



General Purposes Committee

17th July 2008

Report from the Director of HR & Diversity

For Action

Wards Affected:
None

Fairness at Work Policy and Procedure

Forward Plan Ref:

1.0 Summary

This report sets out the reasons for developing the new Fairness at Work (FAW) policy and procedure. The report seeks the endorsement of the General Purposes Committee to the procedure as set out in the recommendations

2.0 Recommendations

It is recommended that the General Purposes Committee agree:

- 2.1 The content of the new FAW Policy and Procedure.
- 2.2 That where an employee's complaint is being currently considered at the formal stage, including the appeal stage, of the Council's Grievance Procedure or the Harassment policy that these complaints continue to progress using these procedures.
- 2.3 That where an employee is currently pursuing a complaint at the informal stage, that if it is appropriate to progress to the formal stage that the new FAW policy and procedure be used.

2.4 That training and development initiatives are put in place by the Corporate Learning & Development Team, to equip managers, HR personnel and FAW Information Guides for their new roles under the new policy and procedure.

3.0 Detail

3.1 Following a review of corporate training on bullying and harassment provided for managers in January 2007, it was identified that there was reluctance on the part of many managers to tackle bullying behaviour in their unit. For some this was due to lack of reported incidents and the arduous task of trying to change the existing culture within teams. Managers also expressed their fear of a reaction from the alleged harasser and therefore allowed the unacceptable behaviour to continue

3.2 The recent 2007 Staff Survey has revealed that over two thirds (69%) of staff feel they are treated with fairness and respect. However, the survey also highlighted that bullying, harassment and discrimination is still a significant issue that the Council needs to address. The responses show that 18% of those who replied stated they had experienced bullying/harassment (331 employees) or discrimination (331 employees) in the last 12 months.

3.3 It was agreed by the Strategic Human Resources Group that a review of the Council's existing Harassment Policy be carried out. The focus of the revised policy should emphasise the organisational perspective, rather than the victim's perspective.

3.4 The new FAW policy and procedure (attached at Appendix 1) provides a framework for tackling bullying, harassment and unlawful discrimination, as well as grievances in one policy. This has been developed in conjunction with Legal Services.

3.5 The new FAW policy and procedure applies to all employees of the Council. The policy does not apply to employees of Brent based in schools where the school's delegated budget has not been suspended and where the governing body has not elected to adopt this procedure.

3.6 The FAW policy replaces the existing grievance and bullying and harassment policies and procedures. The policy and procedure will not apply to:

- Complaints about any matter being dealt with through the disciplinary, managing organisational change, probationary, managing sickness absence or capability procedures
- Complaints by at least two employees which should be pursued using the collective grievances policy and procedure
- Complaints that the council has dismissed or is considering dismissing the employee

3.7 The overall intentions of the FAW policy is to provide a structured framework for dealing with concerns that have not been adequately resolved at the informal stage. The policy and procedure provides employees and managers with an approach for raising and resolving personal work issues fairly and speedily and as close to the source as possible.

3.8 The new FAW policy provides:

- A set of key principles that underpin the approach, including:
 - a working environment which promotes the dignity at work of all employees and is free from all forms of bullying, harassment and unlawful discrimination
 - most concerns being resolved informally at an early stage
 - employees and managers talking openly together about work and the working environment
 - that managers consider the valuing diversity context of their decision-making before a final decision is reached, making sure decisions are taken objectively and not on unlawful discrimination grounds
 - concerns raised are taken seriously and dealt with promptly and that formal procedures are managed fairly

- Refers employees to the Brent Code of Conduct as a reference point for the standards of behaviour expected of them in the workplace.

- A mechanism for resolving concerns informally in most cases. The policy has the proviso that where an employee believes they have been subject to bullying, harassment or unlawful discrimination, they may not feel able to resolve the issue informally. The policy allows that in these circumstances the issue is considered at a formal stage. The policy emphasises that all other employees must attempt to remedy their concerns through informal channels before using the formal procedure.

This informal process will include discussing the issue at an early stage with the relevant person or sending a letter/email or discussing the concern with their line manager at an early stage (or their manager's manager, if the concern is against their manager) or taking advice or guidance from a FAW Information Guide/Trade Union representative/Human Resources Officer. It will be the line manager's responsibility to review the issues and seek to resolve this in discussion with the employee.

- An additional option of resolving the issue informally by the use of an independent mediator to try to resolve the issue between individuals.
- The appropriate levels of support for employees who believe they have been subject to bullying/harassment or unlawful discrimination and support for the perceived bully/harasser/unlawful discriminator. The policy also sets out appropriate support for the perceived bully/harasser/unlawful discriminator.
- That the formal procedure may be used when:
 - informal action has failed to reach a resolution or

- the employee believes that they have been subject to acts of bullying, harassment or unlawful discrimination that are so serious that there can be no informal resolution.
- That the formal procedure will involve an initial review by the manager receiving the complaint to determine whether the matter should be dealt with under the formal FAW procedure or considers that the matter should be dealt with under the disciplinary procedure.
- The manager conducting the formal FAW review will meet individually with the key people involved to discuss the facts of the case before making recommendations for dealing with the issues raised.
- Where employees do not agree with the recommendations made at the FAW meeting they may appeal on one or more of the following grounds: procedure and redress
- The FAW policy is accompanied by a more detailed formal procedure giving additional guidance to managers throughout the formal stage, including the appeal.
- The procedure sets out clear timescales for action, including conducting the formal review and any appeal.

4.0 Code Of Conduct For Employees

- 4.1 The Code of Conduct has been amended to ensure employees are aware of the types of conduct which are acceptable and which are not acceptable (attached at Appendix 2)

5.0 Financial Implications

- 5.1 The implementation of the new FAW policy and procedure will be managed by service units within their existing resources. Any additional corporate costs arising from additional training for managers and FAW Information Guides will be met from within the Human Resources & diversity budget.

6.0 Legal Implications

- 6.1 The revised policy fully meets the council's statutory obligations in relation to the handling of grievances

7.0 Diversity Implications

- 7.1 The new policy and procedure has been designed to address issues and concerns that arise in the workplace in a supportive and responsive manner. The ethos of the new policy is about learning and resolution to reduce the number of concerns that staff have in the future. An impact assessment has been undertaken and no adverse impact was identified. The trade unions have been consulted as have the various staff forums.

8.0 Staffing/Accommodation Implications

- 8.1 It is anticipated that the new FAW policy together with a revised Code of Conduct and appropriate training for staff will reduce the number of concerns that do arise in the workplace and those that are raised can be dealt with speedily and at the most appropriate level.

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