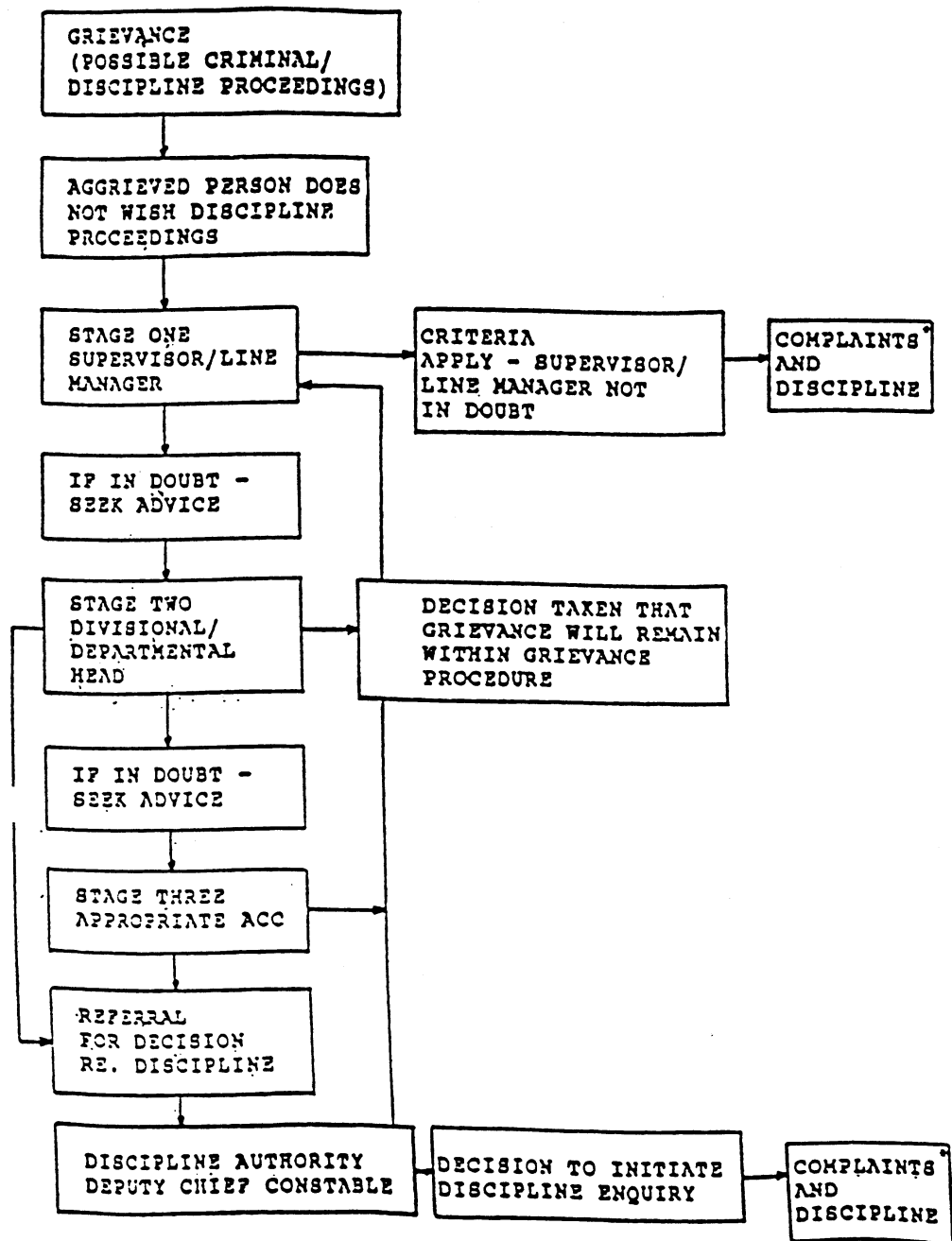


**RELATIONSHIP BETWEEN GRIEVANCE PROCEDURE  
AND DISCIPLINE ENQUIRY - DECISION  
MAKING PROCESS WHERE AGGRIEVED PERSON  
IS UNWILLING TO SUPPORT DISCIPLINARY ENQUIRY**



\* Grievance Procedure remains active and is not suspended

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# Special Notice 12/96

*Friday 22 March 1996*

## **Metropolitan Police Service Grievance Procedure**



### ■ The Grievance Procedure

*(Director of Personnel)*

This Special Notice sets out a revised grievance procedure for use by all members of the Metropolitan Police Service. The procedure has been the subject of consultation with the Staff Associations and Trade Union Sides and incorporates recommendations which were agreed by the Personnel Policy Review Group.

The revised grievance procedure follows the review of our equal opportunities strategy which recommended that: **grievance procedures should retain focus on fair treatment, but operate to a less rigid time scale, with greater emphasis on local resolution and with fewer stages.**

The major changes are:

- stage 1 to be informal, albeit that a written record of the points discussed must be kept;
- time limits should be extended and advisory (not mandatory), with greater flexibility for extending them;
- the grievance procedure should not be used as an additional avenue of appeal; and
- stage 4 should be discontinued with the final stage resting with the Policy Board member with line responsibility for the aggrieved person, with the option that a policy issue could be referred to the Policy Board member with portfolio responsibility.

A Grievance Handling Pack, giving advice on dealing with fairness issues as well as handling grievance interviews and procedures, will be sent to personnel managers shortly. Further copies will be available from P2.

This revised grievance procedure comes into effect on Monday 1 April 1996. Any grievance taken out before this date should follow the current procedure as set out in Special Notice 5/93 of 4 June 1993.

Managers are reminded of the need to complete Form 6684 for monitoring purposes and return it to P2, Equal Opportunities Unit. The Form will then be sent to CIS for statistical analysis. It is stressed that the form will not contain details of the individual raising the matter or details of the grievance.

Enquiries about this Special Notice may be made to P2 on extn 62452 or 62442.

Metropolitan Police Service Grievance Procedure – *continued*

Contents

Paragraph

1	Purpose of the grievance procedure	4
2	Representation	4
3	Confidentiality	5
4	Burden of proof	5
5	Victimisation	5
6	Time limits	5
7	Stages of the grievance procedure	6
8	Stage 1 – Informal resolution	6
9	Stage 2 – Next appropriate manager	7
10	Stage 3 – Assistant commissioner/head of business group or nominee	7
11	Grievances – Unresolved	8
12	Grievances resolved or withdrawn	8
13	Retention of records	8
14	Relationship between the grievance procedure and disciplinary or criminal investigations	8
15	Role of Equal Opportunities Unit	10
	Grievance procedure – Guide for manager	Annex A
	Grievance procedure – Notes for guidance	Annex B
	Grievance procedure form (Stages 2 and 3) (Form 6681)	Annex C
	Flowchart – Outline of the grievance procedure	Annex D

Metropolitan Police Service Grievance Procedure – *continued*

## ■ Metropolitan Police Service Grievance Procedure

*(Director of Personnel)*

## 1 Purpose of the grievance procedure

- 1.1 The grievance procedure is for use by all members of the Metropolitan Police Service; its main purpose is to ensure that individual members of staff who feel aggrieved about the way they have been treated either by management or by their colleagues, are given every opportunity to have their grievances resolved in a fair and just manner. The grievance procedure is intended to resolve issues as quickly as possible and not to establish guilt or provide punishment. However, it may not always be possible to resolve the grievance.
- 1.2 The general principles of the grievance procedure are early resolution, confidentiality and impartiality. If the matter cannot be satisfactorily resolved at any one stage, the aggrieved person has the right to proceed to the next stage.
- 1.3 This document sets out the procedure for dealing with grievances arising from behaviour or internal working practices, and is for use by any member of staff in progressing any perceived grievance.
- 1.4 The procedure is intended to deal with all types of grievance. It may include claims of apparent unfairness, interpretation or implementation of policies, and actions which contravene our equal opportunities policy. Where a grievance is about a policy issue, but not the application of a policy, and cannot be resolved immediately, the line manager at stage 1 or senior manager at stage 2 must liaise with the relevant policy portfolio branch or unit in an attempt to clarify the policy issue leading to the grievance.
- 1.5 The person responsible for inquiring into a grievance will normally be at least one level above the aggrieved. However, there may be circumstances where this is inappropriate and where this is the case, the aggrieved should consult with his or her personnel manager. In cases of alleged personal harassment, including sexual and racial harassment, it is the right of the aggrieved person to approach a local line manager with whom the aggrieved feels comfortable to discuss the grievance. The grievance procedure is not intended to prevent staff raising matters of concern but where they have done that and not received a satisfactory answer, they may then wish to register a grievance.
- 1.6 The grievance procedure is not a method of making an allegation under the police discipline procedure or the civil staff discipline procedure, nor is it intended to provide an avenue of appeal where alternative procedures exist. A grievance, however, may be invoked where the concern is about the appeals process itself, when it will be dealt with at a higher level than the rank or grade of the person who dealt with the appeal. Using the grievance procedure will not prejudice the rights of any aggrieved person making a complaint to an industrial tribunal.
- 1.7 It should be noted that allegations of unlawful discrimination on the grounds of sex, race, marital status or disability, and cases of unfair dismissal or constructive dismissal of civil staff may be heard before an industrial tribunal.

