

**AGENDA FOR
EMPLOYMENT PANEL**



Contact:: Andrea Tomlinson
Direct Line: 0161 253 5133
E-mail: a.j.tomlinson@bury.gov.uk
Web Site: www.bury.gov.uk

To: All Members of Employment Panel

Councillors : T Rafiq (Chair), R Bernstein, J Grimshaw, C Cummins, E Moss, M Walsh, T Tariq, J Lancaster and L Smith

Dear Member/Colleague

Employment Panel

You are invited to attend a meeting of the Employment Panel which will be held as follows:-

Date:	Tuesday, 12 November 2024
Place:	Microsoft Teams
Time:	7.00 pm
Briefing Facilities:	If Opposition Members and Co-opted Members require briefing on any particular item on the Agenda, the appropriate Director/Senior Officer originating the related report should be contacted.
Notes:	

AGENDA

1 APOLOGIES FOR ABSENCE

2 DECLARATIONS OF INTEREST

Members of the Employment Panel are asked whether they have an interest in any of the matters on the agenda and, if so, to formally declare that interest.

3 MINUTES OF THE PREVIOUS MEETING *(Pages 3 - 6)*

The minutes of the meeting held on 12 September 2024 are attached for approval and accuracy.

4 WORKFORCE POLICY REVIEW *(Pages 7 - 36)*

Report and appendices attached.

5 URGENT BUSINESS

Minutes of: EMPLOYMENT PANEL

Date of Meeting: 12 September 2024

Present: Councillor T Rafiq (in the Chair)
Councillors R Bernstein, J Grimshaw, E Moss, M Walsh,
T Tariq, J Lancaster and L Smith

Also in attendance: Sam McVaigh – Director of People and Inclusion, Simon Bagley, Head of Human Resources, Catherine King, HR Business Manager, Nicole Howarth, HR & OD Business Partner and Phil Llewellyn, Democratic Services Manager.

Public Attendance: No members of the public were present at the meeting.

Apologies for Absence: Councillor C Cummins and Lynne Ridsdale, Chief Executive.

10 APOLOGIES FOR ABSENCE

The Chair welcomed all to the meeting. Apologies for absence are noted above.

11 DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

12 MINUTES OF THE PREVIOUS MEETING

It was agreed that the notes of the meeting held on 11th July 2024 be approved as a correct record and signed by the Chair.

13 TERMS OF REFERENCE

Sam McVaigh, Director of People and Inclusion, submitted some minor changes to the Employment Panel Terms of Reference, namely:

- Under 1. Function – removal of the wording “Applications for premature retirement”
- Under 3. Key Responsibilities of the Board – 6. Removal of the wording “and applications for premature retirement”.

The Employment Panel agreed:

The amendments to the Employment Panel Terms of Reference as submitted.

14 WORKFORCE POLICY REVIEW

Sam McVaigh, Director of People and Inclusion, presented the Workforce Policy Review report, which set out the next phase of the policy review work, including six new/changed policies for approval and five policies for withdrawal. Trade Union colleagues had been fully engaged in this work.

Changes were proposed in the following areas:

1. Managing Attendance Policy and Local Conditions of Service Section 5: Sickness Scheme – a new Managing Attendance Policy to replace the Supporting Positive Attendance Policy, with an associated update to the Local Conditions.
2. Volunteering Policy – a revised policy which strengthens the Council's position on encouraging employer supported volunteering and simplifies the process of applying for volunteering leave.
3. Code of Conduct – following a review by safeguarding leads in Adults and Children's Social Care, an additional section has been added to the Code to require employees to declare when they are under investigation for certain matters. This will enable support to be put in place or other action, including disciplinary, to be taken as appropriate.
4. Local Conditions of Service Section 6: Travelling, Subsistence and Housing – following a review and taking account of the Council's experiences through international recruitment, revisions have been made to add clarity regarding claims for relocation expenses, overnight stays, travel by public transport and bicycles allowances.
5. Redeployment Policy – Minor revisions to reflect the ability to manage the redeployment process through the new Greater.Jobs Applicant Tracking System and integrate with the Council's end-to-end recruitment process to streamline arrangements and improve colleague experience.
6. Withdrawal of 5 policies which are either out of date, have their content duplicated in other policies or have been superseded by newer policies:
 - Examples of Equivalent Qualifications (Appendix X of Local Conditions of Service)
 - Flexible Work Base Policy
 - Premature Retirement Scheme (Appendix G of Local Conditions of Service)
 - Suggestion Scheme (Appendix D of Local Conditions of Service)
 - Anti-Social Behaviour Policy (Appendix U of Local Conditions of Service)

This followed a detailed review of the full HR policy framework to simplify and remove duplication.

Members asked a number of questions and made comments relating to the Managing Attendance Policy and Local Conditions of Service Section 5.

It was confirmed that the changes to the Policy were to clarify and streamline the short term absence process, and also removes some areas of management discretion in the early parts of the process, but still offering some discretion later in the process if needed.

In terms of Six Town Housing, although the staff had transferred under TUPE regulations and were therefore under a different policy, there were not materially big differences between the two policies and there would be integration over time as new recruits joined who would be under the Council policy.

