



School Policy

Complaint Resolving Issues at Work Policy and Procedure

September 2016, Issue 2

Document Number:

Document Approval

This document was reviewed and approved by the Governing Body as appropriate and effective.

Signed: _____

If this is one of the 2 official copies the Approver shall write "Copy 1" or "Copy 2" and initial here:

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Document Review

The Governing Body will review this policy to ensure that it is appropriate and effective whenever necessary, and not less than once every four years.

Document Control

There is one controlled paper copies of this document in the Policies File in the Junior Building.

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All other copies (electronic and paper) are uncontrolled.

Document History

Filename: Complaint Resolving Issues at Work Policy and Procedure				
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1	Adapted NYCC policy	NYCC	CPS 16.1.13	Jan 13
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Resolving Issues at Work Policy and Procedure

(Covers Grievance, Harassment and Bullying)

STATUS: Updated January 2014

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Scope

This policy applies to all employees except those employed by locally managed schools. If schools wish to adopt this policy they will need to agree it through their normal processes.

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. Collective grievances will be managed through the Collective Disputes Procedure. This policy is compliant with ACAS Code of Practice and Statutory Legislation.

Conduct issues arising from any investigations should be resolved under the [Disciplinary policy](#).

Policy Statement

The objective of the Resolving Issues at Work Policy and Procedure is to settle all issues in the shortest time, with the least possible formality and appropriate levels of confidentiality, as close to the point of origin as possible.

Some issues likely to 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

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.

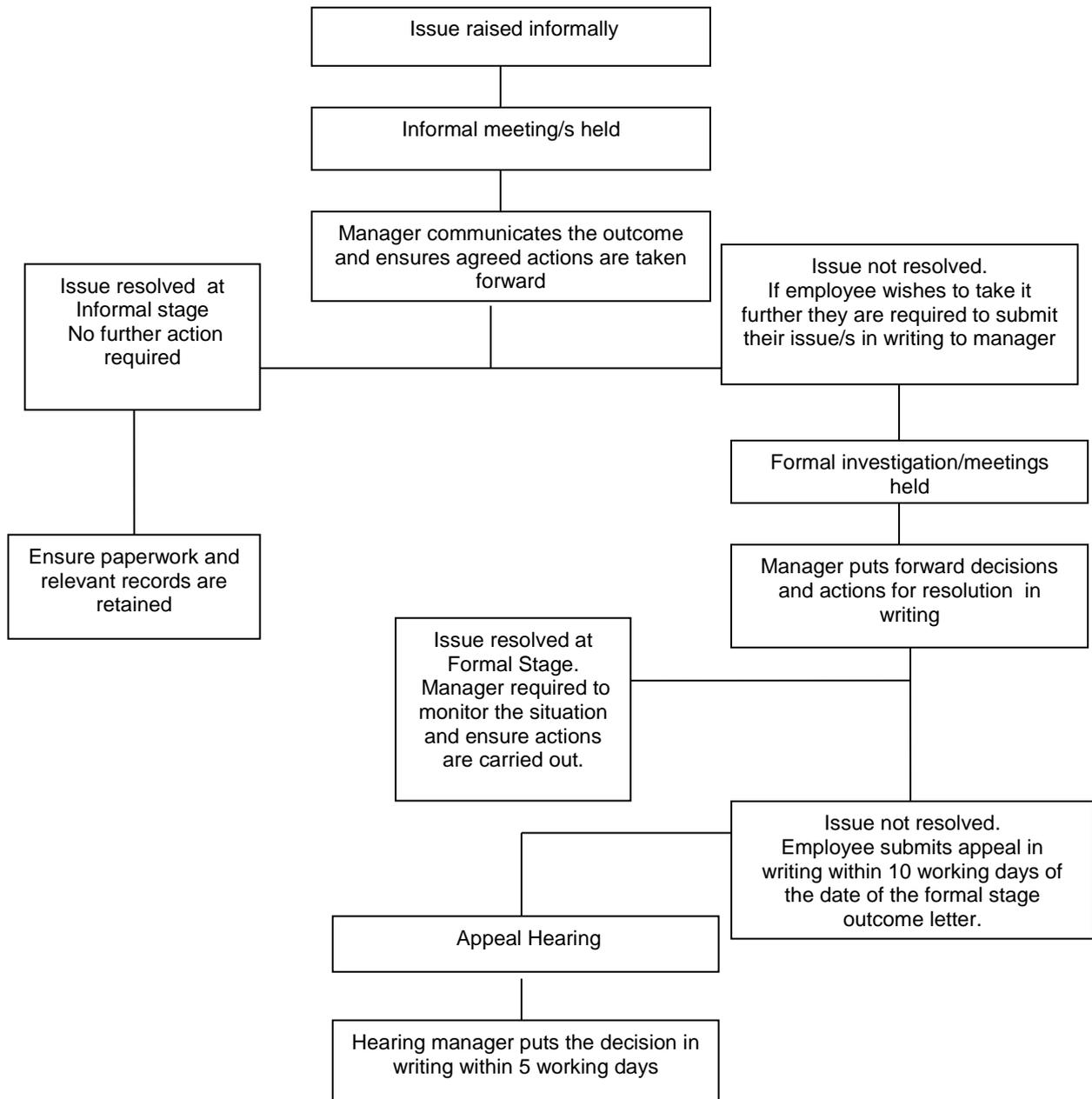
An employee who raises a grievance that is found to be vexatious may face disciplinary action. A vexatious grievance is one which is fabricated for personal gain and/or the purpose is to harm the subject of the complaint or cause undue delay to a process.