## 2 Representation

- 2.1 The aggrieved person and all the other parties to a grievance have the right, at any stage, to consult and be accompanied by a representative of a staff association, recognised trade union, or other serving member of the Metropolitan Police Service. They may also wish to take advice from their personnel manager on any matter relating to a grievance or operation of any grievance procedure. The manager investigating the grievance at any stage may wish to be accompanied by an officer of similar rank or grade who is not

Metropolitan Police Service Grievance Procedure – *continued*

involved in the process to help with the conduct of interviews; the manager may also seek the advice of the Equal Opportunities Unit.

3 Confidentiality

- 3.1 All cases dealt with under the grievance procedure will be conducted confidentially, unless otherwise agreed with the aggrieved or in circumstances detailed in Paragraph 14.

4 Burden of proof

- 4.1 A grievance will often focus on the word of one person against another, with little or no supporting evidence. Therefore, each case will be decided on the basis of the balance of probabilities, which is the standard of proof used by industrial tribunals. The procedure is intended to provide fairness to all parties, including the person against whom the grievance is directed.

- 4.2 Discrimination and/or unfair practices are not always obvious, overt or intentional but, however they occur, the grievance procedure is a channel by which an aggrieved person can seek proper redress within the organisation. It is the intention of the grievance procedure to resolve all cases promptly, fairly and sympathetically, and to redress the grievance and/or take remedial action as appropriate.

5 Victimisation

- 5.1 Victimisation of a person who invokes the grievance procedure, or who provides any form of assistance to someone who is invoking it, may amount to a breach of discipline, and in discrimination or harassment cases may constitute unlawful conduct under the Sex Discrimination Act 1975, the Race Relations Act 1976 and the Disability Discrimination Act 1995.
- 5.2 Individuals who feel that they are being victimised in any way should consult their personnel manager for advice. They should also consider whether they wish to consult their trade union or staff association representative.
- 5.3 The transfer of an aggrieved person could be seen as an act of victimisation, and this course of action should never be resorted to simply to resolve the grievance. In some cases, a move may be helpful, welcomed or operationally necessary, but before any action is taken, care should be taken to confirm that this is the case and that any move will not be misconstrued as discreditable to the aggrieved. In any such cases the reasons for the move must be thoroughly investigated and recorded.
- 5.4 Equally, the transfer of the person complained of should not be resorted to simply to resolve the grievance. In some cases, a move may be helpful, welcomed or operationally necessary. In any such case the reasons for the move must be thoroughly investigated and recorded.
- 5.5 Line and personnel managers should consider seeking the advice of the Equal Opportunities Unit before the transfer of anyone involved in a grievance.

6 Time limits

- 6.1 Grievances should be investigated as promptly as possible. The Race Relations, Sex Discrimination and Disability Discrimination Acts impose a time limit for the lodging of cases with an industrial tribunal. Individuals must register with the industrial tribunal

Metropolitan Police Service Grievance Procedure – *continued*

within three months less one day of the date of the last act complained of. The aggrieved should be made aware of this fact at the start of the grievance and reminded of it at each stage of the procedure.

- 6.2 In all cases the time limits contained in the grievance procedure are advisory and can be extended after discussion with the aggrieved, who should be kept informed of the progress of the investigation. If the time limits are extended all parties must be kept informed of the progress of the investigation in writing.

7 Stages of the grievance procedure

- 7.1 The grievance procedure comprises three separate and distinct stages. Only after all avenues to resolve a grievance have been exhausted at one stage should the matter be referred to the next appropriate stage. In most cases it should be possible to resolve a grievance at stage 1 or 2.

- 7.2 At the beginning of each stage in the procedure, a manager should establish and record how the aggrieved wishes the grievance to be resolved. Whilst the three stages of the procedure are set out in a logical sequence, there may be circumstances where the aggrieved and appropriate manager feel the stages should be pursued in a different sequence; it is intended that the procedure will be flexible enough to allow this.

8 Stage 1 – Informal resolution

- 8.1 The aggrieved must initially bring a grievance either orally or in writing by reporting it to his or her immediate line manager or personnel manager.

Where the grievance is against the person's line manager, or where for any other reason it is felt more appropriate to report it to another manager, this may be done. If there is doubt as to who is an appropriate manager then advice should be sought from the personnel manager.

- 8.2 Where it appears to the manager receiving the grievance that consideration should be given to criminal or disciplinary proceedings, he or she should consider the issues in accordance with the guidance set out in Paragraph 14. Where the criteria in Paragraph 14 are met, the matter should be reported to the OCU/SCU commander or head of branch.

- 8.3 In all cases the appropriate manager should endeavour to make all relevant enquiries within 14 days with a view to resolving the grievance at this stage, paying attention to the need for confidentiality. Where an extension to the time limit is required this should be discussed with the aggrieved and progress reports provided to all parties in writing. The manager should ensure the following steps are taken:

- (a) discuss the matter with the aggrieved and give him or her a copy of the notes for guidance;
- (b) undertake a thorough and detailed inquiry into the matter, seeking to obtain an early resolution;
- (c) if necessary, whilst maintaining confidentiality, seek advice and help from the Equal Opportunities Unit;
- (d) if appropriate, discuss the matter with the person complained of, unless Paragraph 14 applies;
- (e) make a record and detail action taken; and

Metropolitan Police Service Grievance Procedure – *continued*

- (f) if the grievance is resolved ensure that all parties are told of the outcome of the inquiry personally, what action (if any) is to be taken, and the reason for the decision. (For Stage 1 only, a copy of the record made and action taken (at e) should be sent to the Equal Opportunities Unit).
- 8.4 If the aggrieved is not satisfied and wishes to pursue the grievance it will proceed to the next stage. For the purposes of the next stage the aggrieved must identify in writing on the grievance procedure form (Form 6681). Form 6681 is a revised form and should be taken into use from 1 April. Forms 6682 and 6683 should now be destroyed as confidential waste. (See Annex C):
- what is the behaviour/policy which is subject of the grievance;
  - what has been resolved; and
  - what has not been resolved.
- 8.5 The grievance procedure form should be sent under confidential cover with any other relevant papers to the person who is to conduct the next stage of the grievance procedure and a copy sent to the Equal Opportunities Unit for monitoring purposes. Where a grievance appears to form part of a series (that is, three or more from separate individuals) managers at the remaining stages have the right to respond to individuals in writing or arrange a meeting between all the aggrieved and an appropriate senior manager. It is recognised that there are clearly issues of confidentiality which arise and will need to be addressed on the rare occasions that this occurs, particularly if the grievances raise other issues.
- 8.6 No record of a grievance will be kept on the aggrieved person's personal file, unless the grievance is of a false and malicious nature that it amounts to a proven disciplinary offence.
- 8.7 No record will be kept on the personal file of the person complained of, except where there are criminal or disciplinary proceedings arising from the grievance.
- 9 Stage 2 – Next appropriate manager
- 9.1 Normally this stage of the grievance procedure involves full consideration of the grievance by a more senior manager within the OCU or branch. This manager will usually be the manager to whom the stage 1 manager reports but may be the OCU commander or head of branch or a line manager between the two. He or she should seek to resolve the grievance within 14 days and follow the procedure at Paragraphs 8.3 to 8.7. If the time limit is extended after discussion with the aggrieved, all parties must be kept informed of the progress of the investigation in writing. The OCU commander or head of branch, if not directly involved at this stage, should also be kept informed of progress.
- 10 Stage 3 – Assistant commissioner/head of business group or nominee
- 10.1 This stage of the procedure involves full consideration of the grievance by the appropriate assistant commissioner/head of business group or nominee. He or she should seek to resolve the grievance within 21 days. If the time limit is extended after discussion with the aggrieved, all parties must be kept informed of the progress of the investigation in writing.
- 10.2 Before making a final decision the manager dealing with stage 3 may, if appropriate, seek advice from the Policy Board member with portfolio responsibility for a particular function or consult the Equal Opportunities Unit for advice.



Metropolitan Police Service Grievance Procedure – *continued*

- 10.3 The assistant commissioner/head of business group or nominee should ensure that all parties are told of the outcome of the inquiry personally, what action (if any) is to be taken, and the reasons for the decision. The aggrieved will normally have the right of a personal meeting with whoever manages the final stage of the grievance procedure. Written confirmation will follow as soon as possible thereafter. The Equal Opportunities Unit will be made aware of any matters dealt with under this stage, and will then file all papers
- 10.4 Where an assistant commissioner/head of business group is dealing with a grievance at an earlier stage because the aggrieved person is a senior member of staff, the Commissioner, Deputy Commissioner or Receiver, as appropriate, will deal with stage 3.
- 11 Grievances – Unresolved
- 11.1 On completion of stage 3, the grievance procedure is exhausted, albeit the grievance may not have been resolved to the satisfaction of the aggrieved.
- 12 Grievances resolved or withdrawn
- 12.1 When a resolution is achieved, or the aggrieved decides to withdraw the matter, the manager responsible for the appropriate stage must ensure that the aggrieved confirms this in writing. The aggrieved should be advised that before doing so, it might be helpful to discuss the decision with a colleague, a representative of a trade union, staff association or other serving member of the Metropolitan Police Service. If the aggrieved so wishes, three days should be allowed to consider any decision made.
- 13 Retention of records
- 13.1 At the end of the grievance procedure all records and relevant papers should be sent to the Equal Opportunities Unit who will keep the papers.
- 14 Relationship between the grievance procedure and disciplinary or criminal investigations
- 14.1 Grievance procedures are a management function and are concerned with the rights and responsibilities of all members of staff, and the procedures and people involved in them should reflect this. It should be remembered that grievance procedures are not and must not be seen to be, in any way part of discipline procedures.
- 14.2 Occasionally the nature of a grievance may amount to an act which is in contravention of the terms of employment or disciplinary procedures and warrant action within the civil staff or police disciplinary procedures. At every stage managers dealing with grievances should exercise discretion and take into consideration the wishes of the aggrieved. Should the grievance appear to amount to a criminal or disciplinary offence, then guidance may be sought from commander (Inspection and Review) or equivalent for police officers or personnel manager for civil staff, or may be sought from the Equal Opportunities Unit or CIBI.
- 14.3 For police officers only – the final decision to initiate a discipline inquiry will always remain with the commander (Inspection and Review) or equivalent to whom matters will be referred in the event of it becoming apparent that such action is required. It remains open to the commander (Inspection and Review) or equivalent, however, having regard to all the circumstances, to decide that a matter should remain within the grievance

Metropolitan Police Service Grievance Procedure – *continued*

procedure, in which case it will continue to be dealt with at the appropriate stage of the procedure.

