

**Agenda Item No:**

**Report To:** Cabinet

**Date of Meeting:** 11<sup>th</sup> April 2019

**Report Title:** Personnel Policy Review – Grievance Resolution Policy

**Report Author & Job Title:** Joy Cross – HR Manager

**Portfolio Holder** Cllr. Pickering

**Portfolio Holder for:** Portfolio Holder for Human Resources and Customer Services



**Summary:** As part of a wider programme of personnel policy reviews Cabinet are asked to consider and advise upon a new personnel policy which materially alters the existing policy.

The proposed policy document is the Grievance Resolution Policy.

The above policy replaces the following policy document in the current Conditions of Service; G1 Grievance Procedure

**Key Decision:** NO

**Significantly Affected Wards:** None specifically

**Recommendations:** **Cabinet are requested to:**  
**Review and approve the following policy document which forms part of the Conditions of Service.**

- Grievance Resolution Policy

**Policy Overview:** G1 Grievance Procedure

**Financial Implications:** None

**Legal Implications** The policy document forms part of the contract of employment (contained with the Conditions Of Service) and as such the Conditions of Service is referred to together with notable employment legislation and codes of practice

- ACAS Code of Practice
- Employment Rights Act 1996
- Employment Relations Act 1999

- Discipline and grievances at work: the ACAS Guide – February 2019

**Equalities Impact Assessment** See Attached

**Other Material Implications:** None

**Exempt from Publication:** NO

**Background Papers:** N/A

**Contact:** Joy Cross – HR Manager

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## **Report Title: Review of Personnel Policies – Grievance Resolution Policy**

### **Introduction and Background**

1. This report follows on from previous reports regarding the review of six commonly used personnel policies, four of which were completed and approved by Cabinet in 2018.
  - Grievance procedure
  - Redundancy and Organisational change - completed
  - Sickness
  - Disciplinary procedure - completed
  - Managing Poor Performance (Capability) - completed
  - Welfare policy – completed
2. The purpose of the review was to respond to feedback and observations from across the organisation and, following meaningful consultation, produce a set of six frequently used personnel policies which;
  - Reflect the organisation's reputation as a forward-thinking employer that supports all employees across the organisation.
  - Provide an accurate reflection of the organisation's values and digital agenda.
  - Offer effective methodologies that aim to resolve situations.
  - Outline simple processes and self-help guides.
  - Support best practice and emerging social trends.
  - Include changes in employment case law and changes on the horizon.
3. The review commenced and a meaningful consultation process has been followed as detailed below.
4. The proposed new policy document is provided to the Cabinet for consideration as featured in Appendix One.
5. The original policy document is detailed in the current Conditions of Service.
6. It is not proposed to amend the policy documents that are applicable to the group of employees at ASPIRE who transferred to Ashford Borough Council from Commercial Services Ltd in October 2016. Amendments to contractual terms associated with a TUPE transfer are likely to be unlawful under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (as amended).