Where reference is made to the Manager - in schools, this could mean the Head Teacher, line manager, Head of Department, School Business Manager or a governor.

Schools please note – There is a separate procedure for dealing with complaints made by parents and members of the public.

Issues involving elected members - The same principles of the policy apply, but the Assistant Chief Executive Business Support would need to be informed at an early stage.

FLOWCHART FOR DEALING WITH ISSUES



Procedure

1. Informal Stage

- 1.1 Where an issue arises the employee should firstly speak to the person concerned.
- 1.2 Where this does not work, or the employee feels unable to do this, the employee 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 (see table 1 in guidance document for issues relating to senior postholders).
- 1.3 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/Professional Association representative at the informal stage then they can be.
- 1.4 Managers do not need to keep minutes of informal meetings but a note of the outcome should be recorded and retained on file.
- 1.5 Where an employee does not feel that an issue has been resolved, satisfactorily, informally, then they may choose to raise the issue formally.

2. Formal Stage

- 2.1 Where attempts to resolve the matter informally do not address the issue, it may be appropriate to raise it formally under this procedure.
- 2.2 Firstly the employee needs to put their issue/s in writing to a nominated officer who is not the subject of the complaint; usually their line manager or an officer of appropriate seniority, who will then formally investigate and focus on resolving the issues raised.

An employee's pro forma is available in the toolkit, Appendix B. The written complaint will need to include:

- 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.

The manager (or nominated officer) will then arrange to meet with the individual concerned without unreasonable delay upon receipt of the letter/form from the employee. At the meeting the employee will explain their issue(s) and how they think the issue should be resolved. The manager (or nominated officer) 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. The employee has the right to be accompanied by a work colleague or recognised Trade Union/Professional Association representative at these meetings.

One outcome may include facilitation from an independent third party to help rebuild the working relationship (see guidance document).

- 2.3 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.

Where it is apparent that the sickness absence will be for a prolonged period, the employee should be referred to the Occupational Health Adviser 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. [SEE ATTENDANCE MANAGEMENT POLICY](#)

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. The employee's absence will be managed under the attendance management policy. Any formal meeting to be held with the employee under the Resolving Issues at Work procedure will normally be postponed until either they deem themselves or Occupational Health deems them (whichever is sooner) fit to take part in that process (see guidance document for one example of where it may be appropriate to depart from the normal procedure in this respect).

Having sought medical advice through the Occupational Health Service, where an employee is deemed fit to take part in the Resolving Issues at Work process, the Resolving Issues at Work procedure should continue.

- 2.4 Having fully investigated and considered the issues raised, the manager may decide that a further meeting, with the employee who has raised the complaint, would be beneficial to discuss their decisions and actions for resolution. The manager should present any findings and, where appropriate, intended actions arising out of the investigation, to the employee in writing (Appendix E) and this may be accompanied by a report (Appendix D) to fully explain the process and outcome. These proposed actions and outcomes should be saved on the employee's e-file.
- 2.5 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, 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.

- 2.6 If the issue is resolved at this formal stage the nominated officer who has led the investigation (usually the line manager) should monitor the situation to ensure that the actions are carried out.
- 2.7 If the employee who raised the issue does not accept the decision they will be given the right of appeal to an independent panel. (For information on right of appeal in schools see table 1 of the guidance document).

3. Formal Appeal Stage

- 3.1 In order to submit an appeal, the employee must be clear of the grounds of the appeal, which may include:
- The facts of the case and/or
 - Procedural points and/or
 - Through new evidence emerging
- 3.2 The employee's appeal letter must be sent to the manager (or nominated officer) who dealt with the issue at the formal stage and must:
- Summarise what's happened to date.
 - State why they are not able to accept the manager's (or nominated officer's) decision at step 2.
 - State what they feel the solution to the issue should be and why.
- 3.3 The employee is required to submit their written appeal no later than 10 working days of the date of the letter informing them of the decision at the formal stage.
- 3.4 At this point arrangements will be made for the appeal hearing to take place, including the collation of documentation required.
This will include:
- a copied set of all the previous relevant letters /pro-formas/information
 - any action plan agreed
 - the employee's written case for appeal
- 3.5 All documentation should be sent to the appeal panel at least five working days before the appeal hearing takes place.
- 3.6 For the appeal hearing refer to appeal hearing guidance.

4. Addressing issues once employment has ended

- 4.1 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 HRSST, 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.
- 4.2 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.