

**BRISTOL CITY COUNCIL  
HUMAN RESOURCES COMMITTEE**

**8 JANUARY 2009**

**Title: Grievance Procedure**

**Ward: City Wide**

**Report of: Head of Human Resources**

**Officer presenting report: Jill Mikkelson, HR Manager**

**Contact telephone number: (0117) 903 6736**

**1. Report Summary**

This report is in response to the open forum issue raised by Ian Scott, UNISON requesting progress updates to complainants under the Grievance Procedure every 15 days.

**2. Recommendation**

The Committee note the actions already undertaken by the Employee Relations Team

**3. Policy**

3.1 The Grievance Procedure states that investigations should be undertaken within 28 working days. This timeframe was introduced in 2004 in line with best practice and guidance from ACAS at that time.

3.2 The Procedure also states:

“Although the projected timescale is resolution within 28 working days of being received by the manager, grievances frequently take much longer to resolve, owing to problems of obtaining evidence, scheduling the availability of all involved and conflicting priorities. You should be aware that where the grievance is complex and/or where a formal investigation is commissioned, it may take much longer to reach a conclusion.

You will be told of extensions to timescales.”

- 3.3 The Committee should note that the ACAS Disciplinary and Grievance Procedures which underpin our own Policies and Procedures are being repealed. A new Code will be implemented in April 2009 and the Council will be reviewing the existing Policy/Procedure against this.

#### **4. Consultation**

(a) **Internal**  
None

(b) **External**  
None

#### **5. Background and Assessment**

- 5.1 This issue was initially raised by Ian Scott in November 2007 and as a consequence Employee Relations responded by taking the following actions:

- a. the Investigation Service was resourced with less than one permanent full-time equivalent (0.6). Additional temporary/casual resources have been secured casually to try and expedite investigations. It should be noted that the Service is still operating with 0.6 FTE dedicated to investigations.
- b. a chronology of actions and timescales for all investigations would be undertaken by the Investigations Service. This is in place.
- c. the Code of Practice into the Conduct of Investigations was amended to say:

“An investigation can be delayed for various reasons, such as the investigation widening as statements are taken, and/or more information becoming necessary to ensure that the full facts are available. Where delays arise, progress letters should be sent to all parties (ie the complainant, alleged perpetrator, witnesses) to inform and update him/her on the reason for the delay”.

- 5.2 A spreadsheet was also established to monitor the following and has been in operation since November 2007 (sample copy attached as Appendix A - the names/details of individual parties are not included for confidentiality reasons).
- 5.3 You will see from the spreadsheet that the Investigations

Services know when any investigation hits a 30 day period.

- 5.4 Since the New Year, the Investigations Service have aimed to keep all parties briefed on progress of investigations as a matter of course.
- 5.5 Of the fifteen completed and reviewed investigations undertaken by the Service this year, the timescales are as follows (please note this includes time taken to appoint a panel, for the panel to meet with the Commissioning Manager and the statutory week's notice to hold an investigation meeting):

<b>Number of Completed Investigations</b>	<b>Time Period</b>
9	Less than 6 weeks
2	8 weeks
2	10 weeks
1	12 weeks
1	20 weeks (two investigations)

- 5.6 We have given a timescale of approximately one week within which to appoint a panel.
- 5.7 Of the 6 which have taken more than the desired period within which to conclude an investigation (28 working days), the complainant/alleged perpetrator have been kept informed of progress. A chronology of events also exists. In these cases timescales have been delayed due to a combination of annual leave and complexity of the case.
- 5.8 For information, ACC have recently recruited an Investigations Co-ordinate (Pilot) to assist with the large number of investigations within their department. Their role is to fact find to determine whether there is a need for a full scale investigation and where necessary that investigations are completed in a timely manner. If this pilot is successful, learning points will be implemented.
- 5.9 It should also be acknowledged that our efforts at maintaining 'best practice' may not be mirrored in investigations undertaken within Departments - delays often occur as managers undertake investigations in addition to the day job. Similarly further delays have occurred when it has become necessary to refer an already completed departmental investigation to the Investigations Service for independent review.

5.10 It should be noted that the Investigations Service plan to revisit the Code of Practice in 2009/10 in light of the pilot (5.8 above).

## **6. Other Options Considered**

It is suggested that complainants are kept updated of progress on investigations every 15 working days. Given that there is already a 28 working day timescale in place within which we aim to conclude investigations, we suggest that if updates regarding progress have not already taken place (in line with the Code of Practice) that an update is provided at this time. It is for the Commissioning Manager/Investigating Officers to then identify an appropriate timescale to continue updating the complainant on progress. Every investigation is different and delays more often than not involve a specific event which may be less than the 15 working day proposal.

## **7. Risk Assessment**

Despite guidance regarding timescales and good practice, there is still the risk that investigations may be unduly delayed and/or that Commissioning Managers fail to keep complainants up to date when delays occur.

It should be acknowledged that delays can be caused by either side (management and/or complainant/witnesses/trade union representation).

## **8. Equalities Impact Assessment**

N/A

## **9. Legal and Resource Implications**

### **Legal:**

“The Employment Act 2002 (Dispute Resolution) Regulations 2004 require each step and action of a grievance procedure to be taken without unreasonable delay. There is no statutory time limit within which a grievance investigation must be completed. The Council's Grievance Procedure and the Code of Practice on the Conduct of Investigations should be complied with when dealing with grievances”.

(Legal Advice from Husinara Islam, Senior Practitioner Solicitor, Legal Services)

**Financial:**

**(a) Revenue**

**(b) Capital** N/A

"There are no financial implications arising from this report the purpose of which is to update the committee of the current situation in relation to Disciplinary/Grievance timescales."

(Advice from Stephen Skinner, Head of Finance, CSS and Chief Executive Dept.)

**Land:** N/A

**Personnel:**

**Appendices**

**Appendix A** Investigation Service Status Report

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985  
Background Papers:**

Investigation Service Status Report 08/09 **SAMPLE**

12/11/08

COMPLETED

Investigating Officers	Dept	Commissioning Manager	Type	Type / Subject	Commission Date	30 Day Update Due	Completion Date	Customer Feedback Sent	Customer Feedback Returned	Customer Feedback Chased
			D		20/03/08	08/04/2008 28/4/08	24/06/08	09/10/08		23/10/08
			G		31/03/08	27/04/08	27/05/08	22/05/08	28/05/08	
			G		15/04/08		28/05/08	20/08/08		23/10/08
			G		01/05/08	31/05/08	01/07/08	20/08/08	21/08/08	
			D		30/04/08	29/05/08	25/06/08	09/07/08		23/10/08
			D		20/05/08		27/06/08	y 27/08/08		
			D		24/06/08	23/07/08	11/07/08	20/08/08	26/08/08	
			D		07/07/08		13/08/08	20/08/08	21/08/08	
			D		10/09/08		08/10/08	08/10/08		