



Staff grievance policy

Policy statement

Nailsworth Playgroup aims to promote positive working relationships and is committed to providing a working environment where employees are treated with dignity, fairness and respect.

Nailsworth Playgroup recognises that occasionally an individual employee or group of employees may have a problem, concern or complaint regarding their working environment or working relationships.

It is expected that the majority of day to day concerns can be resolved through regular communication between the management team and employees. However, on occasion this may not be possible, and a more structured approach may be necessary using this procedure.

Where an employee raises a grievance, it is preferable for this to be resolved informally between the individual and the Manager and/or Chair. Where a grievance cannot be resolved informally, it may be appropriate for the issue to be addressed formally, including allowing the right of appeal.

Nailsworth Playgroup encourages individuals to work towards a resolution and requires all parties to engage in this process. Consideration will be given to the use of mediation as a means to achieve a lasting resolution to complaints.

Nailsworth Playgroup recognises the need to ensure grievances are addressed without undue delay. Nailsworth Playgroup may undertake reasonable investigation to assist in the resolution of the grievance.

Complaints that are found to amount to misconduct on the part of an employee will be addressed under Nailsworth Playgroup's Disciplinary Procedure.

An employee who has raised a complaint in good faith will not be treated less favourably or suffer any detriment in their employment as a result of raising a complaint under this procedure.

Due consideration will be given to the support required by both parties when addressing concerns.

A grievance will be addressed promptly and informally where possible.

A grievance will be treated as confidential by all parties.

This policy has been developed to comply with legal requirements and in accordance with ACAS guidance and best practice principles.

The procedure explains:

- a. How employees can raise issues with their managers about their working environment or work relationships.
- b. How Nailsworth Playgroup will address those concerns in a fair and consistent manner.
- c. What is expected from the management team and employees with regards to the management of grievance issues.

Scope

This Policy and Procedure applies to all current employees of Nailsworth Playgroup.

The Grievance Policy should be used for work related issues such as concerns relating to an employee's own employment, working environment, working relationships and terms and conditions. It may also be used to raise concerns about actions of another employee or manager acting on the provision's behalf.

This policy may also be used by a group of employees who wish to raise a grievance about their employment where the circumstances are the same.

If the complaint relates to an allegation of bullying and harassment – the matter should be addressed under Nailsworth Playgroup's Acceptable Behaviour procedure.

Employees are advised that any grievances raised must lie within the provision and is the control of the Playgroup to resolve in its role as an employer.

This procedure does not normally apply to:

- a. Any issue for which a separate procedure is applicable (e.g. disciplinary and dismissal or capability matters, complaints about harassment, bullying or whistleblowing, pay decisions).
- b. Matters relating to statutory adjustments to pay and allowances (e.g. income tax, national insurance, pensions).
- c. Issues of strategic policy for Nailsworth Playgroup.

Responsibilities of Nailsworth Playgroup

- To ensure employees are given the opportunity to explain their concern and the outcome sought.
- To seek a means to resolve the grievance wherever possible whilst taking into account policies, procedures and rules.
- Achieve the early resolution of grievances where possible and to allow employees to take their concerns to a further level of management where appropriate.
- To ensure that a complainant who has invoked the grievance procedure will not be victimised for making such a complaint.
- To ensure consistency and fairness of treatment.

Responsibilities of the Employee

- To raise concerns at the earliest opportunity, to make every effort to raise/resolve matters informally at an early stage and to consider mediation as a means of resolving concerns.
- To engage with management team in seeking to resolve any grievance that has been raised – by attending meetings and/or participating in any investigation and providing evidence to support the complaint.
- To act in a respectful and professional manner towards all parties.
- To maintain confidentiality.
- To raise grievances only in relation to legitimate concerns and not of a malicious/vexatious nature.

Procedure

Definition: a grievance is where concerns, problems, or complaints are raised by employees with their employers.

This may include a problem or concern that an employee or group of employees has about their work, working conditions, or relationships with and actions of their manager or colleagues.