- 14.4 Procedures for dealing with alleged criminal or disciplinary offences reported by staff are well established and are entirely separate from the grievance process. Occasionally, however, a grievance will involve allegations of criminal or disciplinary offences.
- 14.5 Under normal circumstances, criminal conduct, especially conduct involving either dishonesty or serious assault must be reported directly to the OCU commander/head of branch. He or she should notify the commander (Inspection and Review) or equivalent for police officers and the personnel manager for civil staff. It must be explained to the aggrieved that the nature of the allegation makes this necessary. The grievance procedure should run in parallel with the criminal/discipline procedure. This may involve extending the time limit of the first stage of the grievance procedure until the criminal/discipline procedure is completed. By doing this the appropriate manager can continue to provide support or advice and monitor possible victimisation.
- 14.6 In some cases, a grievance may indicate that minor disciplinary offences have been committed and the aggrieved may pursue such allegations if he or she wishes subject to Paragraph 14.3. It will not be appropriate for the manager to make a report to the commander (Inspection and Review) or equivalent for police officers, or personnel manager for civil staff, if the aggrieved does not wish to make disciplinary allegations, which are minor in nature, against the person concerned. The aggrieved should not be forced to give evidence since his or her reluctance would be likely to render any discipline investigation untenable.
- 14.7 There may be circumstances where despite the aggrieved person's unwillingness, the manager believes a disciplinary case should be reported. Examples include:
- where the allegation is, or appears to be very serious;
  - there are compelling issues of public or organisational interest;
  - since the original report was made, the matter has got worse, for example, if the person concerned persists with the alleged misconduct; or
  - the matter is, or is believed to be, one of a series of incidents.
- In cases of doubt, commander (Inspection and Review) and/or CIB1 are to be consulted for police officers and Assistant Director, Personnel (P8) is to be consulted for civil staff.
- 14.8 The reason for the decision to conduct a disciplinary investigation will be fully recorded on the grievance procedure form. A manager who needs to take further advice on the handling of any case may also consult the Equal Opportunities Unit on a personal basis so that the confidentiality of the grievance is maintained.
- 14.9 When deciding whether to refer a matter to the commander (Inspection and Review) or equivalent for police officers for a decision or personnel manager for civil staff for advice the appropriate manager should first consult the aggrieved, and then take into account all the circumstances of the case including the following points:
- the need to maintain confidentiality;
  - the effect on the aggrieved, who may then be put into the position of being a complainant in disciplinary proceedings against a colleague; and
  - for police officers only – any document about the grievance procedure and statements made by officers in the course of the grievance procedure will not

Metropolitan Police Service Grievance Procedure – *continued*

normally be used as evidence in disciplinary proceedings. However, there may be circumstances in which such statements might properly be taken into account in the disciplinary context, for example, if an officer makes unsolicited admissions about a separate matter which is not the subject of the grievance.

- 14.10 Attempts to find resolution to the grievance may prove difficult until the outcome of any discipline inquiry is known. Therefore, the grievance procedure should run concurrently, though separate from, the discipline inquiry. However, resolution of the grievance may be deferred pending the outcome of the discipline inquiry with the agreement of the aggrieved.

15 Role of the Equal Opportunities Unit

- 15.1 The Equal Opportunities Unit is responsible for registering and monitoring all grievances but otherwise performs a non-executive role in relation to the grievance procedure. It is available to provide confidential advice, support and guidance to managers on policy and procedure for grievances.
- 15.2 Upon receipt of copies of the grievance papers (at stage 2) or original grievance papers (at stage 3), they will be examined to determine outstanding issues such as training needs or policy development and to identify multiple grievances (described in Paragraph 15.3). If necessary a report should be prepared for the OCU/SCU commander/head of branch by the Equal Opportunities Unit, outlining any further action which may be required. Confidentiality must be maintained in respect of the grievance in general unless there is an agreement not to do so.
- 15.3 Although rare, where the Equal Opportunities Unit identifies a number of very similar individual grievances (that is, three or more) about a particular behaviour or a specific issue, it will inform the appropriate manager(s) dealing with the grievances. It may then be possible to arrange a meeting, for example, between all the aggrieved and an appropriate senior manager, in an attempt to resolve their grievances. Alternatively, where a multiple grievance has been identified, individual managers will have the option of responding to the individual in writing rather than in a face-to-face interview. It is recognised that in each individual's case there are clearly issues of confidentiality which will need to be addressed, particularly if some of these grievances raise other issues.
- 15.4 At the end of the grievance procedure, all records and relevant papers should be sent to the Equal Opportunities Unit for them to keep. Written records of grievances and all papers will be kept by the Equal Opportunities Unit in a confidential file for at least two years, in case they are needed for an industrial tribunal.
- 15.5 Equal Opportunities Unit can be contacted on extns 62622/64324/63893/62537.

**Grievance procedure – Guide for manager****Key elements for resolution:**

- listen to what is being said;
- deal from perception of aggrieved and accept this is their firmly held view;
- consider the impact of the behaviour or policy on the aggrieved;
- find out what the aggrieved wants;
- show a commitment to resolve the grievance – take it seriously;
- endeavour to observe time limit but recognise the need for proper consideration and agree any variation with the aggrieved;
- communication – keep all parties aware of progress and if extensions of the time limits are necessary, provide a written explanation of progress in resolving the grievance;
- grievances remain confidential to the parties concerned unless otherwise agreed with the aggrieved; and
- transfer of all paperwork must be under confidential cover.

**Stage 1 – Initial resolution:**

- aggrieved raises matter of concern either orally or in writing with a manager;
- informal resolution takes place by manager to resolve the potential grievance within 14 days;
- discuss matter with all parties concerned and give notes for guidance to the aggrieved;
- keep a written record detailing all action taken;
- if resolved within 14 days, keep any paperwork in a secure cabinet, separate from personal files or records;
- if unresolved after 14 days the aggrieved should formally complete the grievance form (stage 2) setting out the nature of the grievance and the reason why they considered informal resolution to have been unsuccessful; and
- send paperwork to next appropriate manager with a copy to the Equal Opportunities Unit.

**Stage 2 – Next appropriate manager**

- Action taken by manager to whom the grievance is taken, to be completed within 14 days;
- consider seeking advice from the Equal Opportunities Unit and discuss the matter with all parties concerned;
- take action to resolve grievance and make a record of the action taken;
- if resolved, send the paperwork to the Equal Opportunities Unit; and
- if unresolved, send the paperwork, with a copy to the Equal Opportunities Unit, to the assistant commissioner/head of business group.

**Metropolitan Police Service Grievance Procedure – *continued****Annex A – continued***Stage 3 – Assistant commissioner/head of business group or nominee**

- Action by assistant commissioner/head of business group or nominee to resolve grievance to be completed within 21 days of completion of stage 2;
- consider seeking the advice of the Equal Opportunities Unit and discuss this with all parties concerned;
- take action to resolve the grievance and make record of any action taken;
- if resolved, send the paperwork to the Equal Opportunities Unit; and
- if unresolved, record outcome, inform aggrieved and send paperwork to the Equal Opportunities Unit.

**Metropolitan Police Service – Grievance Procedure – Notes for Guidance**

Where individual members of staff feel that they have a cause for complaint about the way they have been treated, either by management or by their colleagues or about a policy issue, the purpose of the grievance procedure is to ensure that they are given the opportunity to have their grievances resolved in a fair and just manner. The grievance procedure is intended to resolve issues as quickly as practicable, and not to establish guilt or provide punishment. However, a grievance will often focus on the word of one person against another, with little or no supporting evidence. Each case, therefore, will be decided on the balance of probabilities (which is the standard of proof used by industrial tribunals), although it may not always be possible to resolve the grievance. The grievance procedure is intended to provide fairness to all parties, including the person against whom the grievance is directed.

The following principles apply:

**Representation**

The aggrieved has the right, at any stage, to be accompanied by a staff association or trade union representative or other serving member of the Metropolitan Police Service.