### **Proposal / Summary of Changes**

7. The Title of the revised policy has been amended to emphasise the focus on resolution rather than a procedure.

8. The Introduction (paras 1-5) has been amended slightly to reflect the 'common sense approach' within the policy and the focus for 'complaints to be resolved fairly and speedily'. The definition of individual and collective grievances remains unchanged. References to appeal procedures not covered by this policy remain unchanged. Reference to industrial action remains unchanged.
9. Initial references to impartiality within the procedure have been moved to a latter part of the revised policy (Grievance Meeting and Investigation paras 23 – 27).
10. Within the *Informal Discussions (paras 6-10)* section, the revised policy continues to recognise that most complaints can be resolved informally between employee and line manager. However, this section has been widened to include direct reference to situations when the employee has a perceived issue with their line manager. Under the revised policy the employee is provided with additional options to resolve complaints of this nature, other than via the formal grievance procedure; namely raising the complaint informally with a more senior manager in their service, raising the complaint informally with an HR Officer or requesting mediation. The revised policy continues to refer to correct escalation to the formal procedure and additionally provides examples as to when this may be appropriate. Advice from HR continues to be referenced in this section of the policy but employees are additionally referred to their trade union representative.
11. The revised policy includes a new section on *Counselling Support (para 11)* and aims to provide employees with appropriate support to enable them to raise their concerns in order for them to be resolved.
12. The revised policy includes a new section on voluntary *Mediation (paras 12 – 13)* focusing clearly on resolution of issues in a structured and supportive manner. Although the mediation section is set aside from the formal procedure it can also be accessed within the formal procedure.
13. The *Representative* section (paras 14 – 17). For ease of reference this revised section collates the information regarding representatives which appears throughout the current policy. Although the right of representation does not extend to the informal stages of the policy employees may have representation or support at the informal stage should they wish. This level of representation has been requested directly by unison and has been included in order to provide employees with reasonable support.
14. The *Formal Procedure* section (para 18) has been revised to include appropriate support and advice provided by HR throughout all stages of the formal procedure.
15. A *Notification of Grievance* section (paras 19 – 22) has been included within the policy which sets out how an employee can raise their formal grievance. In addition to raising a formal grievance in writing an employee submit their formal grievance verbally. Employees are also invited to use a Notification Of Formal Grievance form. This addition to the policy and formal procedure is not intended to delay the process via form-filling but rather to efficiently resolve the grievance. The Notification of Formal Grievance form will not only gather the pertinent points about the grievance but also reference key sources of information and importantly a

suggested resolution of the grievance. The Notification of Formal Grievance form will also provide a structure for raising a grievance and therefore make it easier for an employee to have their concerns resolved. The revised policy refers the employee to HR and their union representative should they need assistance in completing the form.

16. *The Grievance Meeting and Investigation* section (paras 23 – 27) of the policy has been revised to state that grievance meetings will be arranged without unreasonable delay, the previous requirement for a meeting to be held within three days of receipt of the formal grievance was not workable. Issues such as short term leave, seeking clarity on whether the employee intended to raise a formal grievance and diary availability made this timeframe unreasonable.
17. The revised section takes a common sense approach and focuses on resolving grievances promptly. Therefore, the submission of large amounts of data spanning long periods of time is discouraged and will reasonably be challenged.
18. This section has been revised to more clearly reference the investigation that takes place as part of the formal procedure, namely a grievance meeting and investigation rather than an investigation and formal hearing as is the case in the disciplinary and capability procedures.
19. A new *Decision* section (para 28) has been added to the revised policy. This section alters the way in which a decision is communicated to an employee. Rather than a decision in writing within five working days, a decision will be communicated simultaneously verbally and in writing within a prompt and reasonable timeframe. This revised approach ensures that there is sufficient time within which to reach a considered decision and to articulate it in writing. It also takes the more respectful face to face approach to ensure understanding and improve the likelihood of resolution.
20. A new *Long Term Resolution* section (para 33 - 34) has been added to the revised policy. After two month's the HR Manager will arrange a follow up meeting with employees who have either raised a formal grievance or have completed a mediation process. This follow up meeting will ensure that matters remain satisfactorily resolved and also ensure that an employee has not received any unfavourable treatment as a result of the grievance they have raised.

## **Implications and Risk Assessment**

21. The main risks and implications of the course of action proposed are around introducing a policy document that is unlawful and an overall failure to consult with employees regarding proposed changes to their contractual terms of employment (as detailed within the afore mentioned conditions of service).
22. The HR team have worked to ensure that the policy documents comply with key legislation in this area.

23. A meaningful consultation process has been followed with regard to this issue and is detailed below.

### **Equalities Impact Assessment**

24. Members are referred to the attached Assessment.

### **Consultation Planned or Undertaken**

25. As the policy document forms part of our Conditions of Services, this policy is contractual and therefore employees must be consulted regarding any proposed changes. Additionally as the proposed changes are significant they must be referred to Cabinet and approved.

26. With regard to the Grievance Resolution Policy, the HR Manager and HR Officers have facilitated twelve focus groups with employees, managers, staff-side JCC representatives and Unison executive.