It was noted that in terms of the reporting procedure there could be some exceptional circumstances for unauthorised absence that could arise, but that an exhaustive list of such circumstances would not cover all eventualities, and also that there may be occasions where rather than using the Occupational Health service, it may be appropriate for individuals to see their GP or Consultant with individuals being dealt with on a case by case basis.

It was commented that the policy was light on pregnancy and mental health support, and that it was important to involve specialist outside agencies as appropriate. In response it was confirmed that in terms of both areas, there were dedicated policies and wider support available, however Sam McVeigh noted that it would be helpful to put all of the support available in one place, to offer a basket of support options available in an easily accessible way.

In terms of the other policies presented, comments were made on the Code of Conduct, with it being essential for staff to declare if they were under investigation for certain matters, which could involve non-work related matters. Members also discussed the Local Conditions of Service Section 6: Travelling, Subsistence and Housing, in particular the change of distance for removal expenses to 30 miles, which brought the Council in line with other GM authorities.

The Employment Panel agreed:

1. The new Managing Attendance Policy and revised Local Conditions of Service Section 5: Sickness Scheme;
2. The revised Volunteering Policy;
3. To commend the proposed addition to the Employee Code of Conduct to Council on 13th November 2024 for approval and authorise the Council's Monitoring Officer to make subsequent changes to the Council Constitution;
4. The proposed revisions to Local Conditions of Service Section 6: Travelling, Subsistence and Housing;
5. The proposed revisions to the Redeployment Policy;
6. The withdrawal of the following:
 - Examples of Equivalent Qualifications (Appendix X of Local Conditions of Service)
 - Flexible Work Base Policy
 - Premature Retirement Scheme (Appendix G of Local Conditions of Service)
 - Suggestion Scheme (Appendix D of Local Conditions of Service)
 - Anti-Social Behaviour Policy (Appendix U of Local Conditions of Service)

That the new, revised and withdrawn policies/procedures will go forward for endorsement via the Trade Union Consultation Meeting and the Council's Corporate Joint Consultative Committee before being published or withdrawn, as appropriate, on the Council's intranet pages and communicated to staff with the intention to come into force from 7 October 2024.

15 URGENT BUSINESS

There was no urgent business.

COUNCILLOR T RAFIQ

Chair

Unis Classification Open	Item No.
------------------------------------	-----------------

Meeting:	Employment Panel
Meeting date:	12 th November 2024
Title of report:	Workforce Policy Review (Phase 7)
Report by:	Cllr. Tahir Rafiq, Cabinet Member for HR & Corporate Affairs
Decision Type:	Council
Ward(s) to which report relates	All

Executive Summary:

A key component of the Council's HR improvement and modernisation programme is the review of core HR systems, processes and policies to ensure they are fit for purpose, reflective of modern HR practice and align with the organisational culture described by the LET'S values. As part of this work, Employment Panel has agreed revisions to 34 employment policies during 2023 and 2024.

This report sets out a further policy change, to the Grievance Procedure. Trade Union colleagues have been fully engaged in this work.

Reccomendation(s)

That the Employment Panel agrees the changes to the Grievance Procedure.

Subject to Employment Panel's approval, the revised procedure will go forward for endorsement via the Council's Corporate Joint Consultative Committee before being published on the Council's intranet pages and communicated to staff with the intention to come into force from 2 December 2024.

KEY CONSIDERATIONS

Background

The Council's Grievance Procedure was revised by Employment Panel in June of this year. As with any new policy its initial period of operation provides an opportunity to identify areas for clarification and improvement. Furthermore, in October of this year, a new duty to take reasonable steps to prevent the sexual harassment of workers came into force and there is a need to strengthen the Grievance Procedure to address this.

Policy Headlines

Key changes to the policy from the version agreed previously include:

- A clearer delineation between standard 'grievances' and 'dignity at work' related matters (including sexual harassment) and clarity on expectations and processes around how these matters will be addressed.
- Removal of the requirement for a formal 'hearing' stage in keeping with best practice in the management of grievances and legal and ACAS guidance. – A more straightforward and less adversarial process is set out which retains the key formal elements and same right of appeal
- Clarity on the expectations and arrangements for communication with the parties a grievance is raised against (where relevant)
- Clarity that the policy can apply to both individual and collective grievances
- Clarity on the expectations and arrangements in relation to note taking.

The Grievance Procedure will apply to all Council services staff including former employees Six Town Housing.

Community impact/links with Community Strategy

A modern and effective employee policy framework is essential to ensuring the effective operation of the organisation and, in turn the delivery of our commitment to the Community Strategy.

Equality Impact and considerations:

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we

are paying 'due regard' in our decision making in the design of policies and in the delivery of services.

Equality Analysis	Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.
No negative impact identified.	

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
Trade Union objection to policy changes	Prior discussions have taken place with Unison

Consultation:

All of the above proposed changes have been shared with the Trade Unions, and where appropriate there have been consultations with HR colleagues, managers, the EDI Manager and the Legal Team.

Legal Implications:

The revised policy has been reviewed by legal services and legal advice provided on the revised policy. The current timescales for Appeal hearing are longer than the ideal timeline envisaged by ASAC guidance, as a large and complex organisation it is not unusual for the Authority to provide a longer timeline for hearing. This has been discussed with the Director of People and Inclusion and he has committed to review appeal timeline across all relevant policies and report back to the employment panel.

