

DURHAM CONSTABULARY



Altogether Better Policing

Achieving Fairness at Work Policy

Application	All Staff
Policy Owner	Human Resources
Version	8
Date of PUG approval	08.09.10
Last Review Date	12.06.20
Next Review Date	12.06.23
Protective Marking	Official
Publication Scheme Y/N	Yes
Durham Force Freedom of Information Act Publication Scheme	



1.0 ACHIEVING FAIRNESS AT WORK

2.0 PURPOSE AND SCOPE

- 2.1 The Force recognises the contribution of its entire staff and is committed to creating a fully inclusive working environment. This will be achieved by making reasonable adjustments where appropriate, valuing the differences that a diverse workforce can bring and challenging unlawful and unfair discrimination, bullying, harassment, victimisation and other unfair treatment based on age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, ethnicity, religion or belief, sex and sexual orientation.
- 2.2 The purpose of this Policy is to ensure that members of staff who feel aggrieved about the way they have been treated are given the opportunity of having their grievance (i.e. concern, problem or complaint) dealt with in a fair and just manner and as quickly and as professionally as possible.
- 2.3 It is acknowledged that a grievance can arise from a number of sources, and inevitably could lead to conflict in some shape or form. Although a certain level of conflict within the Force can be seen as healthy, negative conflict can be costly in respect of finance and reputation as an employer of choice.
- 2.4 The Policy outlines options open to staff and managers in seeking a resolution when a grievance occurs through in the first instance informal, and where this is not achievable more formal channels.

3.0 LEGAL BASIS

- Equality Act 2010
- The Equality Act (Specific Duties) 2011
- The Employment Act 2002 (Dispute Resolution) Regulations 2004
- Health and Safety at Work Act 1974
- Human Rights Act 1998
- Protection from Harassment Act 1997
- Employment Act 2008
- Employment Tribunal (Constitution and Rules of Procedure)(Amendment Regulation) 2008 and 2013
- Employee Relations Act 1999
- Employment Rights Act 1998 and 2004
- Employment Rights Act Dispute Regulations Act 1998
- IOPC Statutory Guidance to the Police Service on the Handling of Complaints
- Working Together to Safeguard Children – Department for Education 2018
- Apprenticeship, Skills, Children and Learning Act 2009

4.0 POLICY STATEMENT

- 4.1 The Chief Constable is committed to achieving an entirely non-discriminatory working environment which will allow all staff an equal opportunity for service/employment and advancement within the Force on the basis of ability, performance and aptitude for work.
- 4.2 It is the aim of the Chief Constable with the support and commitment of all staff working within the Force to ensure that negative conflict encountered within the everyday operation of the service is dealt with at the earliest point and by the most appropriate means.
- 4.3 In order to achieve this when conflict becomes apparent, Staff and Managers will have access to a range of tools to identify: who the most appropriate person to deal with the conflict is; the underlying causes; and how to reach a sustainable agreement and hence resolve it.
- 4.4 Throughout the operation of this policy the Force will seek to take the least intrusive action which fits within the working policy criteria and will act fairly and proportionally to achieve the proposed purpose.
- 4.5 Durham Constabulary will operate within the policing principles as defined by the College of Policing Code of Ethics and in support of this our policies will seek to promote Accountability, Fairness, Honesty, Integrity, Leadership, Objectivity, Openness, Respect and Selflessness

5.0 WHAT IS CONFLICT?

- 5.1 Conflict refers to some form of friction, disagreement, difference in view, or discord arising within a group of two or more individuals, when the beliefs or actions of one or more members of the group are either resisted by or unacceptable to one or more members of another group
- 5.2 Conflict can take a number of different forms and arise as a result of:- rivalry between individuals and/or teams; two or more people not getting on; or a lack of trust and/or co-operation by a combination of peers, Managers and subordinates.
- 5.3 General behaviour and conduct issues are the most common causes of disputes at work, followed by performance, sickness absence/attendance and relationships between colleagues.
- 5.4 Conflict is an inherent part of any working environment, especially when the workforce is made up of people with increasingly diverse backgrounds, opinions, values and expectations around working practices. In some cases the existence of conflict in the workplace can be a positive factor in that it creates competition and innovation within teams.
- 5.5 Not all forms of conflict are obvious, when disgruntled sometimes people and teams react by means other than outward aggression. Other signs include a reduction in motivation and productivity, behavioural changes, increased sickness absence and responses to staff survey questions which identify dissatisfaction.