Timescales for Raising a Grievance:

- a. A grievance should normally be raised within three calendar months of the occurrence of the event, act or issue that is the subject of the complaint (or last of a series of acts, events or issues), or show good reason for a longer delay.
- b. Should an employee wish to raise a complaint outside of this period they will need to demonstrate that:
 - they have made reasonable attempts to resolve the matter informally outside of the grievance process;
 - they could not reasonably be expected to have known about the issue and/or could not have raised the complaint within 3 months of first becoming aware of it.

Grievance Process

In this procedure the manager/committee officer considering the complaint is referred to as the 'Grievance Officer'.

Informal Grievances:

- a. Every effort should be made to informally resolve grievances before resorting to the formal stages of this procedure.
- b. Grievances relating to an employee's own employment should initially be raised with the employee's line manager.

c. Grievances relating to colleagues or an employee's line manager should wherever possible be raised informally with the individual who the complaint is about in the first instance. If the employee feels uncomfortable doing this, they should raise the issue with their line manager who may be able to facilitate a discussion between all parties regarding the concerns.

d. In instances where the complaint is against an employee's line manager – complaints should be raised with the next level manager - who may be able to facilitate a discussion between all parties regarding the concerns.

e. In exceptional circumstances and where it's not deemed appropriate for a complaint to be addressed informally, e.g. where there is a risk of intimidation, an employee may raise a formal grievance without first seeking to resolve the matter informally.

Formal Grievances:

a. If it is not possible to resolve a grievance informally, an employee may raise the matter formally in writing stating the basis for the grievance and the resolution sought. The Grievance should be raised with the employee's line manager (or with the next level of management if the grievance issues involve the line manager).

b. It should be noted that at the formal stage the Grievance Officer may be the same person who facilitated a discussion at the informal stage or may be another appropriate manager.

Complaints Raised by the Manager:

a. Where the Manager has a grievance, the matter should be raised formally with the Chair of the Committee.

Collective Grievances:

a. This procedure may also be used by two or more employees who have a collective grievance (or on their behalf by their recognised trades union) and, if the situation arises, the words 'group of employees' should be substituted for 'employee' throughout this procedure.

b. When dealing with groups of employees, representatives of the group, or where desired a trade union representative, may be asked to make representations on behalf of the group.

Right of Representation:

a. Employees who raise, or are the subject of, a complaint have the right to be accompanied by a workplace colleague of their choice or trade union representative at any formal meetings held as part of this procedure.

b. Should the employee feel the presence of a trade union representative or workplace colleague may be beneficial during the informal stage of the process – they should discuss this with the Grievance Officer. There is no statutory right to representation during the informal stage however the presence of an

employee's representative will not be unreasonably refused. It should be noted that the presence of a representative does not redefine the meeting as formal.

Timescales

a. Grievances will be addressed promptly and without undue delay to achieve an outcome for all parties. Indicative timescales are set out below – however these may vary depending on the circumstances of the case:

- Informal Grievance raised Meeting held and outcome reached as soon as is practical
- Formal Grievance raised Within 5 working days following the outcome of the Informal stage
- Grievance meeting Within 10 working days of receipt of formal complaint
- Grievance Outcome Meeting: as soon as practical. Where meeting is adjourned within 10 working days of the conclusion of any investigation or other action
- Written Outcome Within 5 working days of the Grievance Outcome Meeting
- Appeal to be made within 5 working days of the receipt of the written outcome
- Appeal Meeting Within 10 working days of receipt of written appeal
- Written Appeal Outcome Within 5 working days of the appeal meeting

For the purpose of this procedure working days will normally refer to the 195 days of the academic year.

Meetings may take place at other times outside of an employee's normal working days by mutual agreement.

Should an investigation be necessary, anticipated timescales for completing this will be communicated. Where additional time is required, all parties will be advised.

All parties must take all reasonable steps to avoid delays, make every effort to attend the meetings required under this procedure and to provide any information requested by the Grievance Officer or Investigating Officer promptly.

