



Meeting	SPA People Committee
Date	29 August 2024
Location	Webex
Title of Paper	Creating a Positive Workplace Update
Presented By	Katy Miller, Director of People & Development
Recommendation to Members	For Discussion
Appendix Attached	Appendix A: Grievance Trends Appendix B: Policy/Mediation Implementation Plan Appendix C: BDO Grievance Audit Update

PURPOSE

The purpose of this report is to provide Members with a progress update on the holistic grievance review 'Creating a Positive Workplace'.

Members are invited to discuss the contents of this paper.

1. BACKGROUND

- 1.1 In response to key recommendations within both the Lady Elish Angiolini report and the Police Service of Northern Ireland's (PSNI) Employment Tribunal Judgement Independent Review (known as Operation Fustic), a P&D led holistic review of how we manage workforce grievance commenced.
- 1.2 Activity supporting grievance experience improvements form part of our wider agenda aimed at creating a positive workplace which closely aligns with the Sex Equality and Tackling Misogyny group, a key element of Policing Together and an important driver in our ambition of becoming an anti-discriminatory service. Alignment and collaboration with both groups continue through the sharing of information and progress.
- 1.3 Recognising that a revised procedure alone may not change behaviours, the Creating a Positive Workplace, workstream within People and Development, has developed a range of products that are aimed at supporting and influencing behaviours to enable the resolution of workplace issues at an early stage, where possible.

2. FURTHER DETAIL ON REPORTING TOPIC

2.1 Trends and Lived Grievance Experiences

Trends

- 2.1.1 The formal grievance process continues to be utilised by both officers and staff. Please see **Appendix A** for a breakdown. Whilst we have seen an increase in the number of formal cases over the last 2 years, it is hoped that the revised procedure, mediation service and products encouraging early intervention and resolution will assist in reducing the formal submissions moving forward. A speak up culture should be encouraged, with workplace issues resolved as speedily as possible.

Grievance Lived Experience Survey

- 2.1.2 Colleagues from across the Service were invited to share their experiences of raising workplace issues to help the organisation understand how the experience affects individuals and where improvements can be made.
- 2.1.3 We asked our officers and staff to participate in a survey and the offer of a more in-depth conversation. This process concluded in

January 2023 and outputs shared organisational wide on our Policing Together intranet site and via line manager briefings.

2.1.4 The outputs of the survey and stakeholder feedback influenced and has shaped the work to date. Our Trade Unions, Staff Associations and Diversity staff associations were also asked to provide feedback on their experience of supporting a member through a grievance. They were asked about behaviours and barriers preventing a positive experience and about anything that worked well. They were advised that the feedback would be used to inform considerations to policy, process, training and importantly, our culture, as well as the necessary conversations that are appropriate and supportive for colleagues. All feedback has been considered in making improvements and progress as detailed below.

2.2 Early Intervention and Mediation

Launch of Toolkits for our People

2.2.1 Two toolkits/infographics were launched in 2023. These resources remain readily available on our Policy Hub. These infographics visually detail the steps to consider in seeking to resolve a workplace issue.

- i) Resolving Workplace Issues
- ii) Managing Workplace Issues (for People Managers)

2.2.2 These infographics highlight the importance of 2-way communication and having early conversations. They promote the mediation service and list the people and organisations that are there to support and help them resolve their workplace issue.

Mediation Service

2.2.3 A key theme from the survey and the Lady Elish recommendations /PSNI review pointed to the need to support early intervention etc. As such, a P&D mediation lead was appointed in July 2023, and we have developed an in-house mediation service capability. Following a recruitment process and intensive training programme, we now have 25 externally accredited mediators across the service. The mediators come from a variety of business areas and locations across SPA/Police Scotland. Our mediators undertake this work voluntarily and have a genuine interest in helping people resolve workplace issues. The trained mediators are now promoting and supporting the early resolution of workplace issues.