5.6 **Avoiding or Minimising Negative Conflict**

- 5.6.1 To avoid or minimise negative conflict Managers should enable regular channels of open communication and consultation with their staff to know when there is a change, and intervene at the earliest and most appropriate point possible.
- 5.6.2 The following working/management practices are likely to reduce the level of negative conflict:-
- a. Strong, fair, consistent and impartial management styles
 - b. Clear job roles
 - c. Adequate training and development
 - d. A good communication strategy/flow
 - e. A conducive, safe, healthy and flexible working environment and ethos
 - f. Consistent, equal and fair treatment for everyone whilst recognising that people are different.
 - g. Zero tolerance towards bullying discrimination, victimisation, harassment and any other unfair treatment.
 - h. A fair rate of pay for work done
 - i. Allowing individuals the right to appeal against decisions made
 - j. Consulting when changes in terms and conditions and practices and procedures are required (e.g. Redundancy, Relocation etc...)
 - k. Being fair, consistent and objective when assessing performance
 - l. Encouraging open expression and opinion
 - m. Having sound policies and procedures in place and adhere to them
 - n. Having an effective collective bargaining process in place.

5.7 **What Happens When Conflict Cannot Be Avoided?**

- 5.7.1 On occasions conflict cannot be avoided and when this happens a procedure is required so that individuals know who to go to in the first instance, to have the conflict/problem/ concern or complaint resolved and give reassurance that they are being taken seriously.
- 5.7.2 In addition Managers need to know:-
- i. When to intervene (sometimes things are better left to sort themselves out)
 - ii. What internal mechanisms are in place to help to resolve the issue
 - iii. What external help is out there
 - iv. At what point a dispute needs to go to a higher authority.
- 5.7.3 When it is felt that conflict can be dealt with before implementing the Formal processes identified in Section 8 the first stage (i.e. **Informal Stage** i.e. Section 6.0) of the Achieving Fairness at Work Procedure should be considered.

6.0 FAIRNESS AT WORK PROCEDURE – INFORMAL STAGE

- 6.1 In most instances conflict/grievances can be resolved informally without recourse to more formal procedures.
- 6.2 An instinctive response to conflict is either Fight (Challenge), Flight (Avoid) or Freeze (be Passive) when the correct way to deal with it is to Face it.
- 6.3 It is expected that staff who feel they have a grievance in the first instance should attempt to make an approach to someone within the Force who they feel may be able to assist in achieving an informal resolution.
- 6.4 Ideally this should be their manager/supervisor, however where this is not possible, appropriate contact should be made with an alternative manager or via any one of the support mechanisms shown in Section 7.
- 6.5 Managers should deal with conflict at the earliest but most appropriate point. Shying away from it is not acceptable as situations can fester and the conflict can spiral as a result. If a manager/supervisor feels a conflict situation is emerging within their area of responsibility, they should take initial steps to deal with this by having a quiet /confidential word with the individual concerned to:-
- a. Allow them the opportunity to express their feelings.
 - b. Reassure them that they are taking the situation seriously and will remain objective at all times.
 - c. Determine whether an informal investigation is required to get to the bottom of the issue.
 - d. Consider all informal support mechanisms available (See Section 7).
 - e. Consider what the best outcome is for EVERYONE concerned and attempt to pursue it.
 - f. Document the issues and the actions taken – in agreement with the individual.

7.0 SUPPORT MECHANISMS TO CONSIDER WHEN ATTEMPTING AN INFORMAL RESOLUTION.

7.1 Mediation

- 7.1.1 Mediation is where an impartial third party (i.e. a Mediator) helps two or more people who are in dispute, attempt to reach an agreement which will bring a positive outcome for each party without being emotionally involved.
- 7.1.2 Mediation should always be considered as it allows the people involved the opportunity to say how they feel within a facilitated environment and can be considered at any point during a conflict situation and/or dispute between peers, managers and staff, teams, groups of people and management. It can also be considered in the following situations:-

