

Employment Committee

Meeting to be held on Monday, 12 October 2020

Electoral Division affected: None;

Revised Grievance and Harassment Policies and Procedures

(Appendices A and B refer)

Contact for further information:

Deborah Barrow, (01772) 535805, Head of Service Human Resources,
deborah.barrow@lancashire.gov.uk

Executive Summary

The council's Grievance and Harassment Policies and Procedures have been reviewed as part of the Human Resources policy review programme. Revised drafts have been produced, which are modernised, streamlined, continue to be legally compliant and align with the council's improvement journey, culture and values.

Recommendation

The committee is asked to approve the revised Grievance and Harassment Policies and Procedures, set out at Appendices A and B.

Background and Advice

In July 2020, a report was presented to the Corporate Management Team to provide an update on the Human Resources policy review programme, its principles and priorities. A clear set of principles were established, to ensure that our Human Resources policies going forward are:

- Modernised – that they align to the values and priorities of the council.
- Straightforward – in terms of the tone and language used, and that clear steps and processes are set out within them.
- Take account of best practice – that through our networks and research that they are benchmarked against those of other high performing organisations.
- Take account of fairness and accountability – that they set expectations to both employees and managers.
- Legally compliant – that they comply with current employment regulations, along with Acas Codes of Practice and national conditions of service, where applicable.
- Embedded and impactful – that our policies and procedures are understood by all, applied where appropriate, and that managers are equipped to make judgements and decisions. Successful delivery of this will also support the development of the council's performance management culture.

The priorities for the Human Resources policy review programme cover three proposed groups, the first of which form what are considered to be the council's core Human Resources policies and procedures that are most used by our employees and managers. These core policies and procedures have clear impacts on overall performance management, productivity and behaviours within the workplace and have therefore been categorised within the first group of policies to be reviewed. Grievance and harassment are two of these core policies and procedures.

Revised Grievance Policy and Procedure (Appendix A)

The revised draft policy and procedure complies with the Acas Code of Practice on Disciplinary and Grievance Procedures, which sets out a "fair process" for all employers to follow where an employee raises a grievance.

Alongside a refresh of the language and tone used, the revised policy and procedure also:

- aims to promote the use of informal resolution wherever possible, which can lead to a much quicker resolution and more positive outcomes for everyone concerned;
- incorporates complaints of bullying, which would have previously been dealt with under the council's current Bullying and Harassment Procedure; and
- further clarifies when to and when not to follow the grievance process.

Revised Harassment Policy and Procedure (Appendix B)

The council's current Bullying and Harassment Procedure was designed to address all complaints of harassment and bullying within the council. However, the current policy requires an initial consideration from Corporate Human Resources to review all complaints and assess whether the complaint meets the definition of "harassment" or "bullying" and therefore whether it should be "registered" or not as an official complaint. In the case of bullying, this step can prove very contentious because bullying is subjective and one person's view on whether behaviours would amount to bullying can differ significantly to that of another.

The revised draft policy and procedure focuses solely on harassment, as defined by the Equality Act 2010, which is very specific. This change means that there should no longer be any dispute or room for interpretation on whether a complaint meets the official definition and whether it should be registered, because all complaints that meet the definition will be registered as standard. Where a complaint does not meet the definition, such as in a bullying complaint, it will be addressed via the council's revised Grievance Policy and Procedure.

Alongside a refresh of the language and tone used, the revised draft policy and procedure also:

- ensures that all complaints which meet the definition of harassment will be investigated in line with the council's Disciplinary Procedure. This demonstrates our commitment to taking any complaints of harassment within

the council very seriously and makes the process more straightforward for everyone involved; and

- further clarifies when to and when not to follow the harassment process.

Consultations

The revised draft Grievance and Harassment Policies and Procedures have been shared with the recognised trade unions, through the Joint Negotiating and Consultative Forum, who have noted the proposed changes.

Implications:

This item has the following implications, as indicated:

Risk management

The council is legally required to ensure that its Grievance and Harassment Policies and Procedures comply with current employment legislation. Ensuring that the language and tone is clear, straightforward and understandable, should enable employees and managers to understand their responsibilities with regards to grievances and harassment complaints and that these can be resolved, without unreasonable delay, through the informal or formal processes.

Financial

There are no financial implications to the revised policy and procedure.

Local Government (Access to Information) Act 1985

List of Background Papers

Paper	Date	Contact/Tel
None		
Reason for inclusion in Part II, if appropriate		
N/A		