Financial Implications:

None. The policy changes update and simplify the current procedure and bring it in line with best practice. There are no direct financial impacts.

Report Author and Contact Details:

Catherine King
HR Business Manager
c.king@bury.gov.uk

Sam McVaigh
Director of people & Inclusion
s.mcvaigh@bury.gov.uk

Background papers:

Report to Employment Panel June 2024: Workforce Policy Review

Appendix 1: Grievance Procedure

Appendix 2: EqIA for the Grievance Procedure

Grievance Procedure

November 2024

Contents

Contents.....	2
1. Policy Overview.....	3
2. Grievance Procedure	4
3. Confidentiality.....	7
4. False, Vexatious or Malicious Grievances	8
5. Dignity at Work.....	8
Appendix 1: Appeals Procedure.....	11
Appendix 2: Examples of unacceptable, inappropriate or unwanted behaviour	13
Appendix 3: Mediation.....	15



1. Policy Overview

Scope

This procedure takes account of the ACAS Code of Practice on Disciplinary and Grievance Procedures and replaces any previous procedures that were in place. It also supports the Authority's obligations under the Equality Act 2010, including the legal duty on employers to take reasonable steps to prevent the sexual harassment of workers, which came into force in October 2024.

This procedure applies to all employees of the Authority except schools' employees where a local policy will be in place as agreed by the relevant Governing Body .

The procedure covers all complaints made by an employee which are either:

- Concerns, problems or complaints that employees raise with their employers.(A grievance)
- Allegations of discrimination, bullying, harassment, and victimisation. (Dignity at Work).

On the whole, the procedure outlined applies equally to both circumstances. Where there are differences, these are set out within the detail of this procedure.

This procedure is designed to deal with either individual grievances. Collective grievances can be raised either by a Trade Union representative or a member of staff nominated to do so by those raising the complaint.

Purpose

The Council believes that every employee has the right to be treated with dignity and respect in the workplace and is committed to providing a supportive working environment where employees are free from bullying and harassment. It is recognised that threatening or intimidating work environments can interfere with job performance, undermine job security and can cause undue stress.

This Procedure sets out a framework to resolve any grievances quickly and, wherever possible, informally. Where informal resolution is not possible it describes a clear route for any concerns to be considered and addressed.

This procedure cannot be used in relation to:

- Complaints against an agreed Council policy or procedure
 - Matters covered by ongoing action under other procedure or process (e.g. disciplinary, capability, restructuring/redundancy, pay and grading and absence management) as separate procedures/policies are in place for these matters.
 - Appeals against any decision to terminate employment whether on grounds of ill-health, incapacity, redundancy, poor performance or other grounds.
-

- Complaints about matters which are more than three months old (though this shall not prevent an employee referring to matters more than three months old in relation to a current grievance).

The Council shall not usually seek to resolve grievances raised after an employee has ceased their employment with the Council through this Procedure. Any issues will ordinarily be dealt with under the Complaints Procedure.

Support

It is recognised that support may be required for all employees involved in a grievance regardless of whether they are making the complaint or the complaint is about them. This may be particularly the case in relation to Dignity at Work related issues. All employees can access the Council's confidential Employee Assistance Programme. Other methods of support will be considered according to the circumstances.

2. Grievance Procedure

Informal Resolution

Employees are encouraged to talk to their line manager in the first instance about any work-related issue or complaint they may have as concerns can often be addressed without progression to a formal process. If a grievance is about an individual's line manager the employee may contact that individual's Line Manager, their Trade Union representative, or HR for advice.

It is important that managers keep an open mind when dealing with such complaints and the manager should listen carefully to what the employee is saying, not make assumptions, and consider how the alleged actions may have made them feel.

The manager will need to consider the most appropriate action to take to resolve the situation. If appropriate, this may be a quiet word with the person who has been complained about, explaining their conduct was inappropriate and outlining how it made that person feel, or maybe an apology from that person, if they willing to consider this.

Depending on the situation, the manager may think it is appropriate to arrange an informal meeting with both parties. Before arranging this, the manager should meet with everyone separately to ensure they are all willing to meet to try to resolve the complaint.

Managers can seek support from HR or the Equality, Diversity & Inclusion Manager if required.

It may be appropriate for the manager to confirm the outcome of any informal resolution in writing to the employee raising the concern and any other parties.

If an issue cannot be resolved through normal management discussions, before a grievance progresses to a formal stage, it may be appropriate to consider mediation. Mediation can help to resolve disputes between two or more parties. It can be used where informal discussions have failed to resolve the matter satisfactorily or where a complainant feels that the matter needs to be raised more formally. Mediation can only be used if both parties agree to it and either party has the right to withdraw during the process. If the offer of mediation is rejected by one or both parties, or if mediation fails to resolve the issue, then the complainant still has the option to proceed to the formal stage of the Grievance Procedure. The Council employs Officers who are trained in Mediation Techniques, and employees are strongly encouraged to explore this as an option where appropriate. Further information about Mediation is attached at Appendix 2.