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- a. Relationship breakdowns, personality clashes, communication problems, bullying, discrimination, victimisation and harassment where the individual wants a complaint investigated
 - b. When conflict has been resolved to re-build relationships
- 7.1.3 A Mediator (or pair of Mediators) will play an active role in guiding the parties involved towards identifying and evaluating the options available i.e. they will not judge anyone or provide solutions. Mediation can be used at any point within a dispute, whether it is at the informal or formal stage.
- 7.1.4 There are no hard and fast rules on how Mediation should operate. If the parties do not wish to sit in the same room, the Mediator can move between each party relaying views. However the aim is that eventually all parties will come together in a facilitated meeting
- 7.1.5 **The Process of Mediation** - The following model describes Facilitated Mediation which is the most common used. There is no definitive rule on how many meetings need to be undertaken to move from one stage to the next.
- a. **First Contact** – all parties are met separately by the Mediator to ascertain individual stories and views on what they want as an outcome.
 - b. **Facilitated Meeting(s) of all parties** –The Mediator summarises the main areas of agreement and disagreement; encourages parties to communicate; and helps the parties to look for constructive solutions for the future promoting joint problem solving. The Mediator should document any agreements made
 - c. **Closure** – Once an agreement is reached the Mediator will confirm the nature of it, provide everyone with a documented copy of the details, which should also explain individual responsibilities in ensuring implementation.
 - d. If no agreement is reached, the matter is still classed as closed (If any Mediation occurs later in the process it must be treated as a separate exercise)
- 7.1.6 A Mediator can only reveal information to other parties on agreement of the person who said it (UNLESS an unlawful act has been committed or there is a serious risk to Health and Safety)
- 7.1.7 **Concerns around the Mediation process**
- a. Mediation may not always be a realistic option, for example if one of the parties is vulnerable it may prove difficult to bring the parties together or if it is felt a manager may be using the process to avoid his/her managerial responsibilities.
 - b. What happens during Mediation cannot be used in future legal proceedings without the agreement of all parties.

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7.2 **Restorative Approach**

- 7.2.1 This approach is useful if it is proven and accepted by everyone that one of the parties has caused harm on another in respect of a workplace issue. The principle of it is for the harmer to accept responsibility for the actions they have taken in causing harm to their fellow worker. A meeting takes place to air the matter allowing everyone affected to play a part in repairing the damage.
- 7.2.2 Justified management action taken should not be classified as having caused harm to a member of staff, unless the issue is with the manner in which it has been implemented.
- 7.2.3 This type of approach has a wider focus than Mediation as its purpose is to try and build better and stronger relationships, and of finding more creative ways to deal with conflict that repairs the emotional harm and allows everyone involved to find a positive way forward.
- 7.2.4 The main advantages of a Restorative Approach in the workplaces are that it:-
- a. Brings together all those affected by conflict in the workplace
 - b. Allows participants to come to a shared understanding
 - c. Provides a safe environment for the expression of emotion
 - d. Provides opportunities to rebuild damaged relationships
 - e. Rebuilds working relationships and strengthens teams
 - f. Can be used proactively or reactively
 - g. Can be used within existing discipline and grievance systems
- 7.2.5 There is no specific process which defines how Restorative Approaches are managed, however in broad terms the following actions are considered as appropriate:-
- a. The manager or person dealing with the conflict/grievance should seek agreement from the harmed and the harmer for a meeting to take place and then make the arrangement.
 - b. At the meeting the manager or person dealing with the conflict will act as facilitator and should ascertain the facts initially from the harmer with regard to what happened before, at the time and after the incident(s)?
 - c. The harmed person should then be given the opportunity to ask the harmer questions, and also explain the impact and affect the incident(s) has had on them.
 - d. The harmer should then be given the opportunity to respond.
 - e. The facilitator should then ask the harmed what they feel would make them feel better about the incident to allow them to move on and if appropriate how they feel it could be prevented from occurring again.
 - f. The meeting should be concluded by the facilitator confirming the actions mentioned in e) are reasonable and acceptable to the harmer.
 - g. If it is considered appropriate it is acceptable to leave both parties in the room without the facilitator for a period of time to discuss the issues further without intervention.

