee believes that s/he is being harassed or bullied s/he has a right to express it. In the first instance s/he should raise her/his complaint informally by using one of the 3 options outlined below to resolve the issue. The informal stage can be omitted where serious allegations are being raised or where it is not appropriate. In these circumstances or, where the informal process has not resolved the matter the employee should raise a formal complaint using the Council's Grievance procedure.

Informal Process

Employees are advised to keep a note of the incident(s) including the date, time, names of witnesses present, location of the incident(s) and the way in which it has affected them, such as causing a change to her/his pattern of work or social life. Any action taken under this stage should be recorded.

Option 1 – The employee to take a direct approach:

A direct approach is more likely to be effective in cases where the alleged harasser or bully is genuinely unaware of the effect of the behaviour.

The employee can choose to approach the alleged harasser or bully either in person or in writing, outlining that the behaviour is unacceptable, and the harassment or bullying must stop. The alleged harasser should be told that failure to do so could lead to a formal complaint.

It is strongly recommended that the employee seeks advice and considers being accompanied. If the approach is made in writing the employee should keep a copy of the correspondence.

Option 2 - Arrange an approach through a third Party

The employee may ask an appropriate person such as work colleague, trade union representative or manager to approach the alleged harasser or bully about her/his behaviour and the impact it has on the employee. It should be explained that her/his behaviour is unacceptable and must be stopped. Where appropriate a suitable third party can mediate between the two parties.

FORMAL PROCEDURE

Where after the informal process the matter is not resolved or in certain circumstances where this approach may not be appropriate the employee should raise the matter formally by using the Council's Grievance Procedure. This should be done at the earliest reasonable opportunity to maximise potential for resolution but should be submitted no later than 3 months following the incident complained of.

Appendix D

Summary of the Equalities Impact Assessments for the Grievance, Harassment and Capability Procedures

Capability Procedure Equality Impact Assessment Summary

Age	Disability	Ethnicity	Gender	Religion or Belief	Sexual Orientation
<p>Although the number of cases are small, there is a broadly proportional split of the cases age.</p> <p>Way forward Reduce the number of stages involved.</p> <p>Base the capability procedure on a similar basis to sickness reviews</p> <p>Appropriate communications and briefings given to managers and staff about using the new procedures.</p>	<p>Two individuals have a disability, which appears to be a high percentage of disabled cases. However, the reasons for taking them through the procedure was because of poor work that could not be attributed to their disability.</p> <p>Way forward Reduce the number of stages involved.</p> <p>Base the capability procedure on a similar basis to sickness reviews</p> <p>Appropriate communications and briefings given to managers and staff about using the new procedures.</p>	<p>Two Asian people were appropriately taken through the procedures. This represented 25% of cases but that is because only 8 capability cases were recorded. The reasons were due to poor work not their ethnicity.</p> <p>Way forward Reduce the number of stages involved.</p> <p>Base the capability procedure on a similar basis to sickness reviews</p> <p>Appropriate communications and briefings given to managers and staff about using the new procedures.</p>	<p>Although the number of cases are small, there is a broadly proportional split of the cases by gender.</p> <p>Way forward Reduce the number of stages involved.</p> <p>Base the capability procedure on a similar basis to sickness reviews</p> <p>Appropriate communications and briefings given to managers and staff about using the new procedures.</p>	<p>Not monitored currently. Plans in place to start monitoring.</p> <p>Way forward Reduce the number of stages involved.</p> <p>Base the capability procedure on a similar basis to sickness reviews</p> <p>Appropriate communications and briefings given to managers and staff about using the new procedures.</p>	<p>Not monitored currently. Plans in place to start monitoring.</p> <p>Way forward Reduce the number of stages involved.</p> <p>Base the capability procedure on a similar basis to sickness reviews</p> <p>Appropriate communications and briefings given to managers and staff about using the new procedures.</p>