It is in the interests of all parties to try and resolve issues informally; instigating a formal grievance can be stressful and time consuming, and a positive outcome is not guaranteed.

If an issue cannot be resolved at this stage an employee should follow the formal procedure. Acceleration to the formal stage must be within 10 working days from the date of mediation, or the informal meeting where relevant.

Formal Procedure

If an employee has not been able to resolve a problem through informal discussions or mediation, they should submit a formal grievance to their Line Manager using the form available on the intranet which should be copied to the relevant HR Business Partner. (If the grievance concerns their Line Manager, the employee should submit it to that individual's Line Manager or contact their Trade Union representative, or HR for advice).

If the matter is being raised as a collective grievance this should be submitted by a member of staff nominated to do so by those raising the complaint or the Trade Union and the submission should include details of all those who are part of the collective.

The Manager to whom the Grievance is submitted will ordinarily act as the 'Grievance Manager' and arrange to meet with the employee without unreasonable delay, ideally within 5 working days, to discuss the issues raised and the steps needed to investigate the concerns. The Grievance Manager should arrange a note taker to be present and keep a record of the meeting.

In some circumstances it may be more appropriate for a different, independent, manager (or in exceptional circumstances an external investigator) to act as the 'Grievance Manager'.¹ – The individual receiving the grievance should discuss any need for an independent 'Grievance Manager' with HR and the decision to do so should be made by the appropriate Head of Service (or above). In Dignity at Work

¹ The term Grievance Manager is used throughout this policy irrespective of whether this is the individual's line manager, an alternative manager or an external investigator.

related complaints an independent manager should always act as the 'Grievance Manager'.

Before the initial meeting between the individual raising the concern and the Grievance Manager some initial enquiries may have already been carried out by the Grievance Manager based on the details within the submitted grievance.

At the meeting, the employee should outline the nature of their grievance and explain how they think this should be resolved. A general discussion can take place about the issues and possible ways forward. The meeting may be adjourned if further information, evidence, or investigation is required by the Grievance Manager. This may include speaking to any relevant witnesses.

It should be explained to the employee that where complaints are made against another employee this will need to be shared with that person in order to get their response. In these circumstances, the Grievance Manager should arrange a confidential conversation with the individual whom a complaint has been made against to inform them of the complaint and who has made this and seek their response. They should also ensure the individual's line manager is aware to support their wellbeing. The Grievance Manager, with the support of HR, should keep the individual who has been complained about informed of progress throughout all stages of the grievance and inform them of the outcome as it relates to them, whilst respecting confidentiality requirements and not, for example, sharing the outcome letter.

After the original meeting or the adjourned meeting, the Grievance Manager will confirm the outcome in writing to the employee, as far as possible, within 10 working days. In more complex matters this will likely take longer. The letter should indicate what action, if any, will be taken to resolve the grievance and a copy of this letter will be placed on the employee's personal file. If the employee continues to be aggrieved in respect of the original complaint, they may appeal and take their grievance to the Employment Panel, whose decision will be final. The employee must lodge their appeal within 10 working days of receipt of the letter outlining the Grievance Manager's conclusion. The appeal must be addressed to the Director of People and Inclusion who will acknowledge receipt.

If, following consideration of the evidence, the Grievance Manager concludes that there are learning points for individuals these should be shared with them via their Line Manager. If it is felt that it may be appropriate for action to be considered under the Council's Disciplinary Procedure the Grievance Manager should discuss this with HR. The grievance investigation may, in these circumstances, constitute or contribute towards the fact-finding phase of the Disciplinary Procedure and information gathered may be used to contribute towards the disciplinary investigation.

Right to be Accompanied

Employees can be accompanied at all stages of the Grievance process, including the informal stage. This includes the individual raising the grievance, the individual

who a complaint has been raised against (where a complaint has been raised against an individual) and any witnesses.

The employee may choose from one of the following:

- a work colleague.
- a trade union representative who is certified or trained in acting as a companion.
- an official employed by a trade union.

It is the employee's responsibility to make the necessary arrangements.

The person accompanying the employee is permitted to address the meeting however they should not answer questions on behalf of the employee.

Adjustments can be considered in accordance with the Equality Act 2010. This might mean allowing someone else to accompany them, for example a support worker or someone with knowledge of a disability and its effects.

The employee must let the Grievance Manager know who their companion will be at least 2 working days before the meeting. The Procedure does not allow for any legal representation.

If the employee or companion is unable to attend on the date of the scheduled meeting, this will normally be rescheduled on one occasion only.

A HR Representative may attend meetings in an advisory capacity. However, this is not necessary in all cases.

3. Confidentiality

Proceedings and records of any grievance will be kept as confidential as possible, but employees must appreciate that circumstances can mean that grievances cannot always be dealt with on an entirely confidential basis. In particular, where complaints are made against another employee this will need to be shared with that person in order to get their response.

A grievance raised could result in the instigation of disciplinary action in respect of another employee. To protect the confidentiality of that process, the Council may not be able to inform the employee of the fact of the disciplinary process or of any disciplinary outcome.

An employee should not disclose the fact of, or content of, any grievance to any employee or third party without the express consent of the Grievance Manager (except that an employee is allowed to approach a prospective companion or Trade Union Representative).

