

 West Mercia POLICE		POLICY
Security Classification	OFFICIAL	
Disclosable under Freedom of Information Act 2000	Yes	

POLICY TITLE	Fairness at Work
POLICY REFERENCE NUMBER	WMP068
Version	1.3

POLICY OWNERSHIP	
DIRECTORATE	BUINESS SERVICES
BUSINESS AREA	PEOPLE & ORGANISATIONAL DEVELOPMENT

INITIAL IMPLEMENTATION DATE	May 2020
NEXT REVIEW DATE:	January 2025
RISK RATING	LOW
EQUALITY ANALYSIS	LOW

West Mercia Police welcome comments and suggestions from the public and staff about the contents and implementation of this policy.
Please e-mail contactus@westmercia.pnn.police.uk

1.0 POLICY OUTLINE

An individual may, at some time, have problems or concerns with their work, working conditions or relationships with colleagues, that they wish to talk about with management.

West Mercia Police and the Office of the Police & Crime Commissioner (OPCC), are committed to ensuring that all individuals are treated with respect and the Fairness at Work Policy provides an avenue for individuals to raise concerns and to seek resolution.

2.0 PURPOSE OF POLICY

This policy aims to support West Mercia Police and OPCC, to provide individuals with an approach for raising and resolving work related concerns fairly, quickly and as close to the source as possible. It also aims to ensure that West Mercia Police and OPCC meet their statutory obligations.

The policy will apply to all Police Officers, Specials and Staff working for West Mercia Police and OPCC.

This policy does not cover contractors, casual workers, police staff volunteers or workers employed by an agency.

The following issues are excluded from this policy/procedure:

- Matters relating to National Insurance, Income Tax and matters relating to Police Officer or Police Staff Pension Schemes.
- Matters which are properly dealt within the scope of negotiation and discussion at a national level.
- Concerns that any policies collectively agreed and/or formally adopted by the organisations do not apply.
- Matters which are appropriate to be considered under the Disciplinary Policy, PSD including the Professional Standards Reporting Procedure or under the Raising Concerns at Work (Whistleblowing Policy).
- A concern that is outside the competence of the Organisations to resolve.
- Matters which relate to grading, unless the individual believes they are being unfairly denied the opportunity of requesting a grading review.
- Matters relating to civil claims against the force or criminal proceedings.
- Matters where there are separate appeal procedures in place.

3.0 PROFESSIONAL STANDARDS REPORTING AND WHISTLEBLOWING

Fairness at Work Procedures are intended to deal with a situation affecting individuals personally, rather than wrongdoing of a more general nature.

The Professional Standards Reporting Procedure should be used where concerns relate to a potential breach of professional standards. This policy and procedure outlines how Police Officers, Specials and Staff working for West Mercia Police and OPCC can report breaches of professional standards in a supportive and confidential environment. A copy of this procedure is available on the force internet.

The Raising Concerns at Work (Whistleblowing) Policy should be used by Police Officers, Specials and Staff working for West Mercia Police and OPCC to report illegal activities, wrongdoing or malpractice at work.

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- (a) Criminal activity;
- (b) Failure to comply with any legal or professional obligation or regulatory requirements;
- (c) Miscarriages of justice;
- (d) Danger to health and safety;
- (e) Damage to the environment;
- (f) Bribery
- (g) Breach of our internal policies and procedures;
- (h) Actions likely to damage public confidence in the police service;
- (i) The deliberate concealment of any of the above matters.

The Raising Concerns at Work (Whistleblowing) Policy encourages disclosure of information by giving statutory protection against victimisation and unfair dismissal to individuals who make 'protected' disclosures in good faith about certain acts of wrong-doing, or dangers in the workplace. If individuals have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a whistleblowing concern) they should report it under this policy. A copy is available on the force intranet.

The policies outlined in this section (section 3) should not be used for complaints relating to individual personal circumstances, such as the way an individual feels they have been treated at work. In those cases, individuals should use the Fairness at Work Procedure.

However, if a complaint relates to an individual's own personal circumstances but there are also wider concerns regarding one of the areas set out above (for example, a breach of internal policies), individuals should discuss with HR which route is the most appropriate.

4.0 PRINCIPLES OF THE POLICY

- Individuals must seek to resolve any concerns informally, with their Line Manager, in the first instance. Any concerns should be raised at an early stage.
- The formal stage may be entered where resolution at the informal stage has not been successful, or the individual or Line Manager considers the concern so serious that formal procedures should be invoked. The individual must submit their concern in writing stating how they think it should/may be resolved.
- Any concerns raised will be dealt with without unreasonable delays and solutions will be implemented swiftly and effectively to avoid undue stress and concern to those involved.
- All concerns will be managed fairly and transparently and in accordance with West Mercia Police and the OPCC procedures.
- Individuals have the right to be accompanied, to any Formal meetings, by a Union/Federation representative, staff association or work colleague.
- West Mercia Police and OPCC will not tolerate the victimisation of any individual who uses, or seeks to use the Fairness at Work Policy.
- Individuals will have the right to appeal following the Formal Stage outcome.