- 2.2.4 Since the initial promotion of mediation started back in 2023, we have seen a c.30% increase in the request for mediation, from an average of c.5 mediation requests per annum to c.16 per annum. The main referral themes were management and colleague relationships. 50% were resolved at the mediation stage.
- 2.2.5 The mediation service was formally launched on 22 July 2024 alongside the new grievance and resolving workplace issues procedure. A mediation intranet page is available where our people can find more information about the service, what to expect from mediation, how to access support and make a referral. The mediation intranet page had 1310 hits in week 1, which is a positive start. Briefings and information sessions are being rolled out.

Introduction of pooled resource for grievance investigation

- 2.2.6 Timescales taken to conclude a grievance process can be lengthy and one of the biggest criticisms from the lived experience, survey outputs and feedback from stakeholders. This can be caused by several variables including managing the investigation alongside a day job, conflicting abstractions, coupled with periods of sickness absence etc.
- 2.2.7 Funding has recently been secured for the organisation to create a pooled/shared investigatory resource and work is underway to recruit posts. A training plan including the new procedure, mediation service, learning from the survey and any audit recommendations will be captured as part of this training to ensure the role fully meets the needs of our people, stakeholders and the wider organisational aspirations.

Report and Support Tool

- 2.2.8 Work has recommenced to explore a report and support tool for our people. Any such tool would seek to improve the overall experience of raising a workplace issue. The tool will enable the creation of a 'speak up culture' to improve a sense of belonging and allow early reporting of inappropriate and unacceptable workplace behaviours. A project initiation document is being prepared for review.

2.3 Policy & Process

Grievance and resolving workplace issues procedure.

- 2.3.1 Consultation on the revised procedure began in June 2022 and included group and one to one sessions, workshops and meetings.

Despite initial difficulties with participation, progress was made, and a new procedure was published on 22 July 2024.

2.3.2 The procedure has been reviewed, consulted and updated to introduce a number of changes which continue to adhere to the ACAS code of practice and address the key issues identified by users and our stakeholders.

- A change in title to 'Grievance and Resolving Workplace Issues'.
- There has been a review of language to create a better balance between informal and formal resolution.
- Language such as 'investigate' and 'evidence' have been removed due to their meaning in a policing context.
- Opportunities to raise concerns early have been created such as the offer of our mediation service.
- A 'Guide to Workplace Mediation' has been introduced alongside guidance for witnesses and subjects of grievances.
- A new appendix to the procedure that highlights the roles and responsibilities of those involved in the process - there is a new checklist for Resolution Managers.

2.3.3 Although largely cosmetic, stakeholders have welcomed the changes. They recognise that the main issues in relation to poor grievance handling are to do with application rather than the procedure itself. People management training is therefore a fundamental aspect in ensuring the resolution of workplace issues at an early stage. The People Management Development programme (PMDP) is now in a place.

Implementation Group

2.3.4 An implementation group was established to enable the roll out and promote the key changes and messaging in relation to the new procedure and the mediation service. The group has representatives from TUs, Local Policing, P&D, and PSD. Its aim is to seek to support and influence behavioural change across the organisation, using the developed and supporting products, as well as identifying and implementing additional activities.

2.3.5 A delivery/communication plan has been created in conjunction with Corporate Comms to promote the revised procedure and mediation service. In addition to intranet articles and the Line Manger brief there is an extensive engagement including inputs at:

- Divisional People Boards

- The Health & Wellbeing Champions Network
- SPF Office Bearers meeting; and
- SMT's

2.3.6 Full details can be found in **Appendix B – Implementation Plan.**

2.4 Supporting our People

Launch of the People Management Development Programme

2.4.1 As part of the grievance survey and stakeholder feedback, concerns were raised with regards to line management practices. The key concern was around police officers managing staff without appropriate knowledge of staff terms and conditions and employment legislation. One specific perception is that officers often treat employment procedures (i.e. grievances/disciplinary) as if they are criminal investigations.

2.4.2 As part of the creation of the People Management Development Programme (PMDP) this feedback was considered and addresses these aspects.

2.4.3 The PMDP programme was launched in September 2023 and features several people management related modules including a module titled creating a positive workplace. This focuses on how people managers can foster a more inclusive and positive working environment and how they can resolve workplace issues proactively. It directs managers to develop a better understanding of the terms and condition of their people and the Equality Act and our obligations as an employer.