**Early resolution**

Grievances should be recognised and dealt with at an early stage by managers.

**Confidentiality**

Grievances remain confidential to the parties concerned, unless otherwise agreed with the aggrieved person.

**Acceptance of grievance**

Managers must act impartially

**Recording and monitoring**

Grievances and actions taken must be recorded. At each stage the manager must ensure that the aggrieved, if dissatisfied, is given the opportunity to put the reasons in writing.

**Industrial tribunals**

In order to start industrial tribunal proceedings a Form IT1 has to be served on the industrial tribunal (*see* time limits below). Copies of Form IT1 and advice and guidance on the procedure can be obtained from the Citizens Advice Bureau, the Equal Opportunities Commission, the Commission for Racial Equality, the Department for Education and Employment and Job Centres. Once Form IT1 is served, the industrial tribunal can defer the case until the outcome of the internal grievance procedure. This is a discretionary option and there is no mandatory requirement for a tribunal to defer the case.

**Time limits**

A time limit of three months less one day for the start of industrial tribunal action is imposed by the Race Relations Act, the Sex Discrimination Act and the Disability Discrimination Act. This time limit starts from the date of the last act complained of.



Metropolitan Police Service Grievance Procedure – *continued*

Metropolitan Police Service

Annex C – *continued*

If 'No', the manager must complete (i) - (iii), include reasons why the aggrieved person is dissatisfied and give them the opportunity to put in writing the reasons why they are dissatisfied.

(i) What aspect of the grievance has been resolved? (Continue on a separate sheet if necessary)

.....

(ii) What aspect of the grievance has not been resolved? (Continue on separate sheet if necessary)

.....

(iii) What action is required to resolve the grievance? (Continue on separate sheet if necessary)

.....

Have all parties been advised of the outcome? Yes  No

If 'No', why not? (Continue on separate sheet if necessary)

.....

.....

Comments/recommendations (if any). (Continue on separate sheet if necessary)

.....

.....

The aggrieved has been notified that if the grievance refers to unlawful discrimination, which may be heard before an Industrial Tribunal, the matter must be registered with the Tribunal within 3 months less one day from the date of the last act complained of.

I am satisfied that my grievance has been resolved   
 I no longer wish to pursue my grievance   
 My grievance has not been resolved

Signature ..... Date .....

(Aggrieved)

Signature ..... Date .....

(Manager)

A copy of this Form should be submitted to the Equal Opportunities Unit under confidential cover.





Metropolitan Police Service Grievance Procedure - continued

Annex C - continued

Metropolitan Police Service

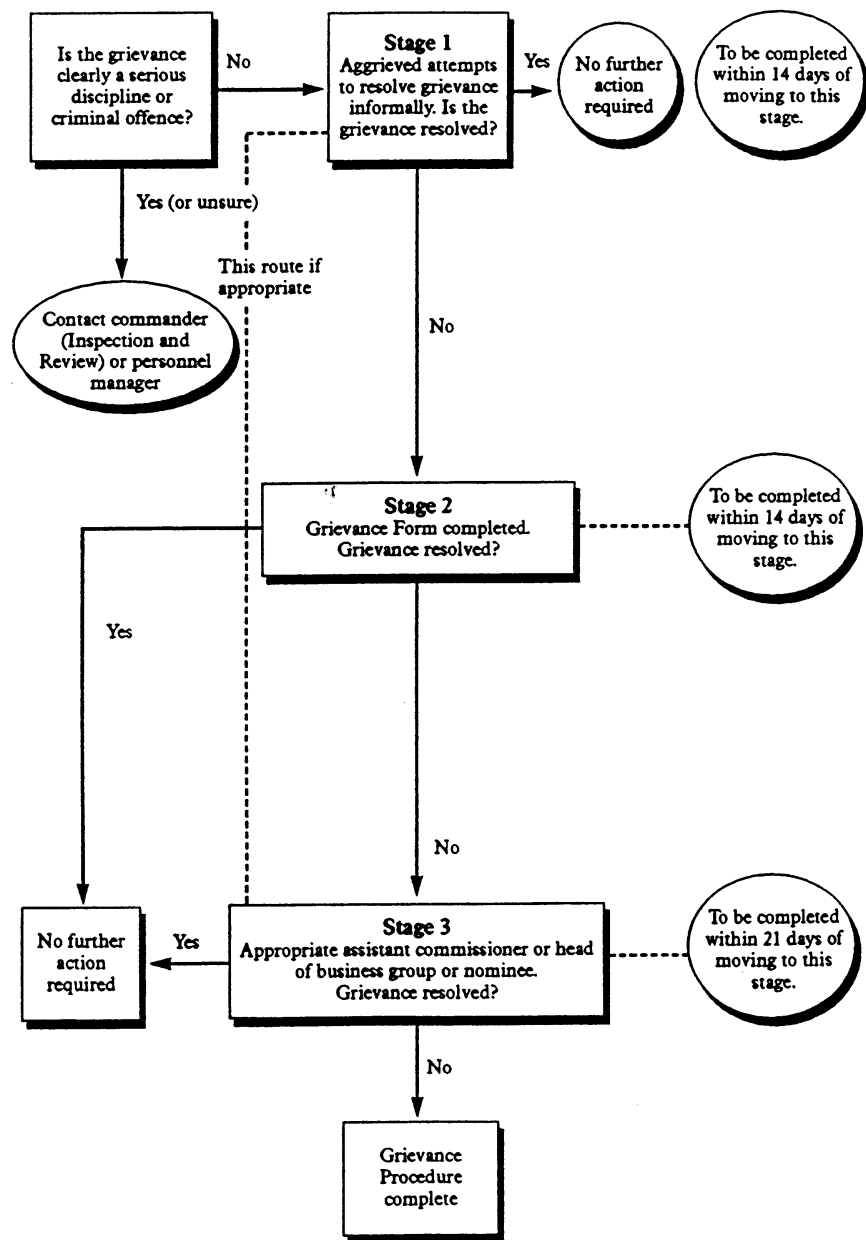
Was the grievance resolved?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Not pursued <input type="checkbox"/>
If 'Yes', how was the resolution achieved? ..... ..... .....			
If the grievance has not been resolved the Assistant Commissioner/Head of Business Group or nominee should include reasons why the aggrieved person is dissatisfied. If the aggrieved wishes the opportunity should be given to put the reasons in writing below.			
(i) What aspects of the grievance has been resolved? (Continue on a separate sheet if necessary) ..... ..... .....			
(ii) What aspect of the grievance has not been resolved? (Continue on separate sheet if necessary) ..... ..... .....			
Have all parties been advised of the outcome? Yes <input type="checkbox"/> No <input type="checkbox"/>			
Comments/recommendations (if any). (Continue on separate sheet if necessary) ..... ..... .....			
The aggrieved has been notified that if the grievance refers to a discrimination case which may be heard before an Industrial Tribunal the matter must be registered with the Tribunal within 3 months less one day from the date of the last act complained of.			
Yes <input type="checkbox"/> No <input type="checkbox"/>			

SAMPLE

Signature ..... (Aggrieved)	Date .....
Signature ..... (Assistant Commissioner/Head of Business Group or nominee)	Date .....

This Form should be submitted to the Equal Opportunities Unit under confidential cover.

■ Outline for Grievance Procedure



Copies of the record made and action taken (at Stage 1), and the Grievance Form (at Stages 2 and 3) should be sent to the Equal Opportunities Unit.

## Administration

### **3** The Grievance Procedure

(P4)

Special Notice 12/96 of 22 March 1996 sets out the Grievance Procedure. The attention of all managers is drawn to Paragraph 3.1 of the Special Notice covering the need to deal confidentially with grievances.

In addition, the following amendments (shown in **bold**) should be made to Paragraphs 5.5 and 8.4 of the Special Notice:

#### Paragraph 5.5

**“Line and personnel managers are encouraged to seek the advice of the Equal Opportunities Unit before the transfer of anyone involved in a grievance. They should also hold a preliminary discussion with the individual before a final decision is taken on a transfer.”**

#### Paragraph 8.4

**“If the aggrieved is not satisfied and wishes to pursue the grievance it will proceed to the next stage. For the purposes of the next stage the aggrieved must identify in writing the issues about which he or she feels aggrieved. The manager dealing with Stage 2 must attach these to, and complete, the appropriate sections of the grievance procedure form (Form 6681).”**

The ‘Guide to Grievance Handling’ will shortly be amended to reflect these changes and revised copies will be sent to all personnel managers. Additional copies may be obtained from P4 on extn 62605.

Enquiries about this Notice may be made to Alan Johnson, P4 on extn 62452.

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## Grievance Monitoring

To be attached to the grievance paperwork on completion.

