

Devon and Cornwall Police Authority Human Resources Committee

19th September 2007

Open for the purposes of FOI

Report of the Director of Human Resources

Fairness at Work Policy Amendment

Recommendation(s):

(i) The Committee to note the revision of the policy specifying that the Fairness @ Work Policy will not be used for complaints or appeals regarding Job Evaluation results. A separate process will be available for this purpose.

BACKGROUND INFORMATION

1. The Fairness @Work policy was originally submitted to the Police Authority in May 2007 to request that a member of the police authority be included in any independent panel convened to consider appeals on the outcome of fairness at work complaints either against or by members of the chief officers group and *to advise of the recommendation above*. However, the amended paragraph in the policy was omitted from the papers and was deferred to June 2007 and subsequently to this meeting.
2. The policy is designed in line with the Employment Act 2002; the Home Office Guidance: "Fairness at Work Procedure" April 2004; the ACAS Code of Practice: Discipline and Grievance Procedures 2004; and ACPO Workforce Standard No: 2 Grievance Process 2006.
3. As a matter of good HR practice, all processes and procedures that result in the awarding or not awarding of benefits, such as selection processes and pay determinations, should have a specific route of appeal. Where a specific route of appeal exists it is not appropriate for a second alternative route to also exist such as utilising the Fairness @ Work procedure.
4. This position was not explicit within the Fairness @ Work policy and has now been introduced.
5. The revised policy includes a statement at 4.5 that the Fairness @ Work procedure should not be used for an appeal such as against an individual's Job Evaluation grading where a specific appeal exists for the process in question. An extract of the revised policy is attached.

Contact: for further information

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4. Introduction

- 4.1 This policy is designed around the Home Office Guidance: "Fairness at Work Procedure" April 2004 and ACPO Workforce Standard No: 2 Grievance Process 2006 and also supports the ACAS Code of Practice: Discipline and Grievance Procedures 2004, and the Employment Act 2002.
- 4.2 This policy aims to combine integrity with good standards of management conduct and to provide a framework for the speedy and effective resolution of workplace disputes at the lowest appropriate management level. Where mediation is considered beneficial to finding a satisfactory resolution, this will be arranged by the Personnel Manager.
- 4.3 The 3-stage Fairness @ Work procedure enables members of staff who are aggrieved about the way they have been treated at work to raise issues without fear of recrimination and to explore ways of reaching a satisfactory resolution.
- 4.4 While the Employment Act 2002 does not apply to police officers, the Police Advisory Board has agreed that police officers should be given equivalent statutory rights to minimum grievance procedures.
- 4.5 **This procedure should not be used for an appeal against a decision made through a process for which a specific route of appeal exists. Such appeals must be made through the specific appeal process for the procedure in question. Only where no such appeal process exists can the Fairness @ Work procedure be used for an appeal.**
- 4.6 The purpose of providing policy is to give an indication to staff of the expected course of action. However, it is not possible to expressly cater for every possible combination of factors that would justify moving away from the stated policy. A deviation will be appropriate where discretion is exercised properly, the deviation is in accordance with relevant legislation, and it appears fitting and reasonable in all the circumstances. Any movement away from the stated policy for justifiable reasons should be recorded in writing.
- 4.7 Should you require clarification or assistance in the interpretation of this policy please contact the relevant Personnel Unit or the Equal Opportunities Officer on 22092, or the HR Policy Unit on extension 22434 or your Union or Staff Association Representative.

5. Informal Resolution

- 5.1 It is recognised that in many cases staff may wish a line manager to resolve an issue without resorting to the formal grievance procedure.
- 5.2 Line managers must make every effort to do this and provide a proportionate and reasonable response thus avoiding the need for formal action. Mediation may also be considered after advice from the relevant Personnel Manager.