

Complaints (Grievance) policy

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Reviewed as current:

Owner: Head of the Professional Standards Unit

Responsible work team: Professional Standards Unit

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1 Introduction

- 1.1 This policy sets out the Brigade's arrangements for resolving concerns, problems or complaints relating to employment. It covers dealing with grievances both formally and informally and is separate from the Brigade's approach to conduct and discipline.
- 1.2 Everyone within the London Fire Brigade has the right to an inclusive workplace where they are treated in line with the LFB values. Everyone has the right to feel safe, supported and enabled to be at their best within the Brigade.
- 1.3 This policy should be applied in line with the Brigade's values:
 - Service We put the public first.
 - Courage We step up to the challenge.
 - Learning We listen so that we can improve.
 - Teamwork We work together and include everyone.
 - Equity We treat everyone fairly according to their needs.
 - Integrity We act with honesty.
- 1.4 This policy applies to all employees currently working for the Brigade. Agency workers, contractors, self-employed and consultants should report their concerns to their employer. The Brigade will work with that employer to investigate concerns.
- 1.5 The LFB operates a zero-tolerance approach to any allegation of bullying, harassment and discrimination and victimisation. The Brigade will not tolerate or permit such behaviour, and all parties have a responsibility to address and challenge bullying, harassment and discrimination in all its forms. In all instances, bullying, harassment and discrimination will be considered as be gross misconduct. This includes any discrimination falling under the characteristics within the Equality Act 2010:
 - Age;
 - Gender reassignment;
 - Marital status;
 - Pregnancy or maternity;
 - Disability;
 - Race;
 - Religion or belief;
 - Sex; and
 - Sexual orientation.
- 1.6 The Brigade is committed to providing everyone with a safe work environment with good working relationships that have a beneficial impact on well-being and engagement. This leads to better performance, improved staff retention and reduced stress and absence enabling the Brigade to deliver excellence through having the best people and being the best place to work. Focusing on resolving workplace issues constructively can help to create this.
- 1.7 The Brigade is also committed to dealing with your concern fairly, confidentially, and promptly, and to providing a transparent and consistent outcome. The Brigade will support you and

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- managers to work together to resolve issues constructively at the earliest opportunity. All managers, at every level, who may be involved in dealing with grievances, whether informally or formally, shall be fully supported in relation to this grievance policy.
- 1.8 Everyone has a responsibility to help identify and prevent unwanted behaviours and you are expected and strongly encouraged to report such matters if you are a victim or a bystander/witness.
- 1.9 If your concern is about a decision under an already agreed procedure that has its own right of appeal then it will be managed through that process (e.g., working with choice policy, discipline etc).
- 1.10 You should raise your concern as soon as possible and within three months of the issue causing concern taking place. If there are personal circumstances that would make this difficult (e.g., illness or caring responsibilities), this can be extended.
- 1.11 If you are reporting a serious concern that is being disclosed in the public interest then you should refer to Policy number 0569 Confidential reporting ("whistleblowing") policy and raise your concern in accordance with that policy. The Public Interest Disclosure Act 1998 gives you the right to raise such serious concerns and the Act gives protection to employees who raise concerns about certain types of wrong doing in accordance with its procedures.

2 Grievance

What is a grievance?

2.1 A grievance is defined as a concern, problem, or complaint that an employee raises with their employer about their employment.

Examples may include but are not limited to:

- The application of policy or procedure related to employment;
- health and safety;
- work relations;
- working environment or practices;
- actions that contravene equality and diversity policies;
- discrimination or harassment; and
- bullying or victimisation.
- 2.2 If you consider that the early resolution steps have not resolved your issue, then you can raise a formal grievance as described below. Normally you cannot raise a formal grievance unless you have raised the matter informally. However, where you have a serious concern about being a victim of harassment, bullying, discrimination, or victimisation then you will need to raise a formal grievance without going through the informal processes.

The grievance procedure (NJC Grey Book procedure for operational staff) and guidance is on Hotwire. To the extent that the procedure set out in this policy is at variance with the Grey Book procedure for operational staff then the Grey Book procedure takes precedence.