27. During these focus groups discussions were held regarding;

- Positive elements of the policy or positive experiences related to the policy,
- Negative elements to the policy or negative experiences caused by the policy,
- Important procedural points to gain feedback on,
- Changes in caselaw, HR or social trends to gain feedback on.

28. Feedback from these focus groups was collated and used by the HR Manager and HR Officers in the creation of the first draft of the policy documents.

29. A first draft was submitted to the Unison executive who provided specific feedback that was discussed with the HR Manager.

30. Second drafts were created following partial acceptance of the feedback provided by Unison.

31. Comments from the JCC were broadly supportive and included the following comments as set out below. Full details of these discussions can be reviewed in the minutes that are available from this meeting.

- a. A Unison representative tabled a paper with a number of suggested amendments to the proposed policy. One area was around paragraphs 23-26/27 regarding grievance investigation and meeting. This paper was discussed at the meeting and it was decided to proceed with the proposals contained within the report rather than the additional proposals for points 23-26/27 as put forward by Unison.
- b. A Member drew attention to paragraph 28 of the proposed policy regarding the communication of a decision. It was agreed that the policy would be amended to reflect the established practice of simultaneous verbal and written communication.
- c. A Unison representative requested an amendment to paragraph 31 regarding Appeals, this was accepted.

- d. A Unison representative requested an amendment to paragraph 19 regarding Notification Of Grievance and the material the employee is required to submit. This suggested paragraph was altered from 'should submit' to 'may submit' and accepted in part.
- e. A Unison representative requested that the operational guidance documents were included as appendices to the report. It was determined to keep these documents as part of the planned training for managers on this topic, although they will be accessible to all via the Policy toolkits accessible via the intranet.
- f. A member asked about ongoing policy reviews and document control and was advised that this was part of a wider policy review process.
- g. A general point was made about policy communication and this was discussed.

### **Other Options Considered**

32. Other options available rather than proceed with the above detailed proposal are to either continue with the current policy document or accept a first draft of the policy documents as presented to Unison.

33. The current policy document is recognised by employees, managers and Unison as requiring an update.

34. The first draft of the proposed policy document would not be acceptable to Unison.

### **Reasons for Supporting Option Recommended**

35. The proposed policy document has been produced following consultation across the organisation and specifically with Unison.

### **Next Steps in Process**

36. If approved by Cabinet the policy documents will be amended within the Conditions of Service and communicated to employees.

### **Conclusion**

37. The proposed policy documents have been produced following thorough consultation across the organisation and represent a transparent, fair and consistent set of procedures, supporting employees and the organisation equally.

### **Portfolio Holder's Views**

A review has been carried out on the attached policy documents involving meaningful consultations with all appropriate bodies within our organisation. The aim is to ensure we continue to update ourselves to meet changing demands and needs of the organisation. I am grateful that all parties see the advantages of such changes to these areas.

## **Contact and Email**

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### Grievance Resolution Policy (PROPOSED)

#### Introduction

1. The Council recognises that, from time to time, employees may have difficulties at work or concerns about their employment which they may wish to raise and have resolved. The Grievance Resolution Policy adopts a common sense approach with regard to this and provides a mechanism for complaints to be resolved fairly and speedily.
2. Grievances are concerns, problems or complaints that employees raise with their employer. Issues that may cause grievances include, but are not restricted to:
  - terms and conditions of employment
  - health and safety
  - work relations
  - new working practices
  - working environment
  - organisational change
  - equal opportunities.
3. The Grievance Resolution Policy applies to individual and collective grievances relating to employment. A collective grievance is a grievance which is raised on behalf of two or more named employees by a union representative or staff representative.
4. The Grievance Resolution Policy does not cover complaints against the following matters:
  - disciplinary, capability or attendance improvement matters (for which there are separate appeal procedures)
  - bullying and harassment (for which there is a separate procedure)
  - issues relating to income tax, national insurance, and pension right
  - matters covered by national agreements or statute where the Council has no discretion or authority in the matter
  - grading appeals (for which there is a separate appeal procedure).
5. No withdrawal of labour or other industrial action will take place if all stages of this procedure have not been exhausted in accordance with the stated time limits.