Notes taken by the appointed note taker at the meeting with the aggrieved individual will be shared with the employee who will be asked to confirm their accuracy.

The Grievance Manager or HR Representative may wish to take notes during any meetings arranged to consider a grievance. These will not normally be shared with employees unless there is a specific reason to do so. An employee or representative/companion may wish to take their own notes.

Employees will not be disadvantaged or victimised for raising a Grievance.

Notifying staff involved at the conclusion of a Grievance process

The employee who has raised a grievance will be notified that the matter has been concluded and will receive an outcome letter. This will not ordinarily specify if disciplinary action against another employee is to be considered.

Where a grievance has been raised against an individual they will be informed that the matter has been concluded by the Grievance Manager and the outcome of any allegations in relation to them..

Depending on the individual circumstances of each grievance, other notifications may be required (for example if there are wider corporate learning points in relation to matters such as Health and Safety or Information Governance), and this will be determined on a case-by-case basis, in consultation with HR colleagues.

4. False, Vexatious or Malicious Grievances

Making a deliberately false, vexatious, or malicious grievance under this procedure is unacceptable and may result in disciplinary action. Such issues will not normally be progressed through the Grievance Procedure.

If a Grievance is raised at any time during the formal stage of the Disciplinary Procedure, the Disciplinary procedure will not be suspended except in a situation where to continue could cause clear prejudice to the employee. If the Disciplinary and Grievance issues are related, it may be appropriate for both procedures to run concurrently.

5. Dignity at Work

Discrimination, harassment and victimisation are unlawful behaviours in relation to protected characteristics that the council has a duty to prevent and eliminate. The council has a zero tolerance of these unlawful behaviours, and it is the responsibility of all council employees to ensure they do not discriminate, harass or victimise in the course of their work or when representing the council. Employees also have a right to work in an environment free of discrimination, harassment and victimisation.

Protected characteristics for the purpose of this policy are:

- Age
 - Care experienced children and care leavers
-

- Carers
- Disability
- Gender reassignment and gender identity
- Marriage and civil partnership
- Military veterans
- Pregnancy and maternity
- Race
- Religion and belief
- Sex and gender
- Sexual orientation
- Socio-economically vulnerable

All protected characteristics are equal, unwanted behaviour towards one characteristic based on another is unacceptable behaviour.

Behaviours could be physical, verbal or non-verbal, written or graphical, digital or non-digital and can be isolated incidents or sustained behaviours.

Unacceptable, Inappropriate and Unwanted Behaviours

These are behaviours that cause discomfort or distress to a person or a group of people and/or could bring the council and its officers into disrepute. These behaviours could be linked to a protected characteristic, but this is not always the case.

Victimisation is treating a person or a group of people unfairly or negatively because they have made a complaint or report of discrimination or harassment, or helped someone or a group of people make a complaint or report of discrimination or harassment. This also applies to treating a person or group of people unfairly or negatively because they are believed to have made a complaint or report or are expected to do so.

Discrimination is where a person or a group of people are treated unfairly, less favourably or negatively due to a protected characteristic.

Bullying is where a person or group of people experience unwanted behaviour that is offensive, intimidating or humiliating.

Harassment is bullying based on a protected characteristic or sustained acts of bullying.

Sexual Harassment is unwanted and inappropriate harassment/behaviour towards a person which is of a sexual nature.

Examples of sexual harassment include:

- sexual comments or jokes
- displaying sexually graphic pictures, posters or photographs
- suggestive looks, staring or leering
- propositions and sexual advances



- making promises in return for sexual favours
- sexual gestures
- questioning about a person's private or sex life or a person discussing their own sex life
- sexual posts or contact on social media
- spreading sexual rumours about a person
- sending sexually explicit emails, text messages or online messages
- unwelcome touching, hugging, massaging, kissing or being in someone's personal space

Unwanted and inappropriate behaviour can also include behaviours which were previously welcomed, invited or consensual but are no longer welcome, invited or consensual.

A person can experience sexual harassment from someone of the same or different sex.

Sexual harassment can also occur if a person experiences unfavourable or unfair treatment through rejecting unwelcome and uninvited behaviours or rejecting behaviours which were previously welcome, invited or consensual but are no longer welcome, invited or consensual.

In these situations, employees may wish to contact their Trade Union representative or the Equality Diversity and Inclusion Manager who can offer support and advice in these difficult situations.

Process of Considering: Dignity at Work issues

Dignity at work related matters will be managed in accordance with the procedure outlined above.

Appendix 1: Appeals Procedure

Staff have the right of appeal against the outcome of a grievance within 10 working days of the decision being communicated:

- Appeals against the outcome of a Grievance process are to be sent to the Director of People and Inclusion for a Members' appeal.
- The appeal must clearly state the reasons for the appeal, which can include new evidence which has only subsequently become available and/or any part of the procedure was wrong or unfair.

Upon receipt of an appeal, the Director of People and Inclusion or their representative will provide acknowledgement in writing, ideally within 2 working days.

Appeal hearings should ideally take place within 30 working days of receipt of the written request. Where this is not possible, the applicant should be informed as soon as practically possible.