2.4.4 790 First Level Leaders have undertaken the programme to date, and the feedback has been positive. There are a further 452 First Level Leaders currently booked on for sessions remaining this year. It is projected that by the end of 2024, 57% of first level leaders will have completed the programme. A PMDP for senior leaders (Supt and staff equivalent upwards) is currently being scoped and is at the Learning Needs Analysis stage.

2.5 Audit Recommendations in relation to Grievance

2.5.1 Various reports and audits have provided recommendations that seek to improve the delivery, handling and reporting of grievances. Some of these recommendations were already work in progress and some are new and being explored. Feedback is an important tool,

and improving the experience for those involved in the process is a core priority. Work is ongoing to deliver on these recommendations.

- 2.5.2 Both our people strategy and P&D annual delivery embed the drive to improve the early resolution of workplace issues.
- 2.5.3 Recently a BDO Internal Audit on grievance was commissioned. Please see **Appendix C** for BDO Recommendations and progress to date.
- 2.5.4 The HMICS Organisational Culture Inspection also provided the following recommendation (R07) on the Grievance Process - Police Scotland should rename and refocus its grievance process to resolution/mediation, providing mandatory initial steps and clear training on the management of the process. The activity associated with the recommendation is progressing well especially with the rebrand and launch of the new procedure.
- 2.5.5 Progress on activity in relation to 'Creating a Positive Workplace' is captured and monitored on our P&D workplan and the work detailed above is supporting delivery of related commitments within our People Strategy. Namely, to 'develop and launch mediation services' and ensuring that 'Ongoing review of policies & practices are human informed & based on feedback.' We will continue to update SPA People Committee members at appropriate intervals as work progresses.

3. FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications in this report

4. PERSONNEL IMPLICATIONS

- 4.1 There are no personnel implications in this report

5. LEGAL IMPLICATIONS

- 5.1 There are no legal implications in this report

6. REPUTATIONAL IMPLICATIONS

- 6.1 There are no reputational implications in this report.

7. SOCIAL IMPLICATIONS

- 7.1 There are no social implications in this report.

8. COMMUNITY IMPACT

8.1 There are no community implications in this report.

9. EQUALITIES IMPLICATIONS

9.1 There are no equalities implications in this report

10. ENVIRONMENT IMPLICATIONS

10.1 There are no environmental implications in this report.

RECOMMENDATIONS

Members are invited to discuss the content of this paper.

Appendix A – Grievance Trends

100 grievance cases were recorded during the period 01/04/2023 to 31/03/2024.

- 75 Police Officer grievances
- 25 Staff grievances

- 59 from male colleagues and 41 from female colleagues
- 16 live cases within the Employment Tribunal process
- 9 cases closed during the Employment Tribunal process (prior to the ET hearing)

Of the 100 colleagues who raised a grievance, 54 were off work sick with a mental health related absence before, during or after the grievance process. This highlights the stress associated with the formal process.

The main theme of grievances submitted were EDI related (39% disability discrimination/unsupported by their manager and the application of reasonable adjustments). Most cases were from Local Policing and male police officers. A wider piece of work is ongoing within P&D to simplify the process of reasonable adjustments through the creation of individual wellbeing pathways. This will provide opportunities to improve processes and increase understanding and awareness of the reasonable adjustment process. This subject is featured within the People Management Development Programme (PMDP) with the view to educating, raising awareness, and improving people practices in this area.

Other grievances submitted spanned across bullying and harassment (27%), sex discrimination (7%) with the remaining (27%) falling into numerous categories such as H&S, policy breach, promotion process, CVF/My Career process etc.

74 grievance cases were recorded during the period 01/04/2022 to 31/03/2023. Inappropriate and unacceptable behaviours within the workplace was the key theme.

Many of the equality and diversity related cases are due to individuals feeling unsupported by managers with the application of reasonable adjustments.

A wider piece of work is ongoing within the team to simplify the process of reasonable adjustments by the creation of individual wellbeing pathways. This will provide opportunities to improve our processes and increase awareness of this topic. The reasonable

OFFICIAL

adjustment subject is also featured within the People Management Development Programme (PMDP) and as our leaders receive the training and guidance awareness and knowledge will improve people practices in this area.