- 7.2.6 A record of the meeting should be taken and forwarded to an appropriate HR Manager

7.3 Staff Associations/Trade Unions

- 7.3.1 The Force is well supported by the Federation/Superintendents Association and Trade Unions all of whom can provide advice and guidance to members and management whilst dealing with conflict or grievances.

7.4 Support Networks

- 7.4.1 The Force also has a number of Support Networks in place with the specific role of improving working conditions, practices and the environment, and supporting and reassuring those who feel isolated and unable to confide in others and encourage everyone to be open and confident about their personal situation.
- 7.4.2 The current Support Network groups in existence include the Durham LGBT + Support Network, STAR – Women in Policing, Durham Constabulary Menopause Awareness Group (MAG), The Durham Disability Support group and the Durham Ethnic Minority Support Association. Further details on each of these groups can be found on the Force Intranet under Equality, Diversity & Inclusion. The overriding aim of these groups is to enable staff to make a positive contribution to promoting equality, diversity and inclusion issues within the workplace and in the community.
- 7.4.3 Specific terms of reference and information regarding these associations and networks can be found on the Force Intranet Home and Equality, Diversity & Inclusion Pages.
- 7.4.4. For student officers on the PCDA or DHEP further support can be sought via the Northumbria University student portal and / or the student handbook

7.5 Health Management Unit

- 7.5.1 The Health Management Unit (HMU) which incorporates Occupational Health, Welfare and Health and Safety can offer emotional support and practical advice.
- 7.5.2 Support is offered to both those who feel that they are being affected by harassment, discrimination, victimisation or bullying in the workplace, and to those who are accused of such action.
- 7.5.3 The unit seeks to ensure advice and guidance is impartial and non-judgemental and the Welfare Manager can provide information and support to those who are involved in investigations of this nature.

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7.5.4 Additionally for staff who feel that their health and wellbeing is being affected appropriate help and support can be provided if individuals are referred to Occupational Health. This referral should normally be made by the individual's manager via a Pers 222 however if this is not appropriate then referral can be via the Welfare Officer, HR or another manager. If in doubt please contact the Occupational Health Advisor who can advise accordingly.

7.5.5 Guidance, advice and support can be acquired from the unit in respect of a range of issues including:-

- i. CiC – Confidential Counselling Care
- ii. Health and well-being
- iii. Welfare support – including signposting to specialist providers
- iv. Stress Management support

7.5.6 The Health Management Unit staff maintain the strictest of confidence when undertaking their role. The only exceptions where confidentiality may be breached, include:-

- i. When a criminal offence is disclosed
- ii. Where an individual is endangering themselves or others
- iii. When there is a legal requirement to disclose

7.5.7 Further information around the unit can be accessed via the Home Page of the Force Intranet. See also the Force Wellbeing Policy

7.6 Chaplaincy

7.6.1 The Force Chaplaincy are clergy (headed by a senior Chaplain) who work with the Force to provide spiritual, ethical and pastoral care to all staff.

7.6.2 Although all Chaplains are from the Church of England individuals do not need to be a Christian to use this facility as they provide links to other Christian denominations and to world-faith communities

7.6.3 More information and details of who you can contact for this service can be found by the Intranet Home Page Menu>Equality and Diversity.

7.7 Human Resources

7.7.1 The HR Managers provide advice and guidance in respect of all people issues and can be contacted confidentially. Senior Equality, Diversity & Inclusion Adviser has a specific remit for issues around equality, diversity and inclusion.

8.0 FORMAL RESOLUTION

8.1 If all avenues of the informal stage have been exhausted without a resolution a more formal method of approach can be considered, depending upon the

nature of the problem i.e. the Formal stage of the Achieving Fairness at Work procedure.

- 8.2 An HR Manager can be consulted at any part of the process to provide advice or support.

9.0 **Fairness at Work Procedure – FORMAL STAGE**

- 9.1 The Achieving Fairness at Work Procedure has three stages i.e. the **Informal Stage** as shown in Section 6 and if this proves to be unsuccessful a **Formal Stage** and finally an **Appeal Stage**.

- 9.2 To instigate the Formal Stage of the Fairness at Work procedure an individual can submit a grievance in writing in any format but ideally on a **Pers 188** form (Notification of Grievance) (See Appendix 1) and bring it to the attention of their manager or if this is not appropriate or possible another person who they feel may help to achieve a resolution or via any of the support mechanisms shown in Section 7.