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3 Confidentiality

3.1 The Professional Standards Unit and managers are required to maintain confidentiality to ensure that you feel free to discuss your concern without fear that the information will be unnecessarily shared. The matter will be kept as confidential as possible limiting the number of people with whom information is shared to only those who need to know and only to the extent that they need to know. All staff involved in the grievance process are also required to maintain confidentiality, including complainants, respondents and witnesses.

4 Serious concerns

If you have a serious concern about harassment, bullying, discrimination, victimisation or another concern of any kind that makes you feel unsafe then you should immediately contact your line manager, or another manager that you trust, or contact the Professional Standards Unit.

5 Bullying, harassment and discrimination

- 5.1 Harassment is unwanted behaviour and conduct from a person or group that causes another person to feel alarmed, distressed, or humiliated. It may be physical, verbal or non-verbal (e.g. social media) which may:
 - Violate another person's dignity; or
 - create an offensive, hostile, degrading or humiliating environment based on their protected characteristics about their age, race, gender, disability, sexuality/orientation, gender reassignment, pregnancy/maternity or religion/belief.
- 5.2 Harassment may be a one-off incident or a regular pattern.
- 5.3 Bullying is unwanted behaviour and conduct from a person or group that makes someone feel intimidated or offended. It may be physical, verbal, non-verbal (e.g., social media) that is offensive, intimidating malicious or insulting. It can also be an abuse or misuse of power that undermines, humiliates or causes physical or emotional distress or harm to someone. It may be a one-off incident or a regular pattern.
- 5.4 Discrimination is treating someone less favourably than someone else because they have, or are assumed to have, a protected characteristic or are considered to be associated with someone with a protected characteristic. The protected characteristics are:
 - Age;
 - Gender reassignment;
 - Marital status;
 - Pregnancy or maternity;
 - Disability;
 - Race;
 - · Religion or belief;
 - Sex; and
 - Sexual orientation.
- 5.5 Victimisation is suffering a disadvantage, harm or loss as a result of making a complaint within this policy. The Brigade will protect you, and anyone, who makes a complaint in good faith.

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- 5.6 The Brigade will not tolerate such behaviour and conduct towards staff both in, and connected with, the Brigade. This applies inside and outside the workplace, including social events and online. For the avoidance of doubt, you have no place in the Brigade if you do any of the above, whether in person or online.
- 5.7 You have a responsibility to help identify and prevent unwanted behaviours and you are expected and strongly encouraged to report such matters if you are a witness as an organisation, none of us should be bystanders.

Examples of harassment, bullying and discrimination

- 5.8 Discrimination can involve but is not limited to the following examples:
 - Withholding development or promotion opportunities from a member of staff because of pregnancy;
 - Refusal to make appropriate reasonable adjustments for a member of staff with a protected characteristic;
 - Always allocating high-profile or developmental work to younger members of staff;
 - Excluding an individual based on a protected characteristic, e.g., gender identity; and
 - Unilaterally rejecting someone's application for a role on the grounds of a mental health condition or other protected characteristic.
- 5.9 Harassment can involve but is not limited to the following examples:
 - Display of explicit material on any electronic screen or in calendars.
 - Remarks, banter or jokes of a racist or sexual nature.
 - Unwelcome sexual advances inappropriate touching or standing too close.
 - Banter and jokes that mock people based on their age, calling them 'Grandad', or that they are part of 'generation snowflake'.
 - Stating that people of a specific religion or race are all terrorists.
 - Calling someone a nickname linked to their skin colour or nationality.
 - Remarks about people of a different race, such as 'they're all the same'.
 - Derogatory remarks made about a particular item of clothing or jewellery worn by someone as a symbol of their religion.
 - Using insulting terminology when referring to a colleague with a disability, or people with disabilities generally.
 - Spreading malicious rumours or insulting someone about their protected characteristic.
 - 'Outing' someone as gay without their consent, using private information.
 - Repeatedly misgendering someone who is transexual or continuing to use their old name if that is no longer their name.
 - Comments of a sexual nature about an individual or their appearance.
- 5.10 Bullying can involve but is not limited to the following examples:
 - Ostracising someone or giving them the 'cold shoulder' and excluding them from work related activities, including social.
 - Withholding information deliberately, to embarrass them, or so they appear foolish.
 - Personal insults or put-downs.
 - Spreading rumours or gossip.
 - Making false allegations about someone to discredit them.
 - Playing practical jokes on someone or 'initiations.