OFFICIAL

OFFICIAL: NAMED RECIPIENTS ONLY

Appendix B Delivery Plan - Mediation and Grievance and Resolving Workplace Issues procedure.

Time	Activity	Audience	Notes
23 rd May 2024	Update on Mediation provided at P&D Call	P&D	
30 th May	In person brief provided to Trade Union Colleagues	UNISON and UNITE	All were in agreement with progressing
30 th May	In person brief provided to SPF and ASPs colleagues		All were in agreement with progressing
16 th May	Email to all staff association to invite to an input	Staff and Officers	Staff Associations unable to attend input but offer made to attend network meetings when possible
17 th July	Input to Divisional Commanders Forum	All Commanders	
18 th July	Local Policing Management Board	Senior Managers	
22 July	Update to Chief Operating team (COT)	Chief and direct reports	Briefing Note/COT paper provided by Director of P&D
22 July	Intranet News Article going live	All staff and officer audience groups	
WC 22 nd July	Global email to all staff and officers on launch of Mediation and Procedure	All staff and officer audience groups	
WC 22 nd July	Line Manager briefing going live	All People Manager	
WC 5 th August	Health & Wellbeing Champions Network Input on launch of Mediation and Procedure	H&W Network	
WC 12 th August	Support and Service Delivery CIS Group Input on launch of Mediation and Procedure	Business Areas	

OFFICIAL: NAMED RECIPIENTS ONLY

OFFICIAL: NAMED RECIPIENTS ONLY

WC 26th August	People Committee update on CAPW – Policy, Mediation and Audit update at People Committee	Senior Management/Board Members	
18th September	Attend Federation In person Officer Bearers Meeting with input on launch of Mediation and Procedure	Federation reps to feed to their members	
24 th October	Thursday P&D Call – provide update post launch of Mediation and Procedure	P&D	
Ongoing	Implementation Group	All staff and officer audience groups	Broad organisational representation and will continue to meet for a number of months following launch to support through momentum around behavioural change
Ongoing	PM DP – updated to reflect changes in launch of procedure	All People Managers	
Ongoing	Focus On’s continue to be promoted	All staff and officer audience groups	
Ongoing	All SMT’s Launch of Mediation and Procedure	Senior Managers	People Partners and ER & Reward Team will continue to provide inputs following launch
Ongoing	Divisional People Boards	Senior Managers	People Partners and ER & Reward Team will continue to provide inputs following launch
Ongoing	Mediator Network	All Business Areas	Mediator Network will continue to

OFFICIAL: NAMED RECIPIENTS ONLY

OFFICIAL: NAMED RECIPIENTS ONLY

	Launch of Mediation and Procedure		promote service pre and post launch
Ongoing	Vivup Platform – Advert on Mediation Service and Procedure	PS/SPA Vivup Membership	