Section 1 – To be completed along with Grievance paperwork	
Date grievance was first recorded.....	Gender of aggrieved <input type="checkbox"/> M <input type="checkbox"/> F
Location of aggrieved.....	
Rank/grade of aggrieved.....	
Ethnic origin of aggrieved.....	
Length of service of aggrieved.....	
<b>What is the main cause of the grievance? Please tick ✓ one of the following:-</b>	
Sexual Harassment <input type="checkbox"/>	Fairness of:- Selection Procedures <input type="checkbox"/>
Sexual Discrimination <input type="checkbox"/>	Promotion Procedures <input type="checkbox"/>
Racial Harassment <input type="checkbox"/>	Postings/Transfers <input type="checkbox"/>
Behaviour (not sexual/racial) <input type="checkbox"/>	Appraisal <input type="checkbox"/>
Disability <input type="checkbox"/>	
Other (please specify) <input type="checkbox"/>	_____
<b>If the grievance is related to an appraisal, what is felt to be unfair about it? Please tick ✓ boxes as appropriate</b>	
Sexual Discrimination <input type="checkbox"/>	Box mark is lower than expected <input type="checkbox"/>
Racial Discrimination <input type="checkbox"/>	Undeserved adverse comments <input type="checkbox"/>
Inappropriate comments <input type="checkbox"/>	
Other (please specify) <input type="checkbox"/>	_____
<b>The information required in Section 1 is for statistical purposes only. No specific details about individual grievances that might identify the persons involved should be included.</b>	

Section 2 – To be completed by all managers involved in this Grievance Procedure.
<p>Please use the grid overleaf to note details of all time spent (to the nearest 10 mins) by anyone on activities related to this grievance. This should include all the time spent by anyone involved in dealing with the case, including paperwork, meetings, consultations, etc.</p> <p>Please remember to note the time of all participants in meetings and also of anyone consulted during the course of the procedure.</p>

*Continued over*



Andy HAYMAN MA FIMgt  
Deputy Assistant Commissioner



Ms Sue Harper  
Metropolitan Police Authority  
6<sup>th</sup> Floor, Romney House,  
Marsham Street,  
London SW1P 3PY

METROPOLITAN POLICE SERVICE  
Deputy Assistant Commissioner,  
Deputy Commissioner's Office,  
Room 916  
New Scotland Yard  
Broadway  
LONDON  
SW1H 0BG

Telephone: 020 7230 4271  
Facsimile: 020 7230 1582

16th August 2001

Dear Ms Harper,

I am writing further to your letter of 5<sup>th</sup> July 2001, addressed to the Deputy Commissioner, in connection with the Viridi Inquiry.

Research is still underway in relation to your request that R. David Muir be afforded an opportunity to review the MPS press file in relation to matters appertaining to PS Viridi.

As soon as I am in a position to give you a substantive response, I will write to you again.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Colin Pearce".

Colin Pearce  
Staff Office, DAC Hayman

Andy Hayman MA FIMgt  
Deputy Assistant Commissioner



**METROPOLITAN POLICE SERVICE**

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**Telephone: 020 7230 4271  
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Our ref: L/1066/RJS

Ms Sue Harper  
Metropolitan Police Authority  
6<sup>th</sup> Floor  
Romney House  
Marsham Street  
London  
SW1P 3PY

20 November 2001

*Dear Ms Harper.*

I apologise for the delay in providing you with a substantive response to your letter dated 5<sup>th</sup> July addressed to the Deputy Commissioner who has asked me to reply. The delay is due in part to the MPS needing to obtain legal advice to help consider any implications for the unresolved Employment Tribunal.

I am pleased to inform you that there is no objection to R. David Muir and yourself having a copy of the MPS press file and media strategy (for disciplinary hearing and Employment Tribunal). Due to the outstanding litigation I am advised that certain restrictions need to be agreed.

There are 10 pages in the press file relating to actions on 3<sup>rd</sup> March 2000 (the date on which Sergeant Viridi was found guilty of discipline offences) and a Media Strategy for Disciplinary Hearing and Employment Tribunal dated January 2000 and updated 23<sup>rd</sup> February 2000 (with associated documents) (referred to below as "the material relevant to E.T. No.2"). The reason for requesting agreement to the understandings listed below is that the second Employment Tribunal claim by Sergeant Viridi remains unresolved and the conduct of it by the MPS could be prejudiced by premature disclosure of the contents of the material relevant to E.T. No.2.


I am advised that the material relevant to E.T. No.2 will need to be supplied on the following understandings:-

1. It will be supplied to David Muir as Chair and to you as Policy Advisor to the Inquiry. It will be stored in locked cabinets at Romney House. Access to read documentation needs to be on the understanding that only Panel members will be able to read the documents and the material is not copied.
2. It will be returnable to the Commissioner as and when required.
3. It will not be read out or referred to in any open session the Inquiry may hold.



A further point which needs careful consideration is in the event that the Inquiry wishes to include or refer to any material from the press file within the final report it would be essential to discuss the content. I am sure you understand this is not intended to stifle the Inquiry but to protect the interests of the MPS whilst it defends the outstanding litigation.

If you have any queries about this letter please do not hesitate to get in touch with me. Please contact my office on the above number to arrange delivery of the file.

yours sincerely  


Andy Hayman  
Deputy Assistant Commissioner

# THE METROPOLITAN POLICE STAFF SURVEY 2000

## CORPORATE RESULTS

### Dear Colleague

I am delighted to share with you the first results of the Staff Survey, which were prepared and analysed by the Research and Survey Unit (PIB3) and verified independently by DOCSA Ltd.

More than 18,000 staff returned the questionnaires and the results reflect their opinions about key corporate concerns. While nearly everyone gets on well with their colleagues and immediate managers, there are significant concerns about levels of pay and staffing, resources and bureaucracy.

The response to the survey was higher than we hoped it would be and compares favourably with similar organisations. I believe this signals a solid commitment to the Service for which we can be proud to work.

Local results are now being analysed and will be issued to OCU commanders/departmental heads by July 3. These results will be shared with local staff and discussed at a series of focus groups over the coming weeks.

The actions we take to shape the future of the Metropolitan Police Service will be based on both the corporate and local results. This means we can address the issues that you believe are most important. There are already a number of projects under way or in the pipeline, for example, the new appraisal system now being piloted as part of the People Strategy and various initiatives to stamp out bureaucracy.

Thank you to everyone who took time out to give me such valuable insights into the organisation. I am committed to using this information as effectively as possible and hope that you will help and support the organisation in its drive for improvement.



Sir John Stevens



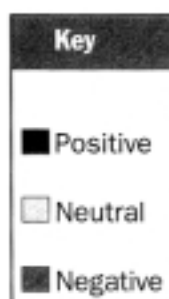
**METROPOLITAN  
POLICE**

*Working for a safer London*

## KEY FINDINGS

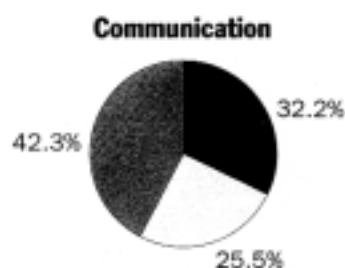
Staff were asked to give their opinions about different key areas: communication; career development; equal opportunities, including the prevalence of racism and sexism; practices and procedures; reward and recognition; managers and colleagues; training and development; and, resourcing and conditions.

The pie chart in each section indicates the percentage of positive, neutral and negative perceptions about each of these areas in general. There is also a breakdown of responses to the individual questions asked in each section. Some response figures in the individual questions were rounded up which means that the total percentage may exceed 100 per cent.



## COMMUNICATION

Encouragingly, over half of the respondents regularly read *The Job* to find out what is going on and find the information in Notices useful (56% and 52% respectively). However, only two out of ten respondents find it easy to keep up with what is going on outside their own unit (19%).

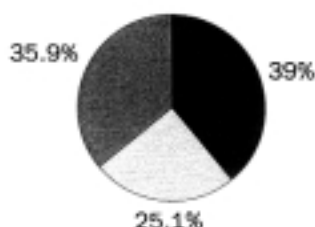


	Agree	Neutral	Disagree
I find it easy to keep up with what is going on outside my own unit	19%	26%	55%
My opinion about how things are done has an influence	20%	19%	62%
I understand the reasoning behind personnel policies	21%	27%	53%
I am given enough information to do my job well	35%	27%	37%
I don't understand the thinking behind changes that take place	49%	28%	23%
I find the information in Notices useful	52%	31%	16%
I regularly read <i>The Job</i> to find out what is going on	56%	21%	24%

## CAREER DEVELOPMENT

Approximately half of the staff who responded find their job fulfilling (49%) and are proud to work for the MPS (51%), but only one third feel that their employment conditions are fair (35%). In addition, two thirds (67%) state that they know exactly what their job requires them to do whilst one quarter don't know what they have to do to get the promotion they want (26%). Only two out of ten feel that their potential for development and growth is recognised (20%) and only one in ten feel that promotions are well structured (12%).

### Career Development

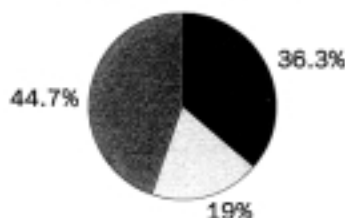


	Agree	Neutral	Disagree
I find my job fulfilling	49%	20%	31%
Promotions are fair and well-structured	12%	28%	60%
I don't know what I have to do to get the promotion I want	26%	34%	40%
I feel my employment conditions are fair	35%	24%	42%
I know exactly what my job requires me to do	67%	18%	16%
I am proud to work for the MPS	51%	25%	25%
My potential for development and growth is recognised	20%	28%	52%

## EQUAL OPPORTUNITIES

Seven out of ten of the respondents agree that men and women receive equally fair treatment in their unit (70%) and approximately half feel that homosexuals and heterosexuals are treated equally fairly in the MPS (52%). However, only one quarter agree that all staff in the MPS are treated with respect, regardless of their rank or grade. Eighty-eight per cent of respondents have never or almost never experienced racism in their unit and 72% have never or almost never experienced sexism in their unit.