If an employee exceeds the time limits stated without good reason the grievance will be considered as being out of time and no further action will be taken.

Support and Conduct during Process

Nailsworth Playgroup acknowledges that it has a duty of care towards all employees and consideration will be given to any support or reasonable adjustments required by either party during the process.

Employees are advised that their trade union representatives will be able to provide support and advice to their members. Employees who are not members of a trade union may access support via their identified workplace colleague. Further pastoral support may also be offered appropriate to individual circumstances.

Due respect will be given to the rights of both parties during the process and Nailsworth Playgroup will adopt an objective and balanced approach when addressing complaints. Both parties are entitled to a full and fair opportunity to submit their accounts with a view to reaching a resolution.

Where both parties to the grievance are present at any meeting - the Grievance Officer will endeavour to facilitate respectful dialogue between the parties to assist in identifying a mutually agreeable outcome.

Staff will be protected from intimidation, victimisation or discrimination for raising a complaint or for having a complaint raised against them. Any form of retaliation against a member of staff may be addressed as a misconduct issue.

The Role of Mediation

Mediation can often help resolve grievances and is actively encouraged by Nailsworth Playgroup.

b. Mediation is a voluntary process facilitated by an impartial third party which aims to assist parties in reaching resolution and agreement to a workplace dispute or conflict i.e. The Early Years Representative at Nailsworth Primary.

c. Mediation may be instigated at any stage in the procedure but is encouraged at an early stage as means to improve professional relationships and communication between parties.

d. During mediation any grievance process would usually be suspended. If at any point any party wishes to withdraw from mediation, they may do so, and this procedure may be resumed at the appropriate stage.

Informal Action

a. If an employee has a grievance this should, wherever possible, be raised at the earliest opportunity informally and verbally, in the first instance.

b. An employee may also raise the matter in writing if preferred.

c. In addition to outlining the details of the concerns the employee should also clearly explain what action or outcome they are seeking.

d. The normal expectation is that the employee and person who the complaint is against and or Grievance Officer would arrange a confidential meeting as soon as possible. The purpose of this meeting is to explore the issues and the outcome sought by the employee with the aim of achieving a resolution or way forward informally that is mutually acceptable.

e. Where the complaint is against an individual, it would be the normal expectation that all parties should reasonably agree to a joint meeting as a means to seek a resolution to the complaint at this early stage.

f. Resolutions at an informal stage may include:

- providing an apology where appropriate
- agreeing how future communication will take place

- agreeing future conduct which is acceptable to all parties
- agreeing alternative work patterns/practices for either or both parties – subject to operational requirements
- exploring counselling or workplace mediation
- agreeing further training

g. It should be noted that any resolution should take into account Nailsworth Playgroup policies, procedures and rules.

h. Depending on the circumstances more than one discussion may be required to achieve a resolution.

i. At the end of the meeting(s), all parties should agree what actions will be taken to achieve an acceptable outcome and the timescales for achieving these.

j. At the conclusion of the informal process a written record may be made detailing the date of the meeting(s), concerns discussed, and actions/outcomes agreed. A copy should be shared with all parties.

Formal Action:

a. In all cases the employee should also clearly state what outcome/proposed action they are seeking by raising the grievance.

b. The employee should also submit any supporting documentation that is relevant to their complaint.

c. It should be noted that without the grievance being received in writing the Grievance Officer will be unable to progress the complaint. Where it is unclear whether the employee wishes the written complaint to be addressed under the formal grievance procedure, the Grievance Officer will seek to clarify this without unreasonable delay.

d. In most instances where a Grievance Officer was identified at the informal stage – this individual can continue to consider the complaint at the formal stage.

e. The Grievance Officer will provide the employee with written confirmation of receipt of the complaint and confirmation of who will progress the concern.

