

**Record of Officer's Decision**

**The Openness of Local Government Bodies Regulations 2014 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012**

<b>Date of Decision:</b>	20 <sup>th</sup> October 2021
<b>Decision Maker (Officer):</b>	Anastasia Simpson
<b>Authority for Delegated Decision (Cabinet/Committee Decision or Scheme of Delegation – provide reference):</b>	<p>Part 3, Schedule 3 – Responsibility for Executive Functions delegated to Officers paragraph 4.3 (1) – the Corporate Director has delegated authority to discharge executive functions within their respective service areas (Part 3.38). All delegations are subject to consultation where considered appropriate in the circumstances (paragraph 4.3 (4)(ii) – Part 3.39).</p> <p>Further delegation (Part 3.18) Assistant Director for Partnerships) in consultation with the Chief Executive to authorise minor amendments to Human Resources Policies and Procedures necessary as a result of legislation, national guidance or best practice.</p>
<b>Identify which Portfolio Holder(s)/Committee Chairman consulted?</b>	Human Resources & Council Tax Committee.
<b>Ward Member(s) consulted?</b>	Not Applicable
<b>Is it a Key Decision?</b>	Not Applicable as this decision relates to a Non-Executive Function.
<b>Is it subject to call-in?</b>	Not Applicable as this decision relates to a Non-Executive Function.
<b>Decision Made:</b>	<p>To update the Human Resources &amp; Council Tax Committee on the review of the Council's Conflict Resolution Policy &amp; Procedures in line with employment legislation and identified best practice.</p> <p>The purpose of the review of the Council's Conflict Resolution Policy and Procedures is principally to</p>

	<p>reflect changes of procedure in accordance with ACAS requirements and employment legislation (including recent case law).</p> <p>The ACAS statutory Code of Practice on disciplinary and grievance procedures provides basic practical guidance to employers, employees and their representatives and sets out principles for handling grievance situations in the workplace. The main principles are:-</p> <ul style="list-style-type: none"> <li>▪ Employers and employees should raise and deal with issues promptly and should not unreasonably delay meetings, decisions or confirmation of those decisions;</li> <li>▪ Employers and employees should act consistently;</li> <li>▪ Employers should carry out any necessary investigations, to establish the facts of the case;</li> <li>▪ Employers should give employees the opportunity to put their case before any decisions are made;</li> <li>▪ Employers should allow employees to be accompanied at any formal grievance meeting;</li> <li>▪ Employers should allow an employee to appeal against any formal decision made.</li> </ul> <p>The revised Grievance Policy and Procedure (and accompanying guidance) follows the ACAS Code of Practice and provides both employees and managers with a robust framework for dealing with an employee's problem or concern at work.</p> <p>The Policy and Procedure sets out:-</p> <ul style="list-style-type: none"> <li>▪ Purpose and Scope of the policy and procedure;</li> <li>▪ Responsibilities of both managers and employees;</li> <li>▪ How to raise a grievance - the informal stage;</li> <li>▪ The formal stage of the Procedure;</li> <li>▪ Appeal stage of the Procedure;</li> <li>▪ Role of mediation.</li> </ul>
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	<p>The implementation of the revised Grievance Policy and Procedures (and supporting guidance) will allow the Council to more effectively and consistently resolve employee's problems and concerns at work, with a view to minimising the effect on service delivery and the impact of associated costs to the staffing establishment.</p> <p>Unison has been consulted on the revised Grievance Policy and Procedures (and supporting guidance) and have offered agreement and support for the implementation of these proposals.</p>
<p><b>Reason for Decision (if a report was produced to support the Decision, refer to or attach it):</b></p>	<p>The Council's Conflict and Grievance Resolution Policy &amp; Procedure has undergone a comprehensive review.</p> <p>Rather than making any substantial changes to the process, the revised document provides more clarity on the roles and responsibilities of managers and employees, when following the procedure. It also provides more detailed guidance on how an employee's grievance can be resolved robustly and effectively.</p> <p>The term 'conflict resolution' has been removed from the title as it was found that this term was confusing, and some managers and employees were not clear of the purpose of the document from this title.</p> <p>The amended policy and procedure offers a fair and consistent approach to all our employees. It gives clear guidance on what the expectations are of the employee and the manager in relation to dealing with a problem or concern at work</p> <p>The informal stage of the procedure has been expanded and developed to encourage employees to raise and resolve their problems and concerns at an early stage with their immediate manager.</p> <p>Accompanying guidance has been developed to further support managers and employees through the process and provide practical advice and support.</p> <p>The importance of investigating a grievance has been highlighted through recent case law. Therefore, the revised document ensures that focus is placed on this critical stage of the procedure. Furthermore, the</p>

	<p>accompanying guidance provides in-depth advice and information on the investigation stage of the process.</p> <p>Whilst it is recognised that mediation can have a vital role in resolving an employee's grievance, it was felt that the material relating to mediation and the accompanying forms would be more appropriately located in separate guidance (<i>Guidance on Mediation</i>).</p>	
<b>Highlight any associated risks/finance/legal/equality considerations:</b>	The Council has a duty to ensure its Grievance Policy and Procedures are compliant in accordance with employment law and best practice in line with ACAS Codes of Practice and guidance.	
<b>Details of any Alternative Options Considered and rejected (together with reasons):</b>	Not Applicable	
<b>Details of any declarations of interest (by Portfolio Holder/Committee Chairman who was consulted by the officer, which related to the decision)</b>  <b>If relevant, a note of the dispensation granted by the Monitoring Officer:</b>	Not Applicable	
<b>Reason Decision, or supporting Report, is not published:</b>  <i>Tick one or more of the specific exemptions,</i>  <u><b>and</b></u>  <i>Give more information in the final box with regards to why the exemption applies and outweighs the public interest test (which is in favour of disclosure).</i>		Not applicable – Decision [and report] to be published
	If Report is not to be published – tick one of the following boxes:	
		The report supporting the Decision contains confidential information
		The Report supporting the Decision falls within an exemption pursuant to Schedule 12A of the Local Government Act 1972 Information:
		<ul style="list-style-type: none"> <li>• Relates to an individual</li> </ul>
		<ul style="list-style-type: none"> <li>• Likely to reveal the identity of an individual</li> <li>• Relating to financial or business affairs of a person or organisation</li> </ul>
	<ul style="list-style-type: none"> <li>• Relates to a claim for legal professional privilege in legal proceedings</li> </ul>	

		<ul style="list-style-type: none"> <li>Reveals that the Council proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or to make an order or direction under any enactment</li> </ul>
		<ul style="list-style-type: none"> <li>Relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime</li> </ul>
	<p><u>And</u> is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information</p> <p>Reasons:</p>	

### **Officers**

Signed: 

Title: Assistant Director, Partnerships

Date: 26<sup>th</sup> October 2021