### Equal Opportunities



	Agree	Neutral	Disagree
All staff in the MPS are treated with respect, regardless of their rank or grade	25%	19%	57%
Men and women receive equally fair treatment in my unit	70%	14%	16%
People are treated differently in the MPS according to their ethnicity	56%	22%	22%
Homosexuals and heterosexuals are treated equally fairly in the MPS	52%	34%	14%

### PREVALENCE OF RACISM AND SEXISM

	Very often	Sometimes	Occasionally	Almost never	Never
I have witnessed racism in my unit...	1%	4%	8%	24%	64%
I have witnessed sexism in my unit...	3%	8%	17%	24%	48%

Andy HAYMAN MA, FIMgt.  
Deputy Assistant Commissioner



Date: 30 March, 2001

METROPOLITAN POLICE SERVICE

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Dear Ms Harper

#### Viridi Inquiry

I am responding to your letter dated 14<sup>th</sup> March 2001.

The new measures introduced through the restructuring of CIB and Area Complaints Units in the main address some of the shortcomings that arguably could be identified within the Viridi investigation. I feel it is more constructive to outline in my written response the measures that are now in place which, if Viridi or a similar case was investigated in the future, would benefit from these new measures.

The following are a summary of the main points emerging from the review of the Viridi investigation and the restructuring of the Directorate of Professional Standards (DPS).

1. The area complaints units are now merged into the DPS structure and benefit from being able to draw from a wider range of skills and resources across the command. This is further complemented with all DPS investigating officers now being trained to the national senior investigating officer standard.
2. It is recognised that given the size of London there is a need to achieve greater consistency of working practice but at the same time not inhibiting local creativity or innovation. A set of corporate standards has been drafted which provide a framework from which all officers within the DPS will comply. This will create a more consistent approach to investigations and empower local innovation. This will also benefit those being investigated and complainants. A further feature is the reduction of bureaucracy. For example some processes have been reduced from having up to 15 stages to 5 stages.
3. A pan-London DPS training needs analysis is soon to be completed which will give us an even more accurate analysis of the training needs which exist amongst both civil support staff and police staff. During the latter part of 2001 a training programme will be introduced to meet these training needs.

4. Investigating officers now use decision logs within their investigations. This provides an audit trail which can be scrutinised by supervisors and by future misconduct hearings to understand the thought processes that have led to various investigative decisions. The investigating officer will be required to record the investigative strategy and the reasons and rationale behind the decisions.
5. Victim care is an integral part of an investigation. Borough Support staff are being trained as family liaison officers.
6. The reporting of wrongdoing policy has been introduced as an investigative tool to uncover unethical and practice of wrongdoing. This supports the creation of an environment across London which is intolerant of unethical behaviour.
7. Performance review and individual case conferencing are now an integral part of intrusive style management by senior staff. This should not be seen as an overbearing management style but given the critical nature of the DPS business the more intrusive style of supervision and management is needed to ensure that any problems are nipped in the bud at an early stage to avoid them becoming the focus for future litigation or unnecessary investigations.
8. The use of independent oversight panels, challenge panels and Gold Reviews have been introduced to the DPS command to ensure that critical challenge is part of our culture and that contributions from others are valued by investigation teams. It is important these contributions are demonstrable in the investigation plan. In summary the DPS is creating a culture where investigating officers and the senior management team value the views of others during critical times of an investigation.
9. The learning which has been extracted from the Viridi investigation is the basis for an aide memoire check list which has been issued to all DPS investigating officers. This is intended to assist them when forming their investigative strategy (copy enclosed).

As I explained in my presentation prior to the formulation of the pan-London DPS the decision to suspend or remove an officer from normal duty was conducted by five different ACPO officers. Understandably, it was difficult to achieve consistency of decision making. With the new structure having one ACPO officer responsible for this function it introduces greater accountability and consistency of decision making. I have enclosed a copy of the newly formed suspension and removal from duty policy. I can assure the Viridi enquiry that I consider each case according to its merits, testing the available material against this policy. You will see from the policy that I regularly review each case either on a monthly basis or when a new development has occurred (whichever is the earliest). Given the personal nature of assessing each case on its own merits I cannot give a definitive criterion for racist actions and language.

The overriding criteria for suspending an officer is that it can occur:

- In any case where, the ACPO officer considers the matter, on the information available, to be capable of leading to a major penalty either in criminal or disciplinary proceedings; and
- It is necessary and in the public interest to do so.

I am enclosing details of officers currently suspended/restricted from normal duty for harassment categories.

Please find enclosed the following statistical information as requested;

- Misconduct hearings held between 01/04/99 and 31/01/01. Ethnicity of the officer concerned and result.
- Post and pre Macpherson enquiry – Number of officers subject of public complaints /internal by ethnicity including suspension status.
- Written warnings – Number of officers receiving them by ethnicity between 01/04/99 and 31/01/01.

If I can be of any further assistance please do not hesitate to contact my office.

Yours sincerely



Andy Hayman  
Deputy Assistant Commissioner

cc Supt Mark Gore, Staff Officer to Deputy Commissioner

## DPS (Support)

### Case Review

#### Investigation.

Statements	Was the use of prepared or duty statements appropriate.(is it ever appropriate)
Narrow focus	Was the scope of the investigation restricted, should other suspects or conduct have been included. Were all suspects treated similarly, if not why? Did the IO remain open and enquiring about all possible suspects.
Resources	Did insufficient resources being committed to it (if appropriate) affect the investigation.
Level	Investigation carried out by appropriate personnel i.e. ACU or CIB
Critical decisions	Are these documented showing reasons for particular strategies being adopted. Were decision logs used.
Roles of IO and SIO	If appropriate were these roles clear and understood.
Previous reviews	Has the case been reviewed before /during the investigation and were any points raised acted upon correctly and recorded. Were reviews carried out when staff changes were made.
Methods	Were the methods/strategies appropriate. Were any unusual methods adopted. Is there any suggestion that methods may have been adopted because of the sensitivity of the case due to the race/ethnic background of the officer/complainant or any other person involved.
Proportionality	Was the investigation proportionate to the conduct complained of. Is there any suggestion that the investigation may have been disproportionate due to concerns for the image of the organisation where race/ethnic backgrounds are an issue.
Regulation 7/9 notices	Served correctly? Were the officers aware of the scope of the investigation.
Local management involvement	Was there any initial investigation by local managers etc. which could affect the outcome. Are there any suggestions of entrapment, where suspects are given an opportunity to explain conduct is this applied to all?
Impartiality	Did the investigation take an impartial and inquisitorial approach.
Victim/Complainant	Were issues of their care dealt with appropriately.



### **Suspension**

Suspension Policy	Case reviewed in light of the policy due to be published.
Suspension/restricted duties.	Were all suspects treated proportionately. Was there sufficient evidence to justify the course of action.

### **Discipline/Misconduct Decision.**

Charges	Review of evidence to prove each charge and the likelihood of being proven on the relevant burden of proof.
Proportionality/Consistency	Is the disposal decision both consistent with other decisions and proportionate to the conduct substantiated.
Assertions or assumptions	Where made are these supported by evidence?
Borderline cases	Should we consider a review of the case by an outside person to promote an open decision making process. Or the involvement of a senior officer from an ethnic minority background.
Lay involvement	Should we consider the use of lay persons in the decision making process for sensitive cases.

### **Involvement of Senior Officers**

Is the absence of senior officers from an ethnic background an issue? This is relevant to the investigation, decision making process and the Board/Hearing members.

**Metropolitan Police Service – The Diversity Strategy: A Review**  
**Sir Herman Ouseley**  
**(Appendix B: The Learning Organisation, Section 2, p36– p38)**

**2. Some Characteristics of a “Learning Organisation”**

In order for the MPS to become a truly “learning organisation”, it should begin to foster:

- (i) Reflective accountability – All verbal, written and other reports along all chains of command should be reflected upon in terms of what they show, hold or even symbolise for an equality-driven and inclusive MPS. Thus the current inherent flaws in the MPS, which exclude this factor directly and indirectly, ensure that equality, equity, fair treatment and diversity never become an integral part of the everyday policy and practice in the organisation. The goal must be to make equality, equity, fair treatment and diversity an integral part of the MPS’s everyday activity.
- (ii) Collaborative continuous scrutiny – All policies, practices and behaviours should be subject to scrutiny with the full collaboration of the scrutinised (individual, operational unit, department, division, command etc), thus allowing for what might be called “multiple-chain actions”. The learning process therefore is not a top-down, command-driven activity but one that inspires confidence in and ownership by every member of staff through their active engagement and participation.
- (iii) Multiple-chain actions – Interventive, preventive and reinventive actions flow from continuous scrutiny; just as importantly, they should connect together to form a corpus and chain of action which continues to reverberate through an organisation in a way which produces desired changes and achieves clearly stated objectives.
- (iv) Accumulative and distributive knowledge – All types of information to do with producing quality-driven best value organisations. The need to distribute as well as accumulate is essential and possesses massive implications for communication practices (see below).
- (v) Leadership as incorporated mentoring – All people in an organisation are political “leaders” and hence capable of being mentors to others. Leadership means holding and articulating responsibility for goals, objectives, performances, qualities, culture etc. Although command-driven organisations (Police, Army etc) have to command, it should be acknowledged that leadership resource is something that cannot be subsumed under command.
- (vi) Communicating as lived exchange – Communicating is practising as well as preaching: exchanging information and ideas in lived or real settings as commentary rather than instruction. Communicating supports and enables changes and exchanges; it frees people from fear and anxiety over racism, changes in work methods and

differences associated with others not like themselves. Communicating means action – not theorising. Continuous two-way talking, listening and action are essential ingredients for effective change.