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- Aggressive or intimidating behaviour directed at someone.
- Use of derogatory nicknames.
- 5.11 What does not constitute bullying and harassment includes:
 - Legitimate and fair criticism of someone's work.
 - Legitimate and fair criticism of someone's behaviour at work.
 - Proper and correct monitoring of an employee under published policies and procedures.
 - A change of target to achieve business needs.

6 Harassment by members of the public

6.1 The Brigade, Professional Standards Unit and managers will do all they reasonably can to protect staff from harassment by members of the public when it is linked staff doing their duty. You should report this to your line manager who will make a record and seek advice, including consideration to reporting the matter to the police.

7 Complaints process

- 7.1 The first steps in resolving your complaint, concern or dispute are attempting an informal resolution. If that does not resolve the matter, or if it is of a more serious nature such as harassment, bullying or discrimination, then the formal complaints process should be used raising a grievance.
- 7.2 The formal process should normally only be used when informal attempts at resolution have failed to resolve the issue.

8 Informal resolution

What are early resolution local conversations?

- 8.1 The first step of resolving a concern is to have a conversation with the person concerned with the aim to seek a solution that can be agreed. If this is in relation to a decision, then that would normally be the manager who made that decision.
- 8.2 If talking to the person has not resolved your concern or if you do not feel comfortable in doing so directly, then you should discuss the issue with your manager. If it is about your manager, then talk to your manager's manager or another manager that you trust. You can also contact a Professional Standards Adviser. They will discuss the issue with you and how best to resolve it which may include a facilitated conversation or mediation.

What is a facilitated conversation and mediation?

8.3 A facilitated conversation is a confidential discussion between the people involved facilitated by an independent third party (usually someone not in the immediate work team). They can bring people together, build trust and understanding. Mediation is facilitated by a trained mediator outside of the relationship and offers the insight of this person in finding a solution. Either or both of these methods can also be used during the formal resolution process. They will be in a safe environment to help discuss concerns in a supportive way and those involved will need to agree to participate. Requests for mediation should be made to the Professional Standards Unit.

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What if my concern is still unresolved?

8.4 If the early resolution process has not resolved your concern, then you can refer to the formal grievance procedure. The early resolution process is the informal stage of the grievance procedure and therefore must be used before raising a formal grievance unless there is a good reason not to (such as instances of bullying, harassment and discrimination).

9 Formal complaint

How do I raise a grievance?

- 9.1 You can raise a formal grievance (and if not already recorded) by registering it on the confidential online grievance system. If you have any problems accessing the system, you may contact the PSU for assistance.
- 9.2 You will be asked to provide full details of your grievance including what informal steps have been taken to resolve the matter, why you believe the outcome has been unsatisfactory and the outcome/resolution that you are seeking. Normally, it will be your line manager that hears your grievance, which will be confirmed to you within seven days. The person hearing your grievance is called a Complaints Chair and can be your own line manager (unless the grievance is against your line manager), another manager at the same rank or grade as your line manager, or, if you would prefer someone else, then you will need to provide the reasons why so another manager can be considered and appointed. The PSU will monitor incoming grievances, and will support Complaints Chairs wherever required. Please see section 14 for the help and support available.

Who is involved and what are their roles in the formal complaints process?

9.3 The following people are involved in key roles within the formal complaints process:

• Professional Standards Adviser

This role is based in the Professional Standards Unit, and they will provide support and advice regarding the process to all people involved. They will not be involved in specifics of the case but will be able to keep an oversight of how matters are progressing. They can also arrange mediation.

• Professional Standards Investigator

This role is based in the Professional Standards Unit and their role is to undertake investigations into complaints.

• The Complaints Chair

They will preside over the formal grievance meeting. They may instigate further investigations if required. This can be the line manager or another manager but must be at a higher rank or grade than the subject of the grievance (no lower than Sub/Station Officer/FRS C).