Appendix C - Internal Audit: Grievance Recommendations

Recommendation	Action to be taken	Risk	Target Date	Status	Latest Update
<p>1.1 Grievance Governance Reporting</p> <p>We recommend that steps are taken to introduce regular grievance performance reports, including the following information:</p> <ul style="list-style-type: none"> Grievance statistics, such as ongoing, completed, appeals Grievance timescales and a RAG rating showing compliance with the documented process timescales Grievances upheld or dismissed Grievance themes and trends Lessons learnt on completed grievances Actions taken to improve grievance compliance with the documented process <p>As noted in the findings throughout the report an HR system would make the process for developing reports efficient and reduce the risk of manual human errors and as a result increase the reliability of reporting in alignment with good practice.</p>	<p>Management accepts the recommendation.</p> <p>We agree we should report on grievances with regular frequency and in particular lessons to learn. This is somewhat hampered by current structures and a lack of IT infrastructure to support the efficiency of reporting.</p> <p>We will commit to providing iterative grievance performance reports based on current staffing and structures but this will be limited until such a time that investment is made in an HR system.</p>	<p>From a governance perspective the SPA Board or relevant sub-committees are not being provided with sufficient information to assess how the organisation is performing in relation to grievances and as a result are unable to make appropriate decisions and have a lack of oversight in relation to grievance matters. (HIGH)</p>	31/12/2024	OnTrack	<p>A bid has been submitted to the July Capital Investment Group (CIG) to support a redesign of our existing Ivanti case management system, which, if approved, would enable us to develop enhanced performance reporting. (Review delayed until mid August)</p> <p>This bid is being progressed as the preferred choice following a high level options analysis that considered its relatively low cost (50k) and expedited timeframe for delivery (anticipated mid September 2024).</p> <p>While it is acknowledged that this is a tactical fix, pending Enabling Policing for the Future programme delivering a strategic solution in the longer term, it is expected that development of our current Ivanti system will facilitate improved management information and reporting while reducing the need for manual manipulation of data.</p>
<p>2.1 Effective HR System</p> <p>It has been consistently identified within the HR related audits undertaken that investment in an effective HR system would allow the organisation to enhance the capabilities in place to consistently and efficiently manage and report on HR matters and reduce the risk of manual errors and lost records.</p> <p>The following recommendation was raised within the Ill Health Retirements and Injury audit report which would also be applicable and improve the capabilities in place to manage grievances: <i>“Management should evaluate the feasibility of introducing a formal case management system to record, manage, and monitor all individual IHR and IoD applications. Consideration should be given to a system which can provide more automation around tracking case progress and timescales and can flag to staff where a case has not progressed or has been stagnant for a period of time (e.g. by setting a pre-determined criteria). A suitable case management system should also allow effective record keeping by acting as a repository for all key documentation, correspondence, and case notes to be stored securely within individual case files.”</i></p>	<p>Management accepts the recommendation. We will pursue the options available for an HR System that meets the needs of the organisation across a number of HR disciplines.</p> <p>In the absence of this system we have recorded a risk.</p>	<p>There is a risk that the organisation does not achieve the intended outcomes of the grievance process if it cannot sufficiently evidence that the prescribed procedures were followed consistently and in a timely manner, where records including key documents and correspondence are not suitably maintained this can result in an increased risk of reputational or legal action being successful against the organisation in cases where further action is taken by those involved in a grievance. (HIGH)</p>	30/09/2024	OnTrack	<p>Consideration has been given to a number of options to improve reporting on P&D data and processes and as per update to R1.1, a bid will be considered by the Capital Investment Group to redesign our current Ivanti system. If approved and once implemented, this will help reduce manual interventions, enhance efficiencies for input and maintenance of HR case data and improve management information and reporting.</p> <p>A wider review of our HR systems and services will be considered under Enabling Policing for the Future (EPF) Strategy, led by the Chief Digital and Information Officer (CDIO), with the aim of streamlining processes and information across Police Scotland via a technology ecosystem that would align Finance, Procurement / Purchasing, P&D, along with integration and corporate data elements.</p>
<p>2.2 Spot Checks</p> <p>Until a new system has been implemented, we recommend that spot checks are conducted over a sample of completed grievances on a regular (e.g., quarterly) basis to verify that the documented grievance procedure has been followed and all relevant documentation sufficiently retained. Where gaps are noted, these should be rectified within a suitable timeframe and lessons learnt conducted on repeated cases of non-compliance with the procedure requirements.</p>	<p>Management accepts this recommendation. Based on the resource available we will consider introducing spot checks as recommended.</p>	<p>There is a risk that the organisation does not achieve the intended outcomes of the grievance process if it cannot sufficiently evidence that the prescribed procedures were followed consistently and in a timely manner, where records including key documents and correspondence are not suitably maintained this can result in an increased risk of reputational or legal action being successful against the organisation in cases where further action is taken by those involved in a grievance. (HIGH)</p>	30/09/2024	OnTrack	<p>Recommendations 2.2, 3.1 & 3.2 are being progressed simultaneously. In the coming weeks, People Services will undertake an exercise to reconcile grievance data currently held on various systems to identify and correct any discrepancies. Reminders will be issued to all staff on the importance of completing all fields / logging relevant documentation and any wider themes/issues identified during this exercise will be considered by SMT as part of a lessons learned exercise.</p> <p>As part of this work, a spot check exercise will be undertaken to ensure key steps of the procedure have been followed, with relevant documentation filed. Again, where non-compliance / discrepancies are identified, this will be followed up with the relevant individuals for corrective action.</p> <p>If approved, it is anticipated that the bid to redesign our current Ivanti system (see R1.1) will supersede the need for ongoing reconciliation exercises and enable a single source to log, track and maintain casework information. However, until such times and in line with resources available, we will continue to operate these manual interventions regularly to mitigate the risks identified until a technological solution is implemented.</p>
<p>3.1 Grievance Tracker</p> <p>We recommend that steps are taken to fully complete and maintain the grievance tracker in place which could be used as a basis for developing management information as noted in recommendation 1 and used as an up-to-date source for management oversight of cases, case learnings, timescale issues and process compliance.</p> <p>A modern HR system would mitigate the requirement for using SharePoint and spreadsheet trackers.</p>	<p>Management accept the recommendation. We will remind staff of the importance of completing all fields within the tracker and will use the periodic reconciliations carried out below as a way of reinforcing this.</p>	<p>There is a risk that grievances are ineffectively tracked and overseen to ensure that all required steps have been completed, evidence maintained, and timescales met and recorded. To align with good practice there is an opportunity to reconcile the different methods used to track grievance cases. (MEDIUM)</p>	30/09/2024	OnTrack	As per update to R2.2