Formal Grievance Meeting:

a. The Grievance Officer will arrange a confidential meeting with the employee within 10 working days of receipt of the formal grievance.

b. An employee may be accompanied to a formal grievance meeting by a workplace colleague or trade union representative.

c. The purpose of this meeting is to:

- provide an employee with the opportunity to explain their grievance in full and consider/clarify the details of the complaint;

- gather any evidence that the employee wishes to submit in support of their complaint;
- identify any witnesses to the grievance;
- explore and consider the outcome that the employee is seeking;
- determine the outcome of the complaint/reach a resolution at the initial meeting if appropriate;
- determine what further action might be necessary before an outcome can be determined;
- explore other means of resolving the complaint which may be considered as an alternative to undertaking an investigation e.g. a joint meeting, mediation;
- it should be noted that no new complaints can be added after this meeting unless agreement is given by the Grievance Officer.

d. If appropriate, the meeting may be adjourned by the Grievance Officer to:

- consider the information presented, allow for deliberations and make their decision;
- undertake a simple fact-finding exercise themselves - this may include speaking to witnesses and reviewing necessary documents;
- commission a formal investigation and appoint an Investigating Officer;
- identifying other resolutions as outlined at the Informal Stage;
- arrange a joint meeting between parties;
- allow time for mediation between parties;
- consider whether any other further action might be appropriate.

e. It may be that a combination of these actions is appropriate in certain circumstances.

f. Where it is not possible to provide an outcome to the grievance during an initial meeting, the Grievance Officer will confirm in writing the action that is proposed to progress the complaint and the anticipated timescale for completion.

Formal Investigation:

a. Consideration should be given to undertaking as much investigation as is reasonable and appropriate in order to gain a full understanding of the circumstances surrounding the grievance.

b. In some instances, it may be necessary for the Grievance Officer to commission a formal investigation - however it should be noted that a formal investigation will not take place as a matter of course and without careful consideration of other means to resolve the complaint. In many instances an informal fact-finding exercise will be sufficient.

c. Should a formal investigation be undertaken; a formal interview will take place with the employee who has raised the grievance to explore the details of their concerns.

d. Should the complaint relate to an employee - the employee who the complaint has been made against will be notified in writing of the nature of the concerns.

The employee will be invited to attend a formal interview and given full and fair opportunity to respond to the concerns, explain his/her conduct and any mitigating circumstances. The employee should be advised that, should the complaint be upheld, formal disciplinary action may be taken against them.

e. Where the complaint relates to an employee's own employment, working environment or terms and conditions the Investigating Officer will interview the responsible manager as part of the investigation.

f. Both parties may be accompanied to an investigation meeting by a workplace colleague or trade union representative.

g. The Investigating Officer may also conduct a formal interview with other employees identified as witnesses to the complaint. Witnesses providing evidence to an investigation should be advised that information provided may be used as evidence and/or they may be called to present this at a subsequent hearing.

h. A written report will be produced of the investigation findings.

i. Should an investigation identify issues of employee misconduct – this will be addressed under Nailsworth Playgroup's Disciplinary Procedure.

j. The investigation findings will inform the Grievance Officer's response to the grievance.

k. It may not be appropriate or useful in resolving the grievance to share the full investigation report with the parties to the grievance. In such circumstances a summary document or anonymised text may be made available as the Grievance Officer considering the complaint deems appropriate.

l. Should the matter subsequently be considered under the Nailsworth Playgroup's formal disciplinary procedure - the grievance investigation report may be shared as evidence for this process.

Communicating the Outcome of the Formal Grievance:

a. Having considered the matters raised, the Grievance Officer may be able to determine the outcome of the grievance or agree actions to address the complaint raised and resolve the grievance during the meeting.

b. Where this is not possible, the formal grievance meeting will be reconvened at the earliest opportunity following the completion of any investigation or agreed actions.

c. The purpose of this meeting is to:

- communicate the outcome of the grievance and the reasons for this decision to the employee – with reference to the findings of any investigation;
- communicate any recommendations or actions to the employee;
- advise the employee that they may appeal against this decision.

d. The outcome meeting will be arranged without undue delay and where possible within 10 working days of the conclusion of any investigation or other follow up action where this is necessary.

e. An employee may be accompanied by a workplace colleague or trade union representative at this meeting.