#### Informal Discussions

6. Most grievances which an employee may have are best resolved informally in discussion with their immediate line manager. Dealing with problems in this way often leads to a speedy and satisfactory resolution as the immediate line manager is often able to resolve the matter directly. Both the employee and the

line manager may find it helpful to keep a file note of such an informal meeting and the agreed actions and timescales often such a file note will take the form of an email sent to the employee.

7. Where the grievance relates to a perceived issue with, or decision taken by, the employee's line manager the employee is free to discuss this informally with their line manager as set out above, however the employee is alternatively able to:
  - raise the complaint with the next level of management (a more senior manager within the service area) upon doing so an informal discussion will take place similar to that which is highlighted above,
  - raise the complaint with a Human Resources Officer if they do not feel comfortable raising it with their line manager or more senior manager in the service area,
  - request mediation via the Human Resources Department
8. If the informal discussion fails to produce a mutually acceptable solution, the employee should refer to the formal stage of the procedure.
9. An employee is able to refer their grievance directly to the formal procedure at any time and examples of when it may be appropriate to do this include:
  - when the complaint relates directly to their immediate line manager and informal discussions as set out above are not practical or acceptable
  - if they have reason to believe that a more senior manager within the service area would not be able to listen to the complaint objectively
  - where the matter is serious enough for the employee to reasonably believe this to be the most appropriate route.
10. Employees may wish to obtain advice and assistance from their trade union representative or from a member of the HR Department when deciding on the most appropriate approach.

### **Counselling Support**

11. The Council recognises that grievances can cause worry and upset and wishes to provide appropriate support to its employees. All individuals are encouraged to contact any member of the HR team should they have any concerns and also to utilise the Council's Employee Assistance Programme, further information is available in the Human Resources section of the intranet.

### **Mediation**

12. At any time an employee or the manager may request that a complaint or grievance is dealt with through mediation. Mediation is voluntary and will only take place with the agreement of both parties, for further information please see the HR section of the intranet.
13. If mediation is agreed after the formal grievance procedure has been started, the formal procedure will be adjourned whilst the mediation takes place. In the event

that no mutually acceptable solution is reached through mediation, the procedure will be reconvened at the point of adjournment.

### **Representatives**

14. Employees have the right to bring a trade union representative (if they are a member) or workplace colleague with them to all formal grievance meetings.
15. The right to be accompanied does not extend to the informal stages of this policy. At the informal stage issues may be best resolved directly by the employee and their manager. However, if the manager is agreeable or feels it would be helpful, the employee may be so accompanied.
16. Grievance meetings will not be unduly delayed due to the non-availability of a representative. Any proposals to postpone a meeting to an alternative time due to non-availability of a representative must both be reasonable and the proposed timeframe must not be more than five working days after the date originally proposed.
17. The role of the representative is to support the employee in the preparation of their formal grievance and to support them during the grievance meeting. This may include gathering information, providing moral support and asking questions on the employee's behalf, putting forward and summing up the employee's case, responding on behalf of the employee to any views expressed at the meeting and conferring with the employee during the meeting.

### **Formal Procedure**

18. At all stages of the formal procedure appropriate support and advice should be provided by a member of the HR team.

### **Notification of Grievance**

19. An employee wishing to raise a formal grievance should do so in writing setting out the nature of their grievance. An employee may wish to use the Notification of Formal Grievance Form in order to fully set the detail relating to their grievance and how they feel it may be best resolved. An employee may submit any relevant information to support their formal grievance with the Notification form.
20. An employee may wish to obtain advice and support from their trade union representative or a member of the HR Department in setting out their written formal grievance. Alternatively if an employee has a requirement for their grievance to be submitted verbally they are able to do so via contact with the HR Department.
21. Formal grievances should be addressed to the employee's line manager or, where the grievance involves the employee's line manager, to a more senior manager within the service area. Alternatively a formal grievance can be addressed to the HR Manager.