4.0 CONFIDENTIALITY AND RECORD KEEPING

- All reports, statements, letters and notes resulting from the Formal elements of the Fairness at Work Policy & Procedure will, wherever possible be kept confidential. However, if maintaining confidentiality would compromise the ability to deal with the concern effectively, the individual will be consulted and revised parameters for maintaining confidentiality will be agreed with him/her.
- In certain circumstances, third parties who are party to a complaint, may be informed of the resolution of the complaint.
- Written records, relating to the concern, will be held in accordance with appropriate retention schedules.

5.0 IMPLICATIONS OF THE POLICY

5.1 Risks

Adherence to, and the effective operation of, this Policy will reduce the risk of successful legal action against West Mercia Police and OPCC under equality and employment legislation at Employment Tribunal.

5.2 Legal considerations

The most important provisions relating to 'concerns' at work are found within the Employment Act 2008. By following the ACAS code of practice on grievance procedures the organisation will ensure it complies with all legislation.

5.3 Training

Management coaching may be required via staff in People Services.

6.0 CONSULTATION

Consultation has taken place with the following:

West Mercia Federation
West Mercia Unison
Superintendent Association
OPCCs
Critical friends (Jan 2022)

<i>Business Lead Consulted</i>	<i>Date Consulted</i>
Bal Jacob	January 2022

7.0 DOCUMENT HISTORY

The history and rationale for change to policy will be recorded using the chart below:

Date	Author / Reviewer	Amendment(s) & Rationale	Date of Approval / Adoption
		Previously approved at JNCC meeting	JNCC 27/01/2016
May 2020	J Penn	Reviewed – no changes reverted to West Mercia Policy v1.0	May 2020

Jun 2021	R Neale	Guidance wording changes only to reflect new structure and role titles. Reference made to new Fact finds toolkit Reference to the new Bullying/Harassment policy and procedure v1.1	Jun 2021
Oct 2021	R Neale	Guidance wording changes only to reflect new structure and role titles. Reference made to new Fact finds toolkit Reference to the new Bullying/Harassment policy and procedure v1.2	Oct 2021
Jan 2022	R Neale	Reviewed – minor changes link to PSD Reporting procedures. v1.3	January 2022

8.0 PROCEDURE & GUIDANCE

For procedure see Appendix A below

For Guidance follow the link [\(Guidance\)](#)

9.0 ASSESSMENT AND ANALYSIS

An H&S, Risk and Equalities Assessment has been conducted.

The Fairness at Work Policy is a means to address any potential problems or concerns that any Police Officer or staff member may have relating to their work, working conditions or relationships. It is therefore a tool for individuals to use to raise any potential discrimination/ harassment/ victimisation issues. The Policy and Guidance is clear that victimisation of those who elect to use the Fairness at Work Policy will not be tolerated.

It was identified that an individual, who has raised a concern regarding an issue in the workplace, may feel anxious or suffer stress during the process. By adhering to the Policy and Procedure and ensuring that the issue is addressed promptly, providing regular communication updates to the individual, the risk may be reduced. Supporting information in applying the Policy and Procedure is provided within a Guidance document.

Appendix A**FAIRNESS AT WORK PROCEDURE (Grievance)****INFORMAL STAGE**

- Individual raises concern with the Supervisor/Line Manager (or where not appropriate their Second Line Manager) in a timely manner to seek resolution.
- The Line Manager and individual explore the concern and possible resolutions, which may include mediation where appropriate.
- Where concerns are unable to be resolved at the informal stage, individuals may raise them at the Formal stage (normally within 7 calendar days).

FORMAL STAGE

- Individual submits Fairness at Work Form to the 'Fairness at Work submission' email box and copies to their Line Manager (or where not appropriate their Second Line Manager)
- HR/Chief Superintendent assesses the submission in order to appoint an appropriate individual to investigate (Fact finder). HR will monitor the progress/timescales of the process to ensure it is progressed in a timely manner.
(Note: where the individual has not sought resolution initially through the informal stage, the individual may be directed back to the informal stage of the process)
- The Fact-Finder will:
 - acknowledge receipt of the formal Fairness at Work concern
 - arrange to meet with the individual normally within 7 calendar days to do proportionate fact-finding.
 - meet with the individual to deliver the outcome of the fact-finding.
 - confirm the outcome on the Fairness at Work Form within 5 calendar days of the outcome meeting.
 - action any resolution agreed from the meeting
 - feedback any lessons learnt via HR support.

**Outcome/ Resolution
accepted by Individual**

Closed

**Outcome/Resolution NOT accepted by
individual:**

Appeal within 10 calendar days following the formal stage by completing the relevant section on the Fairness at Work form and submit via the 'Fairness at Work submission' email box