<p>3.2 Reconciliation</p> <p>Periodic reconciliations should be conducted between the tracker, People Direct Portal and the SharePoint used to track grievances to ensure that there are no discrepancies between the different methods used to track grievance cases, supporting documents and their status. A modern HR system would provide a single source of data and supersede this recommendation once implemented.</p>	<p>Management accept the recommendation. We will commit to undertaking periodic reviews of data as per the recommendation in line with the resource available.</p>	<p>There is a risk that grievances are ineffectively tracked and overseen to ensure that all required steps have been completed, evidence maintained, and timescales met and recorded. To align with good practice there is an opportunity to reconcile the different methods used to track grievance cases. (MEDIUM)</p>	<p>30/09/2024</p>	<p>OnTrack</p>	<p>As per update to R2.3</p>
<p>4.1 Feedback and Lessons Learnt</p> <p>We recommend that a process is put in place to request feedback on completed grievances for those involved, in particular from Investigating Officers, to identify lessons on the grievance process and track whether planned improvements are effective. This could be achieved by introducing a formal debrief process for completed grievances.</p>	<p>Management accept this recommendation. We will consider all options in relation to collating feedback from stakeholders on the grievance process and build this information in to our reporting.</p>	<p>There is a risk that opportunities for improvements within the grievance process are not identified in good time. (MEDIUM)</p>	<p>31/12/2024</p>	<p>OnTrack</p>	<p>Pending approval of our bid to develop redesign our current Ivanti system (see R1.1) we will seek to include a mechanism within the redesign for stakeholders including resolution managers, to feedback on the process. Additional options are also being explored with respect to developing a short survey to solicit feedback from stakeholders to support continuous improvement and organisational learning.</p>
<p>5.3 Update to Grievance Process (People Direct Portal)</p> <p>We recommend that the grievance process is updated to reflect the required in practice process in relation to utilisation of People Direct Portal, for example if the system is not intended to be used then the procedure should not outline that grievance evidence is maintained within the system.</p>	<p>Management accept this recommendation. The procedure can be updated to reflect the required practice when a defined process for maintaining evidence is defined. Alternatively, wording can be amended to a more generic option:</p> <ul style="list-style-type: none"> • Details of the grievance and outcomes will be logged with People and Development/People Services. • All documentation must be sent to People and Development/People Services at the end of the procedure. 	<p>There is a risk that the grievance procedure and supporting documents contains inaccurate information, in particular relating to people direct usage. (LOW)</p>	<p>31/12/2024</p>	<p>Submitted for Closure</p>	<p>The new grievance procedure published on 22 July 2024 has been amended to satisfy this recommendation. Wording has been amended to take a more generic approach i.e "All documentation must be sent to P&D the end of the procedure." to reflect current required practice. Propose to Close</p>