Process

- The Grievance Manager will present the management case to the hearing panel and may be accompanied by the HR representative who advised them during meetings. The HR representative's role is to provide support during the hearing if required, not to present the case.
- The applicant and respondent will be given at least 12 working days' notice of the date of the appeal.
- All statements and documentation to be referred to at the hearing (including any new evidence to be considered) will be submitted 6 working days prior to the hearing date, along with the names of any witnesses to be called.
- Papers will be distributed to Panel members, applicant and respondent 5 working days prior to the appeal.

If an employee remains aggrieved after raising a grievance, the appeal will normally be a review of the paperwork and process undertaken during the investigation. It is not appropriate for the aggrieved employee to see this documentation as it may contain confidential information about another employee / employees.

Procedure

The Chair of the appeal Hearing will introduce everybody and explain the following procedure to both sides:

1. The employee will be given the opportunity to state his/her case, explaining the reasons for the appeal.
 2. Management may ask the employee questions.
-

3. The panel and the HR representative may also take the opportunity to ask questions.
 4. Management will state the nature of the case, and the process followed to achieve a resolution.
 5. The employee and representative may ask management questions.
 6. The panel and the HR representative may also take the opportunity to ask questions.
 7. If appropriate, there may be a general discussion to establish all the facts and/or clear up any misunderstandings.
 8. Management and employee may summarise the main points of their case. No new evidence or information may be included.
 9. The panel will adjourn to consider the case, with the HR representative.
 10. If the Chair wishes to clarify any points of evidence, both sides will be recalled.
 11. The Chair will reconvene the hearing to deliver the decision of the Hearing.
 12. The decision of the Chair will normally be given verbally at the end of the Hearing and will be confirmed in writing to both parties.
 13. There is no further right of appeal, so the process end
-

Appendix 2: Examples of unacceptable, inappropriate or unwanted behaviour

Examples include (but are not limited to):

AGE	Considering someone as too young or too old for promotion; making derogatory remarks or assumptions about someone's ability or competence based upon their age; pressuring someone to retire.
DISABILITY	Derogatory remarks; mimicking; invasive personal questions; staring; ostracising, which is directed at any individual with an impairment, or group of disabled people, which results in the individual feeling threatened or compromised; making assumptions about an individual's ability because of their impairment; assuming that a disability means that the individual is inferior; assuming that a mental disability means that the person lacks intelligence; excluding people from social activities; failing to direct comments to a disabled person; use of words specific to impairment being used in a derogatory way (e.g. spastic); unreasonably highlighting a person's disability.
GENDER/SEX	Unwelcome sexual advances; touching; standing too close; forms of sexual assault; sexual jokes; displaying pornographic photographs or drawings or sending emails with material of a sexual nature; unwanted or derogatory comments about clothing or appearance; leering or suggestive gestures or remarks; sending sexually explicit emails, text messages or online messages
CARE EXPERIENCED CHILDREN & CARE LEAVERS	Refusing to recognise the effects of adverse childhood experience (ACE); Invasive questions about homelife and childhood experiences.
CARERS	Assumptions that carers want extra time off work. refusing reasonable flexible working and special leave requests
GENDER INDENTITY	Transphobic comments, 'jokes' and name calling; verbal or physical abuse or intimidation; refusing to treat a person as of their new gender when they transition; failing to address a person by their preferred name and correct gender pronouns; denying people access to the appropriate single sex facilities such as toilets/changing rooms; outing a person as transgender/non-binary without their consent or spreading rumours (this may also be a criminal offence); excluding a person from conversation or activities; sexual harassment; intrusive questions.
RACE	Racial abuse; racially explicit derogatory statements; offensive jokes; racist graffiti; display of offensive material;

	an offensive or dismissive manner; insulting someone on the grounds of their race; refusing to work with someone or deliberately isolating them because of their race, colour, nationality or ethnic origin; unfair work allocation.
RELIGION OR BELIEF	Mocking or deriding people's religious or other beliefs; making unwanted comments on dress; making it unnecessarily difficult for people to conform to their religions or beliefs; pressure to participate in political/religious groups.
SOCIALLY ECONOMICALLY VULNERABLE	Expecting people to contribute to team funds for birthdays and special events; intrusive questioning about homelife and finances. Isolating or ostracising people for not taking part in social activities outside work
MILITARY VETERANS	Assuming veterans are unable to learn new ways of working
SEXUAL ORIENTATION	Making homophobic or biphobic insults or threats; making unnecessary and degrading references to an individual's sexual orientation; engaging in banter or making jokes which are degrading to a person's actual or perceived sexual orientation; outing an individual as LGB without their permission; ignoring or excluding a colleague because they are LGB; spreading rumours or gossip about an individual's sexual orientation; asking an LGB colleague intrusive questions about their private life; making assumptions and judgements about a colleague based on their sexual orientation; using religious belief to justify anti-gay bullying and harassment; displaying or circulating homophobic or biphobic materials; assuming that everyone is heterosexual; assuming that all gay men are HIV positive.

Appendix 3: Mediation

What is Mediation?