- 9.3 For such a grievance to be raised, no more than 12 months should have elapsed between the incident, or the latest incident giving rise to the complaint, unless there has been a good reason for such.

- 9.4 If the grievance refers to a more senior person then it should be passed to someone of an appropriate level of seniority within their own reporting structure to deal with (**in all cases a rank or grade higher than the person who the grievance is about**). If the individual is unsure who the Pers 188 form should be initially passed to s/he can seek advice from an HR Manager.

- 9.5 The person with the responsibility of attempting to resolve the issue is the **Resolution Manager**.

9.6 **Responsibilities of the Resolution Manager on receipt of the Fairness at Work Complaint/Grievance:-**

- 9.6.1 A formal acknowledgement in writing that it has been received should be sent to include a reminder of how the Achieving Fairness at Work Policy and associated documents can be accessed via the Force intranet.
- 9.6.2 Ideally the grievance should be dealt with fully and expeditiously at the Formal Stage. Refer to Section 10 of this policy re timescales and potential flexibility around this.
- 9.6.3 The Senior Equality, Diversity & Inclusion Adviser should be informed of the existence of the grievance to ascertain whether similar issues have already been raised/addressed which may assist in an early resolution.

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- 9.6.4 A meeting should be arranged with the individual as soon as possible advising of their right to be accompanied by a recognised Trade Union/Staff Representative/ Workplace Colleague / or Support Group Representative (not acting in a legal capacity) employed by Durham (see Section 13).
- 9.6.5 An appropriate independent Welfare Support Officer not associated with the complaint should be identified for the aggrieved to speak to at any point during the process.
- 9.6.6 Ask whether the individual or their support require any special requirements to be considered to enable them to attend the meeting.
- 9.6.7 Consider asking an independent person to attend the meeting to take notes
- 9.6.8 A **Pers 189** (Achieving Fairness at Work Procedure – Formal Stage) See Appendix 2 should be used to record any discussions/actions throughout this Stage.
- 9.6.9 At the meeting the Resolution Manager should ensure:-
- a. It takes place in private without interruptions
 - b. A full explanation is given on how the Achieving Fairness at Work process works
 - c. She/he listens and remains completely objective, clarifying points where required.
 - d. The specific resolution the aggrieved person is looking for is ascertained and accurately documented.
 - e. As much information as possible is captured in writing on the Pers 189– after clarifying/agreeing the points to be made including details of any actions taken by the individual to attempt to resolve the issue informally.
 - f. The meeting is adjourned if required
 - g. **If a resolution is found**, the Pers 189 is completed and endorsed accordingly at the first meeting.
 - h. **If no resolution is found**, a realistic and reasonable timeframe should be agreed and documented as to how long enquiries/investigations should take. This will be monitored by the Senior Equality, Diversity & Inclusion Adviser
 - i. A Formal Stage Review meeting is arranged to discuss the findings.
 - j. The main points made during the meeting are summarized/agreed.
 - k. The individual is reminded of the support mechanisms open to them throughout the course of the process (See Section 7).

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9.6.10 After the initial meeting the Resolution Manager should:-

- a. Forward a copy of the documentation completed to date to the Senior Equality, Diversity & Inclusion Adviser.
- b. Notify in writing the individual(s) who is/are subject of the grievance outlining the nature of it and allow them the opportunity to respond.
- c. If appropriate arrange a meeting with the subject(s) of the grievance or others who may be able to act as witnesses or assist in a resolution.
- d. Continue to document all actions taken throughout the course of the Formal Stage on the Pers 189 form.
- e. Undertake thorough and appropriate enquiries to gather as much information about the issue as possible.
- f. Consider everything possible in an effort to find a resolution, for example, mediation, facilitation, exploration of compromises, Restorative Approaches involvement of support networks etc...
- g. Regularly update in writing, all parties associated with the grievance as to how it is progressing.
- h. Be cognisant of the timeframes whilst undertaking the above. (see Section 10).