- (vii) Realisations as consequences – If things are observed realistically, then they have consequences for actions (see above) which are directed towards changing unacceptable ideas and practices and reinforcing acceptable ideas, practices, behaviours and situations.



**Metropolitan Police Authority  
Viridi Inquiry**

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Sir John Stevens QPM  
Metropolitan Police Service  
New Scotland Yard  
Broadway  
London  
SW1H 0BG

21 June 2001

Dear Sir John,

**PS Gurpal Viridi**

On the 21<sup>st</sup> June 2001 the Panel met at Romney House. The substantive item on the Agenda was to hear evidence from PS Viridi.

PS Viridi had prepared a submission based on the Terms of Reference and questions forwarded in advance of the meeting.

The nine Members of the Panel had carried out extensive preparation in order to ensure PS Viridi had every opportunity to present his submission which is of key importance to the Inquiry.

The timescale afforded to the Inquiry required that the Report be submitted to the Metropolitan Police Authority on the 26<sup>th</sup> July 2001 and this Panel meeting was the final scheduled meeting for the hearing of evidence.

On the 19 June 2001 PS Viridi faxed a letter to my office at Romney House (21.00). In this letter (copy attached) he states his concerns regarding a failure to progress the positive outcomes agreed during our meeting with PS Viridi earlier this year.

PS Viridi attended the Meeting at 11.30 today with his wife. He sought clarification as to the status of his evidence in the light of unresolved issues with the MPS. Panel Members were unable to give the necessary assurance that PS Viridi could present his evidence in a way that may not later be '*discovered*' in other proceedings. As a consequence I had no alternative but to advise PS Viridi that the evidence would not be heard in order to protect his own position. The Panel concurred with this decision.

This letter is not written in an attempt to interfere in the negotiations between the MPS and PS Viridi as this is obviously outside of the Terms of Reference of the Panel.

As you can see from PS Virdi's letter there is an assumption that the MPA should intervene to allow him to give evidence with confidence. However, as the Panel only learned of this one working day before the arranged Panel Meeting, it was not possible to provide these assurances.

The Inquiry Panel is very disappointed that progress in resolving this matter between PS Virdi and the MPS seems not to have progressed in the spirit of the assurances given at the meeting you had with PS Virdi in January, and our subsequent meeting with him.

In the light of events of today, the Panel have formed the view that there has been an unacceptable delay in concluding this matter.

I will be taking up DAC Becks' offer to examine the files to ascertain the full picture to determine if there are any lessons to be learnt from this perceived difficulty.

I hope to progress this action at the earliest opportunity.

Your sincerely

A handwritten signature in black ink, appearing to read 'R. David Muir', with a long, sweeping underline that extends to the right.

R. David Muir  
Chairman Virdi Inquiry

c.c Lord Harris Chair of the MPA  
Catherine Crawford Clerk to the MPA



**Metropolitan Police Authority  
Virdi Inquiry**

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Email: sue.harper@mpa.gov.uk**

Gurbux Singh Esq.  
Chairman of the Commission for Racial Equality  
Elliot House, 10–12 Allington Street  
London  
SW1E 5EH

26 July 2001

Dear Mr Singh,

**MPA Inquiry – PS Gurpal Virdi**

I am writing to you in my capacity as Chair of the MPA Inquiry into the circumstances surrounding the case of PS Gurpal Virdi.

You will recall that the Inquiry was scheduled to report its findings at the end of July 2001. At the panel meeting held on 18 July 2001, PS Virdi was yet again unable to attend to present his submission (the third cancellation of his attendance at a panel meeting). You will be aware that his non-attendance was not due to any unwillingness on the part of PS Virdi. Indeed, he is most anxious to attend. However, the fact that matters between him and the MPS have not been resolved, and that any submission made by him to the Inquiry could be *discoverable* in the event of future action, has persuaded him that he ought not to give evidence at this point.

The Employment Tribunal found that the MPS has discriminated against PS Virdi on the grounds of his race on 23 August 2000. He was subsequently reinstated as an officer on 30 November 2000. On 8 December 2000 a Remedy Hearing awarded him £151,688. Seven months later PS Virdi remains at home on paid leave.

Whilst it is clearly outside the Terms of Reference of the Inquiry to have any involvement with ongoing negotiations, the inability to hear the submission by PS Virdi is causing an unacceptable delay to the Inquiry process. The panel members are clear as to their impartiality, but at the last panel meeting members indicated that they believed that their experience could be seen to mirror that of PS Virdi, in that they were suffering from similar blockages and frustrations.

It seems most unacceptable that two large public bodies such as the MPS and the CRE, both indicating a willingness to make progress, seem unable to bring this matter to a conclusion. I would like to urge you to intervene personally to ensure that the obstacles to progress are overcome as swiftly as possible.

Reluctantly, we have extended our timescale. A new date of early September has been set for the hearing of PS Viridi's submission. The panel members have determined that this *hindrance* to our progress must be resolved by this time. If the position remains the same, the Inquiry will have no alternative but to complete its work without hearing PS Viridi's submission, reporting its findings and observation on the parties involved.

A further extension to the Inquiry timescale and additional use of public money cannot be justified, and does nothing to encourage public trust and confidence in the police service.

I urge you to use whatever means you deem appropriate to resolve the lack of progress as a matter of urgency.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'R. David Muir', with a long horizontal flourish extending to the right.

R. David Muir  
Chair of the Viridi Inquiry

c.c. Sir John Stevens QPM, Commissioner of Police of the Metropolis  
Lord Toby Harris, Chairman of MPA  
The Right Honourable David Blunkett MP, Home Secretary

**FROM THE CHAIRMAN**  
GURBUX SINGH



**COMMISSION FOR  
RACIAL EQUALITY**

3<sup>rd</sup> August 2001  
Our Ref: GS/BS/MRB/329-07-01

ELLIOT HOUSE  
10/12 ALLINGTON STREET  
LONDON SW1E 5EH

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Mr. R David Muir  
Metropolitan Police Authority  
Chair of the Virdi Inquiry  
6<sup>th</sup> Floor, Romney House  
Marsham Street  
LONDON SW1P 3PY

Dear Mr Muir

**MPA INQUIRY – PS GURPAL VIRDI**

Thank you for your letter dated 26<sup>th</sup> July. I fully appreciate the major problem that your Inquiry is facing in not being able to hear a submission from PS Virdi. As I will explain in slightly more detail below, the obstacles to securing a satisfactory conclusion to Mr Virdi's outstanding claim against the Metropolitan Police Service is, with respect, not solely the responsibility of the Commission for Racial Equality. I note that you have copied your letter to me to Sir John Stevens as well as to Lord Toby Harris and the Home Secretary. I am disappointed that you have chosen this course rather than to write in similar terms to the Commissioner of the Metropolitan Police Service, since the inability to agree on final terms cannot be the responsibility of only one party in litigation.

I am advised by the solicitor with conduct of the case for PS Virdi that, in order to secure an early resolution of outstanding matters, she has proposed to the MPS solicitors the involvement of ACAS. Regretfully, in responding to various matters concerning compensation and the terms of a Compromise Agreement, the MPS solicitors have not responded to this very sensible suggestion. I am further advised that there has in fact been progress in reaching an agreement acceptable, to all parties, both parties have made concessions and negotiations are continuing. It is certainly not the view of the Commission that the prolongation of this matter is to the benefit of any party.

I will, of course, convey your very urgent message to those acting for PS Virdi; I hope that, through you, the above messages can also be conveyed to Commissioner of the MPS and those he has instructed.

The person dealing with your enquiry is:  
Direct line ☎ 020-7932

U N I T I N G   B R I T A I N   -   F O R   A   J U S T   S O C I E T Y

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PD:6801



From the outset the Commission for Racial Equality has been very pleased that the MPA has chosen to carry out so careful an Inquiry into all of the circumstances concerning PS Viridi and his complaints against the MPS. We would certainly not want in any way to impede the Inquiry in securing the fullest possible information concerning these matters.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Gurbux Singh', with a long horizontal flourish extending to the right.

**GURBUX SINGH**



HOUSE OF COMMONS  
LONDON SW1A 0AA

Sue Harper  
Senior Policy Advisor to the Virdi Inquiry  
Metropolitan Police Authority  
6<sup>th</sup> Floor, Romney House  
Marsham Street  
LONDON SW1P 3PY

Our Ref: VIRD001 980264

10 May 2001

Dear Ms Harper

Re: Submission to the Virdi Inquiry

Further to your letter of 25 April, I am making a submission to the Virdi Inquiry in my capacity as PS Gurpal Virdi's local Member of Parliament. I have been involved in his case against the Metropolitan Police Service from the outset.