f. The Grievance Officer may determine the following outcomes:

- the grievance is upheld in full, or
- the grievance is upheld in part; or
- the grievance is rejected.

g. In addition to the above, the Grievance Officer may recommend that further action such as mediation or training be considered to resolve the situation. It should be noted that any resolution should take Nailsworth Playgroup's policies, procedures and rules into account.

h. The employee will be notified of the outcome verbally following any deliberation or further investigation as is necessary. In all instances the employee will be notified of the outcome in writing, usually within 5 working days of the date of the meeting or the decision being reached. This notification will include:

- the outcome and the reasons for the decision;
- a summary of the facts that the Grievance Officer considered in coming to their decision – including the findings of any investigation;
- any recommendations or agreed actions for the parties to take;
- advising the employee that they may appeal.

i. It should be noted that where a complaint was against another employee and the grievance is upheld – the employee who raised the grievance does not have the right to know what future formal/informal disciplinary or management actions may be taken against the individual.

j. Appropriate information will be made available about the investigation and grievance outcome to the employee who the complaint is against along with any relevant recommendations to support the ongoing relationship between the parties.

Grievance Appeal Meeting:

a. Where an employee feels that their grievance has not been satisfactorily resolved by the Grievance Officer they may appeal against the outcome.

b. Appeals should be made in writing to the Grievance Officer, within 5 working days of receipt of the written outcome from the formal grievance. The letter of appeal should clearly state the specific grounds on which the employee is making the appeal and why they are dissatisfied with the decision. A copy of the original written grievance form/letter and any supporting documentation should also be submitted.

c. An appeal meeting will be arranged without undue delay and where possible within 10 working days of receipt of the written appeal.

d. The appeal meeting will be heard by an Appeal Officer - a more senior manager than the original Grievance Officer. Where there is not a more senior manager the appeal may be heard by a member/panel of the LGC, or Board of Trustees if appropriate. Those considering the appeal will not have been involved in the grievance at the earlier stages.

e. An employee may be accompanied to an appeal meeting by a workplace colleague or trade union representative. At an appeal meeting the Appeal Officer or panel will review:

- the original grievance outcome decision;
- the employee's reasons for raising an appeal;
- any further representations made, or information presented by the employee.

f. The Grievance Officer who considered the complaint at the earlier stage may be called as a witness to the appeal meeting.

g. Based on the information presented, the Appeal Officer or panel may determine the following outcomes:

- the original grievance decision is upheld in full; or
- the original grievance decision is upheld in part; or
- the original grievance decision is overturned.

h. In addition to the above, the Appeal Officer or panel may recommend that further action such as mediation or training be considered to resolve the situation.

i. Where possible the employee will be advised of the outcome verbally at the conclusion of the meeting or following any deliberations that may be necessary.

j. In all instances the employee will be notified of the outcome in writing usually within 5 working days of the date of the meeting or the decision being reached.

This will include:

- the outcome and the reasons for the decision;
- a summary of the facts that the Appeal Officer or panel considered in coming to their decision;
- any recommendations or agreed actions for the parties to take.

k. Where the grievance complaint is against another employee, they will be notified of the appeal outcome. This may be in writing or at a meeting.

l. Appropriate information will be made available about the appeal outcome to the employee who the complaint is against along with any relevant recommendations to support the ongoing relationship between the parties.

m. The outcome of the appeal is final.

Supporting Documents:

a. Any documents or relevant information that would assist in the exploration or resolution of the grievance should be shared by the employee as soon as is practical in advance of the formal grievance meeting. Any information which the employee wishes to submit as part of their appeal should be received no later than 3 working days prior to the hearing.