9.6.11 At the Formal Stage Review meeting with the aggrieved the Formal Resolution Manager should:-

- a. Report the result of enquiries/investigations/ actions taken, and provide a potential resolution if one has been identified.
- b. Explain any areas which could not be achieved and why.
- c. At the end of the discussion, the individual should be asked to consider the outcome and then sign the Pers 189 to confirm whether s/he is:-
 - **Satisfied the issue has been resolved.**
 - **Not satisfied that the issue has been resolved, however wishes to withdraw the complaint (*in this case the individual should also submit in writing the reasons for not being satisfied within a reasonable period of the meeting*).**
 - **Not satisfied that the issue has been resolved and wishes to move to the Appeal stage.**
- d. Once this stage is completed the form should be forwarded to the appropriate person (i.e. the Senior Equality, Diversity & Inclusion Adviser or the Appeal Manager).

9.6.12 In exceptional circumstances and subject to agreement between all parties associated with the grievance further time can be given to find a resolution (see Section 10). In such instances this must be documented on the Pers 189.

9.6.13 If the matter has been resolved, all of the documentation once endorsed/signed should be forwarded to the Senior Equality, Diversity & Inclusion Adviser

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- 9.6.14 If the aggrieved wishes the matter to go to Appeal Stage all documentation should be forwarded to the person identified as Appeal Manager and the procedure shown in Section 9.6 should be followed.

9.7 Fairness at Work Procedure - APPEAL STAGE.

- 9.7.1 This is the final part of the process and will be conducted by a Chief Officer (or delegated to an appropriate individual) who will be known as the **Appeal Manager**.
- 9.7.2 If the Chief Constable has already acted as Resolution Manager at the Formal stage, the appeal can be heard by the Police and Victims Crime Commissioner.
- 9.7.3 If the Police and Crime Commissioner has already acted as the Resolution Manager at the Formal stage, the appeal can be heard by an appropriate independent member of the Joint Audit Committee.
- 9.7.4 The objective of this stage is to examine the manner in which the grievance has been dealt with to check for any procedural breaches and to ensure that decisions have been made on an informed basis and with due regard to all relevant factors.
- 9.7.5 The Achieving Fairness at Work Appeal Stage form (**Pers 192**) (see Appendix 3) should be completed by the individual and forwarded to the Appeal Manager within a reasonable time of the completion of the Formal stage form (Pers 189) being signed.
- 9.7.6 Any actions taken throughout this stage should be recorded on the Pers 192.
- 9.7.7 The Appeal Manager does not have to meet with the aggrieved but this should always be considered in trying to achieve a resolution.
- 9.7.8 Ideally the Appeal Manager should attempt to complete the Appeal stage within a reasonable time of receiving it. All parties associated with the complaint should be notified in writing of the outcome of the appeal by the Appeal Manager.
- 9.7.9 On completion of the Appeal Stage irrespective of whether it has been resolved or not, the procedure is exhausted and the matter is deemed to be finalised.
- 9.8 On completion of the process all original documentation relating to the case should be sent to the Senior Equality, Diversity & Inclusion Adviser for review, retention and recording.

10 **TIMESCALES**

- 10.1 It is the aim of the Force to ensure that each stage of the Achieving Fairness at Work process is dealt with expeditiously.
- 10.2 Where, however, it becomes obvious that this cannot be achieved all parties should be advised at the earliest opportunity by the Resolution or Appeal Manager and reasonable timescales agreed.
- 10.3 Delays in the procedure and reasons for them should be documented on the relevant form applicable to each stage i.e. Pers 189 or Pers 192 and ideally an endorsement by all parties accepting the delay.
- 10.4 The Senior Equality, Diversity & Inclusion Adviser will monitor the procedure to ensure reasonable timescales are adhered to as far as possible.

11.0 **MOVES/TRANSFERS**

- 11.1 Where personal relationships are affected by the existence of a Fairness at Work complaint the transfer of a person to resolve the situation can only be considered if the person specifically requests it, and any subsequent move will be by authority of the Head of People, Standards and Development (PSD) Command (for Police Staff) or Strategic Resourcing Manager (for Police Officers and Special Constables) only and in accordance with Force Policy.
- 11.2 In respect of Police Officers only, the Force retains the right to transfer/post an officer either on a permanent or temporary basis, if it is in the best interest of the Force or any parties involved. This will always be done in consultation with the Strategic Resourcing Manager.