Mediation in organisational settings is used as a conflict resolution strategy. It is a clearly structured, formal process between two individuals, facilitated by a neutral, trained mediator. It is an entirely voluntary process and aims to defuse conflicts, allow parties to constructively resolve problems, mend broken relationships and establish ground rules for future behaviour.

Mediation should not be confused with arbitration, conciliation, or investigation. The mediator is a neutral facilitator and does not make judgements or decisions about the conflict. Their role is to assist the disputants in creating their own resolution by concentrating on future rather than past behaviours.

It is not intended that the Mediation Service replaces good management practice; rather that it offers appropriate support to managers if or when required.

How does the Mediation Service fit with other Bury Council procedures?

Mediation acts as a 'working partner' alongside Bury Council's formal procedures such as the Grievance Procedure. Where appropriate, mediation should be suggested and offered to employees in the first instance as an alternative process in conflict resolution, aiming to avoid the use of the formal procedures. It may also be used in addition to other procedures, typically at the end of the use of these procedures; aiming to assist the individuals concerned to find ways of rebuilding and maintaining working relationships.

When is it suitable to use mediation?

Mediation is suitable for use in most disputes, irrespective of either their origin or duration.

Examples of when mediation can prove useful are listed below:

- Personality clashes
- Disputes/conflict between colleagues
- Disputes/conflict between staff and supervisors/managers
- Repairing working relationships after management investigations
- Communication difficulties
- Return to work situations.

It is recommended that mediation be used as early as possible in a disagreement, to prevent conflicts from escalating or becoming entrenched.

The only prerequisite for mediation is that both parties agree to the process and wish to attempt to resolve their dispute - this is vital to its success.

Therefore, it should not be used punitively. Sometimes, however, the basis for the dispute may be so serious that mediation is inappropriate.

Disputants can seek guidance from their trade union representative before making any decision to agree to participate in mediation.

Ultimately, we will assess the suitability of a case for mediation.

Who is involved in the Bury Council Mediation Service?

The service consists of a team of trained mediators, representing different departments. This means that employees wishing to take part in mediation can work with a mediator who they don't know and who is from a different department to their own. This is to ensure the neutrality and objectivity of the mediator and that he/she is perceived as such by the two disputants.

What happens when a 'case' is referred for mediation?

Managers, HR professionals or Trade Union representatives can all refer cases for mediation.

In the first instance a confidential discussion concerning the "case" will be held with the referrer. Dependant on the circumstances we may also contact the disputants to discuss the process of mediation. The referral will either be accepted or declined and given information about alternative courses of action. These could include recourse to a formal Bury Council procedure, training, counselling, Occupational Health, or another suitable option.

Mediation is generally not a lengthy process, and we aim to have all stages completed within 10 working days of an initial referral being made.

The referrer will be informed whether mediation was successful. However, the content of the mediation session remains confidential to the two disputants and the mediator; unless they both agree that the agreement can be circulated more widely.

Accessing the service

You can access mediation services by contacting: HRBusinessManagement@bury.gov.uk

This page is intentionally left blank

Equality Impact Analysis

This equality impact analysis establishes the likely effects both positive and negative and potential unintended consequences that decisions, policies, projects and practices can have on people at risk of discrimination, harassment and victimisation. The analysis considers documentary evidence, data and information from stakeholder engagement/consultation to manage risk and to understand the actual or potential effect of activity, including both positive and adverse impacts, on those affected by the activity being considered.

To support completion of this analysis tool, please refer to the equality impact analysis guidance.

Section 1 – Analysis Details (Page 5 of the guidance document)

Name of Policy/Project/Decision	Grievance Procedure
Lead Officer (SRO or Assistant Director/Director)	
Department/Team	Human Resources
Proposed Implementation Date	02/01/25
Author of the EqIA	Mel Cunningham, HR&OD Business Partner
Date of the EqIA	01/11/2024

1.1 What is the main purpose of the proposed policy/project/decision and intended outcomes?
<p>The Council is committed to ensuring a supportive, safe and inclusive working environment. The primary purpose of this procedure is to resolve any grievances and the focus is on the remedial steps required to resolve the situation.</p> <p>The Council wishes to ensure that all employees have access to a procedure to help deal with any grievances relating to their employment fairly and without unreasonable delay.</p> <p>The intended outcomes are to ensure that any legitimate grievances are resolved and that employees feel supported to successfully continue with their employment.</p>

Section 2 – Impact Assessment (Pages 6 to 10 of the guidance document)

2.1 Who could the proposed policy/project/decision likely have an impact on?
<p>Employees: Yes</p> <p>Community/Residents: No</p> <p>Third parties such as suppliers, providers and voluntary organisations: NO</p>

If the answer to all three questions is 'no' there is no need to continue with this analysis.

2.2 Evidence to support the analysis. Include documentary evidence, data and stakeholder information/consultation

Documentary Evidence: There have been twelve grievances / DAW issues during the latest 14-month period. Some of these have been lengthy, complex and difficult to resolve. The new procedure is more streamlined and aims to conclude issues more quickly and effectively.

