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# Resolving Issues at Work Policy and Procedure - Schools

(Covers Grievance, Harassment and Bullying)



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**Osmotherley Primary School** <Add the name of your School/College here>

Date adopted by School Governing Body (based on NYCC model policy no #) **14<sup>th</sup> January 2018** <insert date here>

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**Policy produced for Schools and Colleges under Local Management of Schools, together with Early Years providers under the HR service provision of North Yorkshire County Council.**

**Access: If you require this information in an alternative format, such as large type, audio cassette or Braille, please contact the HR Advisory Service.**

## 1. Scope

- 1.1 This policy applies to all school based employees (all teaching and support staff) under the Local Management of Schools arrangement, and members of staff of Early Years providers under the HR service provision of North Yorkshire County Council.
- 1.2 The policy has been adopted by the Governing Body of this school/Early Year setting on the date shown on page 1.
- 1.3 The policy should be used for resolution of all issues at work except grading and collective grievances. Grading issues will be resolved through a separate procedure via the Resourcing and Reward team at North Yorkshire County Council. Collective grievances will be managed through the Collective Disputes Procedure. This policy is compliant with ACAS Code of Practice and Statutory Legislation.
- 1.4 Conduct issues arising from any investigations should be resolved under the School's Disciplinary Policy and Procedure.
- 1.5 **Where reference is made to Manager within this policy, this could mean Headteacher, line manager, Head of Department/Faculty, School Business Manager or Governor.**
- 1.6 When reading and applying the Policy, Managers and employees should refer to the accompanying Guidance. Relevant sections of the Guidance are cross-referenced within Sections 2, 3, 4 and 5.

## 2. Policy Statement *(Please refer to Guidance – Section 2)*

- 2.1 This school is committed to fostering a workplace where employees feel able to raise issues of concern, and for such concerns to be resolved as soon as possible, with the least formality possible. The objective of this policy is to settle all issues in the shortest time and appropriate levels of confidentiality, as close to the point of origin as possible.
- 2.3 Examples of issues that may be dealt with through this policy include:
  - Relationships at work (with colleagues/manager)
  - Equalities e.g. discrimination
  - Harassment and bullying
  - Health and Safety
  - Terms and conditions of employment
- 2.4 If an employee experiences issues as a result of proceedings under another policy, it should be dealt with under that procedure and not Resolving Issues at Work. However, if it is appropriate to raise issues under this procedure, this will not halt the other process.
- 2.5 An employee who raises a grievance that is found to be vexatious may face disciplinary action. A vexatious grievance is one which is fabricated for personal gain and/or the purpose is to harm the subject of the complaint or cause undue delay to a process.

## 3. Procedure - Informal Stage *(Please refer to Guidance – Section 3)*

- 3.1 Where an issue arises the employee should firstly speak to the person concerned.
- 3.2 Where this does not work, or the employee feels unable to do this, they should speak to their own manager who will support them in trying to resolve the situation informally. If the issue is related to their line manager, then the employee should speak to their manager's manager or an alternative manager of appropriate seniority. (Please refer to table 1 in the accompanying

Guidance document for information about reporting arrangements for issues relating to senior managers and members of the Governing Body).

- 3.3 Normally employees will not be accompanied when trying to resolve an issue informally. Many issues can be raised and settled quickly between the employee, related staff and their line manager(s). However, if an employee wishes to be accompanied by a work colleague or recognised Trade Union representative at the informal stage then they can be.
- 3.4 Managers do not need to keep minutes of informal meetings but a note of the outcome should be recorded and retained on file.
- 3.5 Where an employee does not feel that an issue has been resolved satisfactorily, informally, then they may choose to raise the issue formally under this procedure.

#### **4. Procedure - Formal Stage** *(Please refer to Guidance – Section 4)*

- 4.1 An employee who wishes to raise concerns formally needs to put their issue/s in writing to their line manager, or where this is not appropriate (for example if they are related to the subject of the complaint) to an alternative manager of appropriate seniority. (Please refer to table 1 in the accompanying Guidance document for information about reporting arrangements for issues relating to senior managers and members of the Governing Body).

The written complaint should include the following information:

- what the issue is;
  - the parties involved;
  - what has been done to try and resolve the issue informally;
  - why this has not worked;
  - What they see as a solution to the situation.
- 4.2. The designated manager will arrange to meet with the individual concerned without unreasonable delay. At the meeting the employee will explain their issue(s) and how they think the issue should be resolved. The employee has the right to be accompanied by a work colleague or recognised Trade Union representative at this meeting.
  - 4.3 The manager will then fully investigate the issue(s) as soon as possible. This may involve a number of meetings with different people (including witnesses), to establish the facts and involve gathering together relevant documents.
  - 4.4 If an employee becomes ill at a time when required to attend a Resolving Issues at Work meeting, in normal circumstances, the meeting will be postponed. An explanation and supporting medical evidence may be sought.
  - 4.5 Where it is apparent that the sickness absence will be for a prolonged period, the employee should be referred to Occupational Health to enquire if the employee is fit or when they are likely to be fit to take part in the Resolving Issues at Work process.
  - 4.6 In the event of longer term sickness absence, where an employee is not fit to take part in the Resolving Issues at Work process, aspects of the process that can be completed in the employee's absence, such as interviewing other members of staff and gathering relevant documents can continue.
  - 4.7 Having fully investigated and considered the issues raised, the manager will report to the employee in writing the findings and outcome of their investigation, and where appropriate, actions arising out of the investigation.
  - 4.8 On occasion, conduct issues may arise from investigations carried out under the Resolving Issues at Work policy. These issues should be addressed via the Disciplinary Policy and Procedure, with the allegation(s) made clear to the appropriate employee(s) and a separate

investigation carried out under the Disciplinary policy. It may be appropriate to use witness statements gathered during the Resolving Issues at Work procedure on these occasions, and witnesses will need to provide consent for this, prior to their use. Alternatively, witnesses may be re-interviewed where appropriate.

4.9 If the issue is resolved at this formal stage the manager who has led the investigation will monitor the situation to ensure that the actions are carried out.

4.10 If the employee who raised the issue does not accept the decision they will be given the right of appeal to an independent panel.

**5. Procedure - Formal Appeal Stage** *(Please refer to Guidance – Section 5)*

5.1 An employee must submit a letter of appeal to the manager who investigated the issue, within 10 working days of the date of the letter informing them of the decision at the formal stage.

5.2 The employee must be clear about the grounds of appeal, which may relate the facts of the case and/or procedural points and/or due to new evidence emerging.

5.3 Appeals will be heard at the earliest opportunity and will be heard by an Appeals Panel made up from members of the Governing Body *(Please refer to Guidance for more information)*.

5.4 The Appeal Hearing will be convened in line with the School's Hearing and Appeals Procedure.

5.5 The outcome of the Appeal Hearing must be confirmed in writing, normally within 5 working days of the date of the hearing.

**6. Addressing issues once employment has ended** *(Please refer to Guidance Section 4.2 – Case Law)*

6.1 There is no legal requirement for an employer to deal with grievances which are first raised after the employment has ended. However, depending on the nature of the issue(s) raised it may be felt appropriate to investigate them and make a response. It is therefore important to seek advice from the HR Advisory Service when an issue / complaint is received in writing after the employment has ended. In the majority of cases, issues raised after employees have left will be handled in writing by both parties.

6.2 Complaints that are raised in resignation letters/emails or through Exit Interviews should be followed up as soon as possible, as these have been raised prior to the employment ending. As with other complaints, the process would normally begin at the informal stage.

7. Flowdiagram