Grievance Equality Impact Assessment Summary

Age	Disability	Ethnicity	Gender	Religion or Belief	Sexual Orientation
<p>There is a broadly proportional split of the cases by age group.</p> <p>Way forward Reduce the number of stages involved.</p> <p>Make timescales for handling cases realistic to achieve a resolution</p> <p>Introduce mediation as a standard part of the process.</p> <p>Appropriate communications and briefings given to managers and staff about using the new procedures.</p>	<p>There is a high percentage of disabled cases (25%) compared with the council profile of 5%. Although the reasons for the grievance do not relate to disability in most cases. However handling of disability related cases will be covered in the training, learning and guidance that will be given to managers.</p> <p>Way forward Reduce the number of stages involved.</p> <p>Make timescales for handling cases realistic to achieve a resolution</p> <p>Introduce mediation as a standard part of the process.</p> <p>Appropriate communications and briefings given to managers and staff about using the new procedures.</p>	<p>Compared to the employee profile the total number of cases were very similar proportionally to the profile</p> <p>Way forward Reduce the number of stages involved.</p> <p>Make timescales for handling cases realistic to achieve a resolution</p> <p>Introduce mediation as a standard part of the process.</p> <p>Appropriate communications and briefings given to managers and staff about using the new procedures.</p>	<p>37% of men, took out a grievance compared to the employee profile of 27%. Although no firm inferences should be taken from this comparison it will be monitored.</p> <p>Way forward Reduce the number of stages involved.</p> <p>Make timescales for handling cases realistic to achieve a resolution</p> <p>Introduce mediation as a standard part of the process.</p> <p>Appropriate communications and briefings given to managers and staff about using the new procedures.</p>	<p>Not monitored currently. Plans in place to start monitoring.</p> <p>Way forward Reduce the number of stages involved.</p> <p>Make timescales for handling cases realistic to achieve a resolution</p> <p>Introduce mediation as a standard part of the process.</p> <p>Appropriate communications and briefings given to managers and staff about using the new procedures.</p>	<p>Not monitored currently. Plans in place to start monitoring.</p> <p>Way forward Reduce the number of stages involved.</p> <p>Make timescales for handling cases realistic to achieve a resolution</p> <p>Introduce mediation as a standard part of the process.</p> <p>Appropriate communications and briefings given to managers and staff about using the new procedures.</p>

Harassment & Bullying Equality Impact Assessment Summary

Age	Disability	Ethnicity	Gender	Religion or Belief	Sexual Orientation
<p>Although the number of cases are small, there is a broadly proportional split of the cases by age.</p> <p>Way forward The Harassment & Bullying policy should be revised to bring it into line with changes to the grievance procedure.</p> <p>Appropriate communications and briefings will be given to managers and staff about using the new procedures.</p>	<p>Seven cases involved staff with a disability. This is a high percentage of disabled cases compared with the council profile of 5%. Where allegations of harassment and bullying were found proven appropriate action was taken against the perpetrators. There is nothing to indicate these cases were managed within the procedure inappropriately, however handling of disability related cases will be covered in the training, learning and guidance that will be given to managers during implementation of the new procedure..</p> <p>Way forward The Harassment & Bullying policy should be revised to bring it into line with changes to the grievance procedure.</p> <p>Appropriate communications and briefings will be given to managers and staff about using the new procedures.</p>	<p>A total of 21 cases were recorded. Asian cases (10%) were proportional to the employee profile at 8%. There was a greater proportion of Black staff taking out harassment and bullying complaints – 52% against an employee profile of 34%. The cases were reviewed and there is nothing to indicate that these cases were managed within the procedure inappropriately, although where allegations of harassment and bullying were found proven appropriate action was taken against the perpetrators.</p> <p>Way forward The Harassment & Bullying policy should be revised to bring it into line with changes to the grievance procedure.</p> <p>Appropriate communications and briefings will be given to managers and staff about using the new procedures.</p>	<p>Of the 21 cases 81% were women compared to an employee profile of 73%. This is broadly proportional to the employment profile.</p> <p>Way forward The Harassment & Bullying policy should be revised to bring it into line with changes to the grievance procedure.</p> <p>Appropriate communications and briefings will be given to managers and staff about using the new procedures.</p>	<p>Not monitored currently. Plans in place to start monitoring.</p> <p>Way forward The Harassment & Bullying policy should be revised to bring it into line with changes to the grievance procedure.</p> <p>Appropriate communications and briefings will be given to managers and staff about using the new procedures.</p>	<p>Not monitored currently. Plans in place to start monitoring.</p> <p>Way forward The Harassment & Bullying policy should be revised to bring it into line with changes to the grievance procedure.</p> <p>Appropriate communications and briefings will be given to managers and staff about using the new procedures.</p>