22. The manager who receives the grievance is required to acknowledge receipt within three working days and notify HR.

### **Grievance meeting and investigation**

23. The HR Manager will assign an appropriate manager to chair a grievance meeting and also to investigate the matter. Wherever possible this will be a manager who does not have detailed knowledge of the background of the situation in order to retain impartiality. However in some cases the assigned manager may have acquired some knowledge of the situation but not in any detail which would jeopardise their impartiality.
24. The manager assigned to the grievance will investigate the matter in an appropriate and proportionate manner and will meet with the employee in order to discuss the grievance. The manager should invite the employee to attend a meeting to discuss the grievance without unreasonable delay and should remind the employee of their right to be accompanied at the meeting by a representative. The employee must take all reasonable steps to attend the meeting.
25. During the grievance meeting, the employee will be given the opportunity to explain their complaint and to say how they think it should be resolved. The employee will be asked to submit any relevant information to support their formal grievance. It should be noted that the Grievance Resolution Policy takes a common sense approach and provides a mechanism for complaints to be resolved fairly and speedily, therefore, the submission of large amounts of data spanning long periods of time is not encouraged and its relevance will reasonably be challenged.
26. In the majority of cases the meeting will be adjourned whilst an appropriate and proportionate investigation takes place. The investigation may involve the assigned manager interviewing other individuals and/or collating relevant documentation. A timeframe will be given within which the investigation will be completed and this should not be unnecessarily protracted.
27. When the grievance meeting has been adjourned for an investigation to take place the meeting will be reconvened and the employee will be given the opportunity to comment upon the investigation process and clarify understanding prior to a decision being reached.

### **Decision**

28. Once all of the information has been presented and discussed, the assigned manager will make a decision within a prompt and reasonable timeframe taking into account all of the information available. The decision will be communicated to the employee simultaneously verbally and in writing and will inform the employee of their right to appeal.

## **Appeal**

29. If the employee considers that the grievance has not been satisfactorily resolved they must notify the Head of HR and Customer Services, in writing, of their wish to appeal, and should do so within 21 days of the date of the decision letter. The employee should state clearly the grounds of their appeal and identify which aspect or aspects of their grievance they believe have not been satisfactorily resolved.
30. A first stage appeal will be held by a more senior manager than the investigating manager. The first appeal can be related to any aspect of the grievance investigation.
31. If the decision on the first stage appeal has not been satisfactorily resolved then the employee can request that the grievance is dealt with by an appeals committee comprising of three members of the Council whose decision will be final on behalf of Council. Appeals held by the Appeal's Committee will be arranged in accordance with the Council's normal procedure as soon as is practicable. Further information regarding the Appeals Committee can be found on the Human Resources section of the intranet.

## **Confidentiality**

32. All matters regarding informal and formal grievance procedures will be handled confidentially and in order to comply with general data protection principles and also to promote the resolution of grievances.

## **Long term resolution**

33. The Council is committed to the long term resolution of grievances that are raised, with this in mind the HR Manager will arrange a follow up meeting with:
  - employees who have raised a formal grievance and
  - employees and managers who have completed a mediation process
  - employees who have attended an Appeals Committee
34. Typically, follow up meetings will take place two months following either the decision letter, final meeting or the final mediation meetings. Follow up meetings will aim to ensure that matters remain satisfactorily resolved and that an employee has not received any less favourable treatment following a grievance which they have raised.

Reviewed April 2019

## Equality Impact Assessment

1. An Equality Impact Assessment (EIA) is a document that summarises how the council has had due regard to the public sector equality duty (Equality Act 2010) in its decision-making. Although there is no legal duty to produce an EIA, the Council must have **due regard** to the equality duty and an EIA is recognised as the best method of fulfilling that duty. It can assist the Council in making a judgment as to whether a policy or other decision will have unintended negative consequences for certain people and help maximise the positive impacts of policy change. An EIA can lead to one of four consequences:

- (a) No major change – the policy or other decision is robust with no potential for discrimination or adverse impact. Opportunities to promote equality have been taken;
- (b) Adjust the policy or decision to remove barriers or better promote equality as identified in the EIA;
- (c) Continue the policy – if the EIA identifies potential for adverse impact, set out compelling justification for continuing;
- (d) Stop and remove the policy where actual or potential unlawful discrimination is identified.