• The Appeal Chair

They will preside over the formal grievance appeal and usually be a more senior manager than the Complaints Chair – it can be no lower than Station Commander/FRS E).

Both chair roles may have administrative support from a note taker.

9.4 Depending on the concern other people may be required to assist in the resolution process such as Brigade subject matter experts, mediators or investigators.

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What happens after I submit my grievance?

- 9.5 After you have submitted your grievance, then the details of your grievance will be passed to the manager that you selected as well as the Professional Standards Unit. You will receive an acknowledgment and be contacted by the Professional Standards Adviser or a senior manager if appropriate to discuss your case.
- 9.6 Following the conversation with the Professional Standards Adviser/senior manager:
 - If the concern has not been addressed informally, you may be referred back to the informal early resolution stage.
 - The formal grievance process may be progressed, and you will receive notification of the formal grievance meeting and the appointed Complaints Chair.
 - If there are reasonable grounds established to decide this may be a disciplinary issue, then this will be discussed with you and dealt with under the disciplinary policy, and the grievance will be suspended pending that outcome.

Investigations

- 9.7 Normally investigations shall be undertaken by the Complaints Chair or the Appeal Chair. An independent manager can carry out some form of investigation to gain further information about the matter raised, and the PSU can provide an Investigator in highly complex or contentious matters by exception. This will be done without delay, within agreed timeframes and you will be kept up to date.
- 9.8 In all cases of alleged bullying, harassment and discrimination the person who investigates the complaint must engage with the Professional Standards Unit, who will ensure the investigator is neutral and not involved in the complaint as well as being at the appropriate rank or grade. In certain cases the Professional Standards Unit may deem it appropriate to investigate the matter directly, or utilise the external investigation service.
- 9.9 The investigating manager will consider the nature of the grievance. At this stage, the subject of the grievance should be notified of the grounds and the impending investigation this can be delayed on an exceptional basis where sensitivity is a significant concern or if individuals significant to the investigation are temporarily unavailable for interview due to illness.
- 9.10 The investigation may include interviews with the complainant, respondent or witnesses, written submissions, documents and a range of other information. The investigation must be proportionate and appropriate, focussing solely on the matters raised in the complaint or allegation.
- 9.11 The investigating manager will decide whether they need to meet with the complainant to clarify their concerns. The investigating manager may need to interview the subject(s) of the allegations as part of the investigation. Both the complaint and respondent should be informed by the investigating manager that they have the right to be accompanied by a fellow employee (who is not a witness or potential witness) or trade union official of their choice. Witnesses may also be accompanied, at the discretion of the investigating manager.
- 9.12 The investigating manager will have discretion as to what interviews are required but must keep a record of why an interview was held (and, where appropriate, not held).
- 9.13 If an interview is to be held, any location must provide privacy and be fully accessible and supportive for the individuals interviewed. It may be appropriate to conduct the interview at another location, and a notetaker should be considered.

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- 9.14 The member of staff interviewed must be reminded that their statements will be taken in writing and may inform the outcome of the grievance process and/or subsequent disciplinary process, so complete honesty is required. The note from the interview should be produced and circulated after the meeting. It should be signed by the interviewee and will form part of the final investigation report for any hearing.
- 9.15 It is also important to clarify that an investigation meeting is to clarify the facts of the grievance, and that the interview is confidential. Unauthorised sharing of any information relating to a grievance investigation will be considered misconduct.
- 9.16 The interview must be fact-based, avoiding speculation or guessing. The interviewer cannot direct or lead the subject of the interview, they must keep questions relevant to the matter at hand. The interviewer must not partake in any activity that is harassing or threatening and must ensure they are not biased or discriminatory in their approach.