12.0 **RETIREMENTS/RESIGNATIONS**

If an individual retires or resigns from the Force during the investigation of a fairness at work complaint, or one is lodged by the individual at the point of retirement/resignation, the investigation may continue until it is concluded as outlined above, depending on the circumstances.

13.0 **RIGHT TO BE ACCOMPANIED AT A FORMAL FAIRNESS AT WORK MEETING**

- 13.1 The Force allows an individual the right to be accompanied by a recognised Trade Union/Staff Representative/ Workplace Colleague / or Support Group Representative (not acting in a legal capacity) employed by Durham at any meeting associated with a Fairness at Work complaint/Grievance.

14.0 **CONFIDENTIALITY**

- 14.1 All cases, whether it be at the Informal or Formal stage will be dealt with in confidence within agreed boundaries by all parties involved.
- 14.2 It should be clear that any unjustified disclosure in this context will be subject to investigation under the Police Misconduct Regulations or Police Staff Disciplinary Procedures.
- 14.3 If however a need should arise where there it is deemed essential that a confidence is breached all parties should be advised of the reason.

15.0 **COLLECTIVE GRIEVANCES**

- 15.1 Should more than one staff member have an identical grievance, it may be raised via a collective grievance process if everyone involved is in agreement, which can then be raised in one of three ways:-
 - a. Via one trade union/staff association representative acting on behalf of everyone involved.
 - b. If no trade union/staff association representative is available, by nomination of one representative of the group of people to act on behalf of everyone.
 - c. By everyone addressing their own concerns at a meeting.

16.0 **FAIRNESS AT WORK AND THE FORCE DISCIPLINE PROCEDURE.**

- 16.1 Where it appears to a Resolution or Appeals Manager at any stage of the Achieving Fairness at Work procedure that the behaviour by any of the parties involved, could be criminal or misconduct then advice should be sought from the Head of Professional Standards and Legal Services Department and the Head of PSD Command (Police Staff). This includes the disclosure that the grievance has been made maliciously. He/she should then consider whether a formal investigation under the Police Misconduct Regulations or the Police Staff Discipline procedures should be instigated.
- 16.2 The aggrieved or person subject of the complaints/grievance should be made aware of any decision to instigate a formal investigation.
- 16.3 Upon conversion of a Fairness at Work complaint to a Police Staff Disciplinary or Police Misconduct investigation, the status of the Fairness at Work complaint should be formally reviewed by the Head of Professional Standards and Legal Services Department or Strategic Resourcing Manager for the most appropriate way forward but must not be left in abeyance. In some circumstances it may still be possible to resolve the grievance independently of the outcome of the Discipline/Misconduct investigation. The aggrieved must be informed of the options available to them and the necessary time limits for action. Any decisions or resultant action under the Fairness at Work procedure should be recorded on the relevant stage form.

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- 16.4 When a staff member raises a grievance during a disciplinary/misconduct process the disciplinary/misconduct process **may** be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary/misconduct cases are related it may be appropriate to deal with both issues concurrently. The Head of Professional Standards and Legal Services Department or Strategic Resourcing Manager will make an informed decision on a case by case basis if this occurs.

17.0 MONITORING

- 17.1 The Senior Equality, Diversity & Inclusion Adviser is the nominated Independent Monitor for the procedure. Therefore all written records associated with each case should be forwarded to him/her at its conclusion.
- 17.2 S/he will evaluate each case raised under the procedure and make a report to the Head of PSD Command where necessary on any lessons learned, complaints which have involved the potential of discrimination, harassment, victimisation, bullying etc... or outstanding issues which would be of value to the Force.
- 17.3 Fairness at Work paperwork will be stored separately from any other HR papers or files and will be retained for 6 years after the completion of the process, unless exceptional circumstances exist.

18.0 APPEALS PROCEDURE

If an individual wishes to appeal against any decision made in connection with this policy, they should write to or email, the Deputy Chief Constable at the below address within 14 days of receiving a decision. The appeal will be considered and consultation will take place with appropriate individuals to establish all facts before a decision with regard to the appeal is made. A response to the appeal will be provided in writing within 10 working days of receipt of the appeal. Should this period not be achievable the individual will be notified in writing when a decision will be communicated.