### **1.1.1 Public sector equality duty**

2. The Equality Act 2010 places a duty on the council, when exercising public functions, to have due regard to the need to:

- (a) Eliminate discrimination, harassment and victimisation;
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it (ie tackling prejudice and promoting understanding between people from different groups).

3. These are known as the three aims of the general equality duty.

### **1.1.2 Protected characteristics**

4. The Equality Act 2010 sets out nine protected characteristics for the purpose of the equality duty:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership\*
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

\*For marriage and civil partnership, only the first aim of the duty applies in relation to employment.

### **1.1.3 Due regard**

5. Having 'due regard' is about using good equality information and analysis at the right time as part of decision-making procedures.

6. To 'have due regard' means that in making decisions and in its other day-to-day activities the council must consciously consider the need to do the things set out in the general equality duty: eliminate discrimination, advance equality of opportunity and foster good relations. This can involve:

- removing or minimising disadvantages suffered by people due to their protected characteristics.
- taking steps to meet the needs of people with certain protected characteristics when these are different from the needs of other people.
- encouraging people with certain protected characteristics to participate in public life or in other activities where it is disproportionately low.

7. How much regard is 'due' will depend on the circumstances. The greater the potential impact, the higher the regard required by the duty. Examples of functions and decisions likely to engage the duty include: policy decisions, budget decisions, public appointments, service provision, statutory discretion, decisions on individuals, employing staff and procurement of goods and services.

8. In terms of timing:

- Having 'due regard' should be considered at the inception of any decision or proposed policy or service development or change.
- Due regard should be considered throughout development of a decision. Notes shall be taken and kept on file as to how due regard has been had to the equality duty in research, meetings, project teams, consultations etc.
- The completion of the EIA is a way of effectively summarising this and it should inform final decision-making.

#### 1.1.4 Case law principles

9. A number of principles have been established by the courts in relation to the equality duty and due regard:

- Decision-makers in public authorities must be aware of their duty to have 'due regard' to the equality duty and so EIA's must be attached to any relevant committee reports.
- Due regard is fulfilled before and at the time a particular policy is under consideration as well as at the time a decision is taken. Due regard involves a conscious approach and state of mind.
- A public authority cannot satisfy the duty by justifying a decision after it has been taken.
- The duty must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.
- The duty is a non-delegable one. The duty will always remain the responsibility of the public authority.

- The duty is a continuing one so that it needs to be considered not only when a policy, for example, is being developed and agreed but also when it is implemented.
- It is good practice for those exercising public functions to keep an accurate record showing that they have actually considered the general duty and pondered relevant questions. Proper record keeping encourages transparency and will discipline those carrying out the relevant function to undertake the duty conscientiously.
- A public authority will need to consider whether it has sufficient information to assess the effects of the policy, or the way a function is being carried out, on the aims set out in the general equality duty.
- A public authority cannot avoid complying with the duty by claiming that it does not have enough resources to do so.

The Equality and Human Rights Commission has produced helpful guidance on "Meeting the Equality Duty in Policy and Decision-Making" (October 2014). It is available on the following link and report authors should read and follow this when developing or reporting on proposals for policy or service development or change and other decisions likely to engage the equality duty. [Equality Duty in decision-making](#)