Non -Attendance at Formal Grievance and Appeal Meetings

a. Employees are expected to attend and participate in all meetings in the process of resolving their complaint/s. Where an employee or their representative is unavailable to attend, they should inform the Grievance Officer/Appeal Officer at the earliest opportunity.

b. If an employee's representative is unavailable, the formal grievance meeting/appeal may be deferred by up to 5 working days from the date of the original hearing. The Grievance Officer/Appeal Officer will give due consideration to other any request for postponement, taking into account the individual circumstances and the reason for non-attendance.

c. Should an employee or representative fail to attend a rescheduled meeting or fail to make written representations, the Grievance/Appeal Officer may decide that the meeting may proceed in their absence and a decision made based on the available information.

d. Other than in exceptional circumstances, only one postponement will be granted. Thereafter the meeting will proceed, whether or not all parties attend.

Action Pending the Outcome of a Grievance:

a. Nailsworth Playgroup expects all parties to work together in a professional and constructive manner following the conclusion of the process. However, it is recognised that ongoing support may be required to re-build damaged working relationships.

b. Consideration should be given to any measures that may assist with rebuilding working relationships and prevent a recurrence of the situation that gave rise to the original complaint. This may include mediation.

c. It is expected that all parties should reasonably agree to a joint informal meeting to discuss future ways of working.

d. Reasonable monitoring will take place to ensure actions or recommendations arising from the grievance are successfully implemented.

Concurrent Management Action

a. Employees should be advised that reasonable management action to address concerns relating to employment matters should not automatically be perceived in itself, as a reason to raise a grievance.

b. In the event that an employee raises a grievance in the course of a disciplinary or capability process, both processes may continue concurrently.

c. However, each case will be considered on its merits to ensure that the provision is acting reasonably.

Absence during the Process

a. The Grievance Officer may at their discretion decide to proceed with the process in employee's absence although consideration will be given as to the circumstances.

b. In cases of absence from work of one of the parties, consideration will be given as to how best to progress the complaint. The Grievance Officer may, at their discretion, decide to proceed with the process in an employee's absence. In these circumstances, alternative arrangements will be discussed with the employee including providing a written statement or for a trade union representative or workplace colleague to attend meetings on their behalf.

Anonymous Allegations

a. Employees are encouraged to put their name to any grievance complaint.

b. Where an employee is concerned about being identified, Nailsworth Playgroup may explore appropriate measures to reassure and safeguard the employee during the process. Nailsworth Playgroup cannot guarantee that anonymous allegations will be considered or formally investigated. This is in accordance with the principles of natural justice where an individual has a right to know who has made a complaint in order to be able to respond fully.

Frivolous/Vexatious Allegations

a. Where a complaint is unsubstantiated and found to be of a vexatious or malicious intent, this may be examined in accordance with Nailsworth Playgroup's Disciplinary procedures.

b. In order for a concern to be duly treated as a grievance, employees are expected to demonstrate that they have a substantive complaint, even if this may have risen from a genuine misunderstanding of the matter in question.

c. Repeated grievances which replicate the same matters already addressed under the procedure will not be reconsidered unless new evidence has come to light which justified reopening the grievance.

Record Keeping

a. Accurate and contemporaneous records will be kept throughout the process, including any initial informal process.

b. Records will be kept detailing the nature of the grievance raised, the response, actions taken, reasons behind any action taken; whether the outcome was subject to appeal, and if so, any further outcome.

c. At the formal and appeal stage of the grievance process, and should an investigation be undertaken, minutes will be taken. Minutes should be shared with the employee and their representative as soon as is practically possible.

d. A copy of any outcome letters should be retained on the employee's personnel file.

e. All records will be treated as confidential and processed and retained in accordance with contemporary data protection legislation.

Confidentiality:

a. A grievance must be treated by all parties involved in the process as a confidential matter. Discussion with other parties is not acceptable.

Confidentiality will ensure that the matter can be dealt with as close to the source as possible and will assist in ensuring that if any action is taken or recommendations made, a successful outcome is more likely.

b. Failure to respect the confidentiality of the process may be regarded as a disciplinary matter.

c. Nailsworth Playgroup will respect the confidentiality of all information relating to an employee's grievance.

Monitoring Data

a. Regular monitoring will take place of formal grievance complaints.

b. Any data gathered will not identify individual employees.