The Deputy Chief Constable
c/o Human Resources
Police Headquarters
Aykley Heads
Durham
DH1 5TT
Email human.resources@durham.pnn.police.uk

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DURHAM CONSTABULARY – POLICIES AND PROCEDURES **EQUALITY IMPACT ASSESSMENT (EIA)**

As per the Equality Commitment and Workplace Conduct Policy, this form **MUST** be completed by the Policy/Function lead when developing or reviewing policies or procedures which may impact on the way the Force conducts its business (both internally and externally) around one or more of the **NINE 'Protected Groups'** as defined by the Equality Act 2010 i.e. **Age, Sex, Trans Gender, Disability, Ethnicity, Religion/Faith, Sexuality, Marriage/Civil Partnership and Maternity/Pregnancy**.

As a Public Sector organisation, the Force **MUST** show that when making decisions of a strategic nature we:-

- Give due regard to the impact it will have on protected groups
- Undertake an assessment **prior to** any decisions around policies/procedures being ratified to identify what potential impact has been found and subsequent action taken, and
- Provide an audit trail of the assessment undertaken which identifies how the policy or procedure is likely to affect protected groups.


This form is a Tool to document the assessment and should be completed, attached to the relevant policy/procedure document and submitted to the HR User Group or other strategic group for ratification (See Section 5) NB – use extra sheets if necessary.

PLEASE CONTACT AN HR MANAGER SHOULD YOU NEED ANY ASSISTANCE IN COMPLETING THIS FORM.

SECTION 1 - OVERVIEW OF POLICY /PROCEDURE		
POLICY/PROCEDURE TITLE	ACHIEVING FAIRNESS AT WORK	
PERSON COMPLETING THE EIA	Sylvia Horsfield	
Purpose of the Policy? Why do we need it, what will it achieve?	To ensure that members of staff who feel aggrieved about the way they have been treated are given the opportunity of having their grievance (i.e. concern, problem or complaint) dealt with in a fair and just manner quickly and professionally.	
Explain briefly why the Policy/Procedure is being developed or reviewed?	To include the arrangement for Student Officers commencing PCDA and DHEP programmes	
SECTION 2		
WHAT IS THE POTENTIAL IMPACT ON PROTECTED CHARACTERISTIC GROUPS		
<ul style="list-style-type: none"> • A Positive Impact – will actively promote equality of opportunity or improve relations between one or more groups • An Adverse impact – will cause some form of disadvantage or exclusion. • <input type="checkbox"/> Neutral impact is when there are no notable consequences for any diversity group <p>What impact will the policy/procedure have on one or more of the following groups of people to access/adhere to it either because of an action or the wording included within i.e.</p>		
Protected Characteristic Group	Positive, Negative or Neutral	Comment if Positive or Negative Impact identified.

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Age	Neutral	
Disability	Neutral	
Sex	Neutral	
Transitioning from one sex to another (either thinking of, in the process of or have)	Neutral	
Sexuality i.e. Gay, Lesbian or Bi-Sexual	Neutral	
Ethnic Minority	Neutral	
Married/In a civil partnership/ single or divorced	Neutral	
Religion or Faith	Neutral	
Expecting a child or subject of Maternity Legislation (either heterosexual or same sex couple)	Neutral	
If such an impact is identified the EIA must ensure that as far as possible it is either justified, eliminated, minimised or counter balanced by other measures		
SECTION 3 – CONSULTATION & RESEARCH		
Who has been consulted and what Research has been done around the potential impact during the development/amendment of the policy/procedure?	All support networks. HR Staff Groups (IAG's) Staff associations Legal Services Heads of Command	Force Executive (AC0) Independent Advisory
SECTION 4 – WHAT ACTIONS HAVE BEEN PUT INTO PLACE TO ADDRESS THE FINDINGS OF SECTION 2		
Determine what, if any actions need to be undertaken as a Result of the evidence/research found. <i>Identify who is responsible for the actions and timescales to achieve the required result.</i>		
Confirm the above Actions have been incorporated and the EIA is now ready for submission to PUG or other Strategic Group.	Signature...  Name Sylvia Horsfield Date 12th June 2020	
SECTION 5 - RATIFY THE POLICY/PROCEDURE AT HR PUG /OTHER STRATEGIC GROUP		
Meeting/Group:-	HR PUG	
Chair of Meeting/Group:-	T/C/Supt Chris Curtis	

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