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| <b>Lead officer:</b>   | Joy Cross – HR Manager   |
| <b>Decision maker:</b>   | Cabinet  |
| <b>Decision:</b> <ul style="list-style-type: none"> <li>• Policy, project, service, contract</li> <li>• Review, change, new, stop</li> </ul>   | Revised personnel policy document which forms part of the conditions of service.   |
| <b>Date of decision:</b><br>The date when the final decision is made. The EIA must be complete before this point and inform the final decision.  | April 2018   |
| <b>Summary of the proposed decision:</b> <ul style="list-style-type: none"> <li>• Aims and objectives</li> <li>• Key actions</li> <li>• Expected outcomes</li> <li>• Who will be affected and how?</li> <li>• How many people will be affected?</li> </ul>   | Proposed new policy documents for Resolution of Grievances which will be applicable to all Ashford Borough Council employees   |
| <b>Information and research:</b> <ul style="list-style-type: none"> <li>• Outline the information and research that has informed the decision.</li> <li>• Include sources and key findings.</li> </ul>   | 12 focus groups, caselaw research, best practice guidance, consultation with employees, managers, Unison and staff side.   |
| <b>Consultation:</b> <ul style="list-style-type: none"> <li>• What specific consultation has occurred on this decision?</li> <li>• What were the results of the consultation?</li> <li>• Did the consultation analysis reveal any difference in views across the protected characteristics?</li> <li>• What conclusions can be drawn from the analysis on how the decision will affect people with different protected characteristics?</li> </ul> | <p>Consultation was undertaken as detailed above which resulted in two drafts of the proposed policy being produced and discussed.</p> <p>The policy document complies with UK employment law and latest Acas guidance Discipline and grievances at work: the ACAS Guide – February 2019</p> |

**Assess the relevance of the decision to people with different protected characteristics and assess the impact of the decision on people with different protected characteristics.**

When assessing relevance and impact, make it clear who the assessment applies to within the protected characteristic category. For example, a decision may have high relevance for young people but low relevance for older people; it may have a positive impact on women but a neutral impact on men.

| <b>Protected characteristic</b>   | <b>Relevance to Decision</b><br>High/Medium/Low/None | <b>Impact of Decision</b><br><b>Positive</b> (Major/Minor)<br><b>Negative</b><br>(Major/Minor)<br><b>Neutral</b> |
|-----------------------------------|--|--|
| <u>AGE</u><br>Elderly             | None   | Neutral  |
| Middle age                        | None   | Neutral  |
| Young adult                       | None   | Neutral  |
| Children                          | None   | Neutral  |
| <u>DISABILITY</u><br>Physical     | None   | Neutral  |
| Mental                            | None   | Neutral  |
| Sensory                           | None   | Neutral  |
| <u>GENDER RE-ASSIGNMENT</u>       | None   | Neutral  |
| <u>MARRIAGE/CIVIL PARTNERSHIP</u> | None   | Neutral  |
| <u>PREGNANCY/MATERNITY</u>        | None   | Neutral  |
| <u>RACE</u>                       | None   | Neutral  |
| <u>RELIGION OR BELIEF</u>         | None   | Neutral  |
| <u>SEX</u><br>Men                 | None   | Neutral  |
| Women                             | None   | Neutral  |
| <u>SEXUAL ORIENTATION</u>         | None   | Neutral  |

|  |     |
|--|-----|
| <p><b>Mitigating negative impact:</b></p> <p>Where any negative impact has been identified, outline the measures taken to mitigate against it.</p> | n/a |
|--|-----|

| <p><b>Is the decision relevant to the aims of the equality duty?</b></p> <p>Guidance on the aims can be found in the EHRC's <a href="#">Essential Guide</a>, alongside fuller <a href="#">PSED Technical Guidance</a>.</p> |                |
|--|----------------|
| Aim  | Yes / No / N/A |
| 1) Eliminate discrimination, harassment and victimisation  | n/a            |
| 2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it   | n/a            |
| 3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it   | n/a            |

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|--|---|
| <p><b>Conclusion:</b></p> <ul style="list-style-type: none"> <li>• Consider how due regard has been had to the equality duty, from start to finish.</li> <li>• There should be no unlawful discrimination arising from the decision (see guidance above).</li> <li>• Advise on whether the proposal meets the aims of the equality duty or whether adjustments have been made or need to be made or whether any residual impacts are justified.</li> <li>• How will monitoring of the policy, procedure or decision and its implementation be</li> </ul> | <p>Due regard has been paid to equality through the drafting of documentation by qualified HR professionals trained in equality issues and review of relevant employment case law.</p> <p>Via consultation with affected employees.</p> |
|--|---|

|                             |  |
|-----------------------------|--|
| undertaken and reported?    | <i>The council's revised policy register will assist services to meet this</i> |
| <b>EIA completion date:</b> | 02.04.19   |