I was concerned at the outset of my involvement in the investigation that 2 Area Complaints Unit answered my letters of concern to the Commissioner. Considering that this Unit was the subject of my concern, I do not think it right that my concerns were not answered by a senior officer. In the early days of the investigation, the facts of the case did not appear to be presented in a very accurate or straightforward manner.

Secondly, I am concerned about the length of time that PS Virdi's case took to be investigated. The CPS took over ten months to decide not to take to case against PS Virdi to court, the disciplinary hearing took over two years and even now, PS Virdi is still waiting to return to the Met Police.

Thirdly, despite the concerns raised by myself, other MPs, local councillors, and other prominent members of the local community, the case against PS Virdi seemed to progress regardless. PS Virdi has only received redress once he referred the matter to an Employment



HOUSE OF COMMONS  
LONDON SW1A 0AA

Tribunal. The MPS' disciplinary system should have picked up the points made by the Tribunal long before the Tribunal was involved.

Fourthly, I am very concerned at the damage PS Virdi's case has done to relations with the Asian community in the locality and London as a whole. At a time when the Met is trying to encourage more members of ethnic minorities to become police officers, the message given out by the Virdi case has not been a positive one.

Lastly, I am still waiting to see whether any disciplinary action will be taken against the officers criticised in the Employment Tribunals findings. If the MPS is to learn from this and move forward, it must show that it will not tolerate to kind of behaviour exhibited by these officers.

I would be grateful if all these points are taken into consideration by the Inquiry and I look forward to seeing the results of the Virdi Inquiry.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Alan Keen', written over a horizontal line.

**ALAN KEEN MP**

Member of Parliament for Feltham & Heston

# MPA

**Metropolitan Police Authority  
Viridi Inquiry Panel Meeting Notes (18)  
9 May 2001, 10:30am  
Romney House, AG11**

## **Item 4**

### **Presentation by Piara Khabra MP**

Mr Khabra attended for this item and confirmed that he was MP for the constituency in which Ealing Police Station was situated. He shared details of his background with Panel Members having moved to Ealing in 1959, working as a Magistrate from 1977 until 1992, when he was elected as a Member of Parliament.

During this period he had seen considerable change within the police service whilst he recognised that there may be individual officers responsible for racist actions there was a drive to remove the climate of racism particularly since publication of the Stephen Lawrence Report. Senior officers were prepared to talk to community groups and maintained good relationships with local authorities. The last 3 or 4

Ch. Supt. Of Ealing had been keen to promote links with the community. Mr Khabra confirmed that he had received correspondence from PS Viridi's father and had written to the MPS at his this time who had responded that they were looking into the matter. During the time the case was being reviewed he visited Ealing Police Station on 2 occasions. In respect to questions posed by Panel Members

Mr Khabra confirmed that:

- a) no other officers from Ealing Police Station had expressed concern over the treatment of PS Viridi (although PC Sandhu has written about other issues)
- b) he was not aware of any particular concern within the community about this case – there were no repercussions
- c) PS Viridi did go to the Temples to seek support and letters were sent to New Scotland Yard as a result

Mr Khabra advised the Panel that in his opinion more prejudice was displayed to Sikhs who wore turbans although he recognised the MPS had sought to change their uniform dress codes in relation to head gear.

Mr Khabra was thanked for his attendance.

## IN THE BACK

### VIRDI'S REQUIEM



**WHAT** has happened to former police sergeant Guralp Virdi? As *Eye* readers will recall, he was falsely accused of sending race hate mail to himself and colleagues at Ealing police station, convicted "beyond all doubt" by three commanders of the Metropolitan police, and then cleared beyond all doubt by an industrial tribunal which found

discrimination and awarded Sgt Virdi the highest ever damages for such behaviour.

After several meetings with Met commissioner Sir John Stevens, Sgt Virdi has been reinstated in the police service and is waiting on full pay while the Met finds a suitable job for him. So far no one else has even been accused, let alone charged with sending out the race hate mail for which Sgt Virdi was so falsely accused.

The matter was raised obliquely in disciplinary hearings against Sgt Virdi. Sgt Robert Hunter, a senior officer at Ealing, was questioned as follows

**Q:** Let me ask you about a gentleman called Jason Wallace, a police constable I think in your team about the time these events took place. Do you remember him?

**A:** Indeed I do, sir.

**Q:** Now, Jason Wallace was an individual very interested in computers, was he not?

**A:** Yes. He was, sir.

**Q:** Did you discuss computers with Jason Wallace?

**A:** No. He tried to discuss them with me, but Wallace was given to me as a bit of a problem to solve and I had to be very, very careful not to get close to him. He had many interests: golf, electric guitar, computers. I played the electric guitar and, you know, as soon as he found that that was my interest he started bringing his guitar into work and showing me music, anything to curry favour, so I kept him at a distance that way — the same with computers. He'd bring in a CD-rom for me or something, and you know no way was I taking anything off Wallace.

**Q:** I see. Did you have cause to reprimand him for making a racist comment about PC Sandhu?

**A (after a pause):** I've got half an idea that there was something there, but I can't remember what it was about. I keep fairly extensive records on Jason Wallace because he was a problem. I couldn't tell you off the top of my head what it was about, but I am sure I spoke to him about being rude once.

**Q:** Did you know that Jason Wallace had gained access to Sergeant Virdi's home directory?

**A:** No, I didn't, sir.

**Q:** In about the autumn of 1997?

**A:** No, definitely not, no.

Another sergeant who gave evidence at the hearing was Kenneth Mackenzie. He had conducted the inquiries into the race hate mail from Ealing, and he was asked:

**Q:** Did you make inquiries about PC Wallace?

**A:** Yes, we did. To my recollection he was on a period of annual leave just before Christmas that took him to about new year time, as best I remember.

Sgt Virdi of course also gave evidence at the hearing. He was asked about Jason Wallace, and he replied: "Jason Wallace was Sergeant Hunter's team member. He, as I said, was a bit of a computer freak. I believe in the summer of 1997 as a result of Inspector Bahra's formation of a Sikh or Asian society, I contacted or wrote e-mails to all ethnic officers. Within a few, or a couple of hours Jason Wallace was aware of my e-mail... and I immediately changed the password. There was another incident with PC Sandhu, where again I was covering for that team; and he refused to work with him.

**Q:** Did Wallace refuse to work with Sandhu?

**A:** Yes, sir. I confronted him with it, and he responded by: 'You're not our team sergeant'. So I did a report and copied it to Sergeant Hunter. And he dealt with him.

On all this evidence it was clear that Jason Wallace was a computer freak who was known to access his colleagues' e-mails. He was also not very happy about cooperating with Asian colleagues. Yet he was never even interviewed by the investigators into the race hate mail for which Guralp Virdi was wrongly convicted.

At any rate, PC Wallace's career in the Metropolitan police is now over. Soon after Sgt Virdi's arrest, Wallace was himself arrested for shoplifting, an offence for which he was acquitted after claiming that he was under great stress.

Now, from the *Ealing Gazette* of 16 March, comes more news of Jason Wallace. Another police disciplinary hearing, held under the auspices of the police complaints authority (PCA), heard that on 10 December 1997, Wallace was sent to Elthorne Avenue, Hanwell, to investigate the alleged theft of a bicycle. He stopped Winston Allen, a black former champion boxer, who was riding his own bicycle to his home further down the street.

When Mr Allen asked politely why he had been stopped and if he could proceed on his way home, PC Wallace sprayed him in the face with CS gas and arrested him for assaulting a police officer and causing criminal damage. In April 1998, a neighbour told Ealing magistrates she had witnessed the entire incident and did not see any blows exchanged. Mr Allen was acquitted on both charges.

At a disciplinary hearing — which for some reason was not heard until the beginning of March this year, more than three years after the incident — Caroline Mitchell, of the PCA, said: "Our investigation showed that the complainant (Mr Allen) was unlawfully arrested — there was no evidence to suggest that he had committed any assault. The CS spray should never have been used and certainly not at close quarters — just three feet away."

The hearing found against PC Wallace and he was "ordered to resign". The difference between being ordered to resign and sacked is that in the former the guilty copper keeps his pension rights.

# ASIAN TIMES

## COMMENT

### VICTORY FOR SGT. VIRDI

**GURPAL Virdi's victory in rescuing his tarnished name and reputation against all the odds should embolden and encourage all those who are fighting against the tyranny of racism. Racism, discrimination and prejudice continue to manifest themselves in our daily lives in both subtle and crude ways. This judgement has exposed the dark sinister racist heart of the whole case like a floodlight. There was nowhere for the Met to hide. An apology and admission of culpability was inevitable.**

**Seargent Virdi became the victim of a conspiracy to have him ignominiously removed by falsely implicating him in charges of sending racist hate mail to his black colleagues and himself. A character assassination was carried out, he was subjected to an unprecedented level of humiliation and indignation at the hands of a police service to which he had devoted sixteen years of conscientious service.**

**Despite the belated apology and the offer of reinstatement his faith in the police, and the whole concept of fair play has been terminally shaken. This honourable man had to fight for three years for his honour to be restored. In time he may be able to forgive but he will never forget. Indeed to exercise vigilance against this sort of outrage it is imperative that we all remember.**



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