Data: [Employment Equality Report 2023 \(bury.gov.uk\)](https://www.bury.gov.uk/employment-equality-report-2023)

Stakeholder information/consultation:
 Discussions with senior colleagues in Departments to obtain their views and comments re changes to the existing procedure
 Discussions with the legal service.
 Comments received from North West Employers incorporated into the Procedure.
 Meeting with the Trade Unions to discuss the detail.
 Signed off by SLG
 Sign off at JCC
 Sign off at Employment Panel

2.3 Consider the following questions in terms of who the policy/project/decision could potentially have an impact on. Detail these in the impact assessment table (2.4) and the potential impact this could have.

- Could the proposal prevent the promotion of equality of opportunity or good relations between different equality groups?
- Could the proposal create barriers to accessing a service or obtaining employment because of a protected characteristic?
- Could the proposal affect the usage or experience of a service because of a protected characteristic?
- Could a protected characteristic be disproportionately advantaged or disadvantaged by the proposal?
- Could the proposal make it more or less likely that a protected characteristic will be at risk of harassment or victimisation?
- Could the proposal affect public attitudes towards a protected characteristic (e.g. by increasing or reducing their presence in the community)?
- Could the proposal prevent or limit a protected characteristic contributing to the democratic running of the council?

2.4 Characteristic	Potential Impacts	Evidence (from 2.2) to demonstrate this impact	Mitigations to reduce negative impact	Impact level with mitigations Positive, Neutral, Negative
Age	None			Neutral
Disability	Some employees may not be able to engage fully with the process due a disability		Employees can request adjustments to engage with the procedure	Neutral
Gender Reassignment	May increase the risk of harassment or victimisation		Employee will be supported as required by HR colleagues/TU representative	Neutral
Marriage and Civil Partnership	None			Neutral
Pregnancy and Maternity	Employees may be on maternity leave whilst involved in a grievance		Necessary arrangements will be made taking into account personal circumstances and availability	Neutral
Race	Potential impact for colleagues whose first language is not English.		Grievance Manager to liaise with employee/TU rep about the most effective/appropriate way of communication. There is a language translation service that	Neutral

			can be accessed if required.	
Religion and Belief	Availability of colleagues observing religious periods or days of worship during the process		Dates of meetings/investigations will be mindful of religious periods and holy days.	Neutral
Sex	None		Information strengthened to reflect new legislation	Neutral
Sexual Orientation	May increase the risk of harassment or victimisation		Employee will be supported as required by HR colleagues/TU representative	Neutral
Carers	May need flexibility to attend meetings		Manager to accommodate changes to timescales	Neutral
Looked After Children and Care Leavers	May need additional support		Manage to be aware of circumstances and accommodate additional support/extension of timescale as appropriate	Neutral
Socio-economically vulnerable	None			Neutral
Veterans	None			Neutral

Actions required to mitigate/reduce/eliminate negative impacts or to complete the analysis

2.5 Characteristics	Action	Action Owner	Completion Date
Disability	Include need to consider adjustments as part of manager training	HR	January 2025
Pregnancy & Maternity	Include need to sensitively consider personal circumstances and availability in managers training	HR	January 2025
Race	Include reminder of the translation service as part of manager training	HR	January 2025
Religion & Belief	Include need to take account of religious festivals and holy days when setting dates of meetings in manager training	HR	January 2025
Carers	Include information at training sessions to allow additional time/flexibility	HR	January 2025
Looked After Children and Care Leavers	Include information at training sessions to allow additional time/flexibility /offer additional support	HR	January 2025

Section 3 - Impact Risk

Establish the level of risk to people and organisations arising from identified impacts, with additional actions completed to mitigate/reduce/eliminate negative impacts.

3.1 Identifying risk level (Pages 10 - 12 of the guidance document)

Impact x Likelihood = Score			Likelihood			
			1	2	3	4
			Unlikely	Possible	Likely	Very likely
Impact	4	Very High	4	8	12	16
	3	High	3	6	9	12
	2	Medium	2	4	6	8

1	Low	1	2	3	4
0	Positive / No impact	0	0	0	0

Risk Level	No Risk = 0	Low Risk = 1 - 4	Medium Risk = 5 – 7	High Risk = 8 - 16
-------------------	--------------------	-------------------------	----------------------------	---------------------------

3.2 Level of risk identified	No risk
3.3 Reasons for risk level calculation	No additional impact from current procedure

Section 4 - Analysis Decision (Page 11 of the guidance document)

4.1 Analysis Decision	X	Reasons for This Decision
There is no negative impact therefore the activity will proceed	X	Progress with implementing procedure subject to approval
There are low impacts or risks identified which can be mitigated or managed to reduce the risks and activity will proceed		
There are medium to high risks identified which cannot be mitigated following careful and thorough consideration. The activity will proceed with caution and this risk recorded on the risk register, ensuring continual review		

Section 5 – Sign Off and Revisions (Page 11 of the guidance document)

5.1 Sign Off	Name	Date	Comments
---------------------	-------------	-------------	-----------------

Lead Officer/SRO/Project Manager	Mel Cunningham, HR&OD Business Partner	01/11/2024	
Responsible Asst. Director/Director	Sam McVaigh	07/11/2024	
EDI	Lee Cawley	25/10/2024	

EqIA Revision Log

5.2 Revision Date	Revision By	Revision Details

This page is intentionally left blank