Investigation outcome

- 9.17 Once the investigating manager feels they have gathered all relevant, reasonable and proportionate information, an investigation report should be produced. This report must cover the nature of the allegations, the notes from all interviews, and a recommendation as to whether the allegations should proceed to a hearing or if there is no case to answer. Where necessary, technical evidence relevant to the case should also be made available. The report and its outcomes must be shared with the PSU but must not be discussed with any other individual.
- 9.18 The investigation report will form the basis for the evidence provided to any hearing.
- 9.19 At the conclusion of the investigation, the investigation manager will decide:
 - Whether the grievance is upheld and should proceed to a hearing;
 - whether the grievance is not upheld and no further action should be taken.
- 9.20 The PSU must be consulted before an outcome is issued from an investigation to ensure the investigation report covers the required information to proceed to a hearing.
- 9.21 If the grievance is not upheld, after consulting with the PSU, the investigating manager should write to the respondent and the complainant individually to confirm the outcome, including the investigation report.

10 Grievance meeting

- 10.1 The formal grievance meeting should be organised within seven days from the formal grievance being received. The purpose of the meeting is to discuss your grievance. The Complaints Chair will preside over the meeting with focus on seeking a resolution and reaching a decision. If further investigation is needed, then the meeting shall be adjourned for the further investigation to take place and then reconvened.
- 10.2 In advance of the hearing being scheduled, the Complaints Chair must ensure that they have fully read and understood the investigation report. The report is the responsibility of the Complaints Chair from this point forwards, and they must therefore ensure that it is comprehensive and covers any questions the Complaints Chair may have. If the report is not sufficient for the Complaints Chair, it should be sent back to the investigating manager with an explanation of the additional information required.
- 10.3 The manager should hold the hearing in a suitable private location and ensure both that there will be no interruptions and that the employee feels the issue is being treated confidentially.

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- 10.4 For individuals with caring responsibilities, managers should make all reasonable efforts not to implement any proposed changes until the grievance is resolved.
- 10.5 Employers and managers should cater for an employee's disability at a meeting; they should also cater for a representative's disability, for example providing for wheelchair access if necessary. Managers should also enquire as to any special needs relating to disability and ensure suitable arrangements are put in place in advance of the meeting.
- 10.6 You may be accompanied at the meeting by a work colleague or a trade union representative.
- 10.7 If you or your representative cannot attend on a proposed date, you can suggest another date so long as it is reasonable and is not more than seven days after the date originally proposed. This seven-day time limit may be extended by mutual agreement.
- 10.8 You will be given a full opportunity to explain your complaint and explain how you would like it to be settled. If a point is reached in the meeting where it is not clear how to deal with the grievance or further investigations are necessary, the meeting should be adjourned to get advice or make further investigations. The seeking of advice and/or making further investigations should be done as soon as reasonably practicable. The Complaints Chair should explain this to the employee at the conclusion of grievance meeting and, if possible, give an indication of likely revised timescales. The employee should be kept updated by the Complaints Chair regarding the timescale. The manager should give the grievance careful consideration before responding.
- 10.9 A written response will be sent to you within seven days of the meeting notifying you of the outcome with the reasons. If the timescales set out above cannot be met, then you will be informed in writing with the reasons and a reasonable extended timescale mutually agreed. You will also be informed that you can appeal if you are not satisfied with the outcome.

11 Appeal meeting

- 11.1 If you consider that your grievance has not been satisfactorily resolved (both complainants and respondents), then you can appeal. You should provide this in writing within seven days of receiving the outcome to the PSU along with the grounds for your appeal and the resolution that you are seeking.
- 11.2 The appeal should be held within seven days after the appeal is received. The purpose of the meeting is to discuss and consider your appeal. The Appeal Chair will preside over the meeting with focus on seeking a resolution and reaching a decision. If further investigation is needed, then the meeting shall be adjourned for the further investigation to take place and then reconvened.
- 11.3 The Appeal Chair shall normally be a more senior manager and where this is not practical, then it will be heard by a manager who has authority to review and change the original decision.
- 11.4 You may be accompanied at the meeting by a work colleague or trade union representative.
- 11.5 The manager should hold the appeal meeting in a suitable private location and ensure both that there will be no interruptions and that the employee feels the issue is being treated confidentially.
- 11.6 Employers and managers should cater for an employee's disability at a meeting; they should also cater for a representative's disability, for example providing for wheelchair access if necessary.

 Managers should also enquire as to any special needs relating to disability and ensure suitable arrangements are put in place in advance of the meeting.

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- 11.7 If you or your representative cannot attend on a proposed date, you can suggest another date so long as it is reasonable and is not more than seven days after the date originally proposed. This seven-day time limit may be extended by mutual agreement.
- 11.8 A written response will be sent to you within seven days of the meeting notifying you of the outcome with the reasons. If the timescales set out above cannot be met, then you will be informed in writing with the reasons and a reasonable extended timescale mutually agreed. This forms the final decision and concludes the formal procedure within the workplace.

What happens if I raise a grievance during a disciplinary?

11.9 If you raise a grievance during a disciplinary process, then disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently – the discipline manager should seek advice from the PSU in any such instances.

12 Malicious or vexatious complaints

- 12.1 If after investigation it is clear that your grievance had not been made in good faith but is a vexatious complaint that has been made maliciously and/or to pursue a personal grudge against someone else and/or deflect attention away from the reporting of your alleged misconduct, then it will be dealt with in accordance with the discipline procedure and may be considered as gross misconduct.
- 12.2 A vexatious complaint is one that is pursued regardless of its merit, solely to harass, annoy or subdue somebody. It is something without foundation, frivolous, repetitive, burdensome or unwarranted. It can be something that is used to delay the progress of another case or in retaliation of a grievance brought against them.

13 Records

- 13.1 Records will be kept on your electronic personal record file (e-prf) and retained in accordance with Policy number 0788 Electronic personal record file. Personal data shall be processed in accordance with Policy number 351 Data protection and privacy policy.
- 13.2 The records must include:
 - The nature of the grievance raised;
 - A copy of the written guidance;
 - The manager's response;
 - The action taken and its rationale;
 - Whether there was an appeal and any outcome; and
 - Any subsequent developments.

14 Help and support

- 14.1 Help, support and guidance is available on Hotwire and from the people below so you can discuss your concern towards a resolution and the options available.
- 14.2 **Local support** is available from:
 - Your line manager or someone in your local management chain. They may also be the person you are able to agree a resolution outcome with.

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- Your local trade union representative.
- A member of one of the <u>Brigade's Equality Support Groups (ESG)</u>.
- Safe to Speak team <u>CCSafeToSpeakUp@london-fire.gov.uk.</u>

14.3 **Professional Standards support** is available from:

 The Professional Standards Adviser on extension 31880 who will provide advice and guidance regarding the informal resolution process, complaints process and can advise you of the support measures. They are able to provide independent support, advice and arrange mediation

14.4 **Support for your wellbeing** is available from:

- <u>Counselling and Trauma Service</u> (CTS) who provide professionally accredited confidential counselling to all staff to help with their psychological well-being. You can contact them during office hours on extension 35555.
- Mental Health First Aiders drawn from staff across the Brigade, who whilst are not trained counsellors, are there to provide emotional support should you need it. To contact a Mental Health First Aider please e-mail <u>LFBMHFA@london-fire.gov.uk</u>.
- Occupational Health who provide professional medical advice to all staff to help and support their wellbeing. To arrange to see them then contact the HR Helpdesk on extension 89100.
- 14.5 This policy may also be available on request in other alternative accessible formats as set out in Policy number 290 Guidance note on translation and interpretation. Please contact Communications on extension 30753 and by email to communications.team@london-fire.gov.uk to discuss your needs and options.

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Document history

Assessments

An equality, sustainability or health, safety and welfare impact assessment and/or a risk assessment was last completed on:

EIA	08/02/24	SDIA	L - 09/04/24	HSWIA	09/04/24	RA	NA
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Audit trail

Listed below is a brief audit trail, detailing amendments made to this policy/procedure.

Page/para nos.	ge/para nos. Brief description of change	
	This policy replaces PN0394a, PN0394b, PN0394c, PN0394d and PN0529 which have now been cancelled.	09/02/2024
Throughout	Para 1.3 - values added, minor changes made throughout, please re-read to familiarise yourself with the content. Impact assessment dates added.	12/07/2024

Subject list

You can find this policy under the following subjects.

Harassment	Complaints
Equalities	Grievance

Freedom of Information Act exemptions

This policy/procedure has been securely marked due to:

Considered by: (responsible work team)	FOIA exemption	Security marking classification

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