Resolving Issues at Work Policy & Procedure

This policy was adopted from NYES HR template dated:	October 2024
This policy was adopted by the school on:	November 2026
Estimated next review date by NYES HR:	

Contents	Page
Policy Statement	**2**
Definition and Scope	**2**
Resolving Issues at Work Procedure Flowchart	**4**
Bullying and Harassment	**5**
Principles	**5**
Timescales	*5*
Right to representation	*6*
Appointed Manager	*6*
Communication and confidentiality	*6*
Grievances involving other employees	*7*
Mediation	*7*
Employee support	*7*
Absence during the RIAW procedure	*7*
Addressing issues when employment has ended	*8*
Resolving Issues at Work Procedure	**8**
Initial considerations	*8*
Possible outcomes	*8-9*
Stage 1 – Informal Stage	**9**
Stage 2 – Formal Stage	**10**
Stage 3 – Formal Appeal	**11**

1. Policy Statement

1.1 This policy provides the means for employees to raise genuine complaints and concerns and have them dealt with fairly and objectively, without fear of recrimination. The policy is not intended to establish guilt or provide punishment, rather it is a means of resolving problems at work

1.2 The policy aims to provide clear and consistently applied rules and processes which will help the school deal with grievances in the workplace as quickly and effectively as possible. For complaints of harassment please see section 4 and also the school's policy on Sexual Harassment.

2. Definitions and scope

2.1 Grievances are concerns, problems or complaints that an employee, or group of employees, has about their work, working conditions or relationships with colleagues.

2.2 The issues that may be dealt with through this policy include:

- relationships at work (with colleagues/manager)
- discrimination
- harassment and bullying (see section 3 below)
- working practices
- working environment
- health and safety
- terms and conditions of employment

2.3 The list in 2.2 is not exhaustive and the school will determine whether a matter will be dealt with under this policy or whether it would be more appropriate to deal with it under another policy or process. This determination will be undertaken once the employee has raised their grievance.

2.4 Employees may not raise a grievance if the matter is already covered by or connected to another policy or procedure, or the appeal mechanism related to these, unless that procedure has not been correctly applied. This includes:

- **Grading issues** - for NJC employees, these will be resolved through the 'Job Evaluation – grading, re-grading and appeals' process.
- **Collective disputes** – these will be managed through the Collective Disputes Policy and Procedure. A collective dispute normally relates to conditions of service, and matters arising from such, which affect the general relations between employees and/or recognised unions/ professional associations and their employer.
- **Actions under another policy** - complaints raised in relation to matters being dealt with under another policy e.g. disciplinary, capability, increment process, attendance management, etc. will generally be

OFFICIAL - SENSITIVE

addressed under that other policy or the associated appeal process. However, on those occasions where it is appropriate to raise issues under this procedure, this will not halt the other process. The treatment of each case will be considered on its individual merits.

- **Pension decisions** – complaints about decisions made under the pension scheme will be dealt with under that scheme's internal dispute resolution procedure where applicable
- **Whistleblowing** - matters that are in the public interest, and where the interests of others or of the organisation itself are at risk, should be raised under the school's Whistleblowing Policy

2.5 Where a collective grievance is raised by, or by a union on behalf of, a group of employees then it may be considered under this policy provided it is not a collective dispute (see paragraph 2.4 above). The same principles and procedure will apply for collective grievances, however, it may be necessary to amend the process to the extent that it deals with groups of employees rather than individuals.

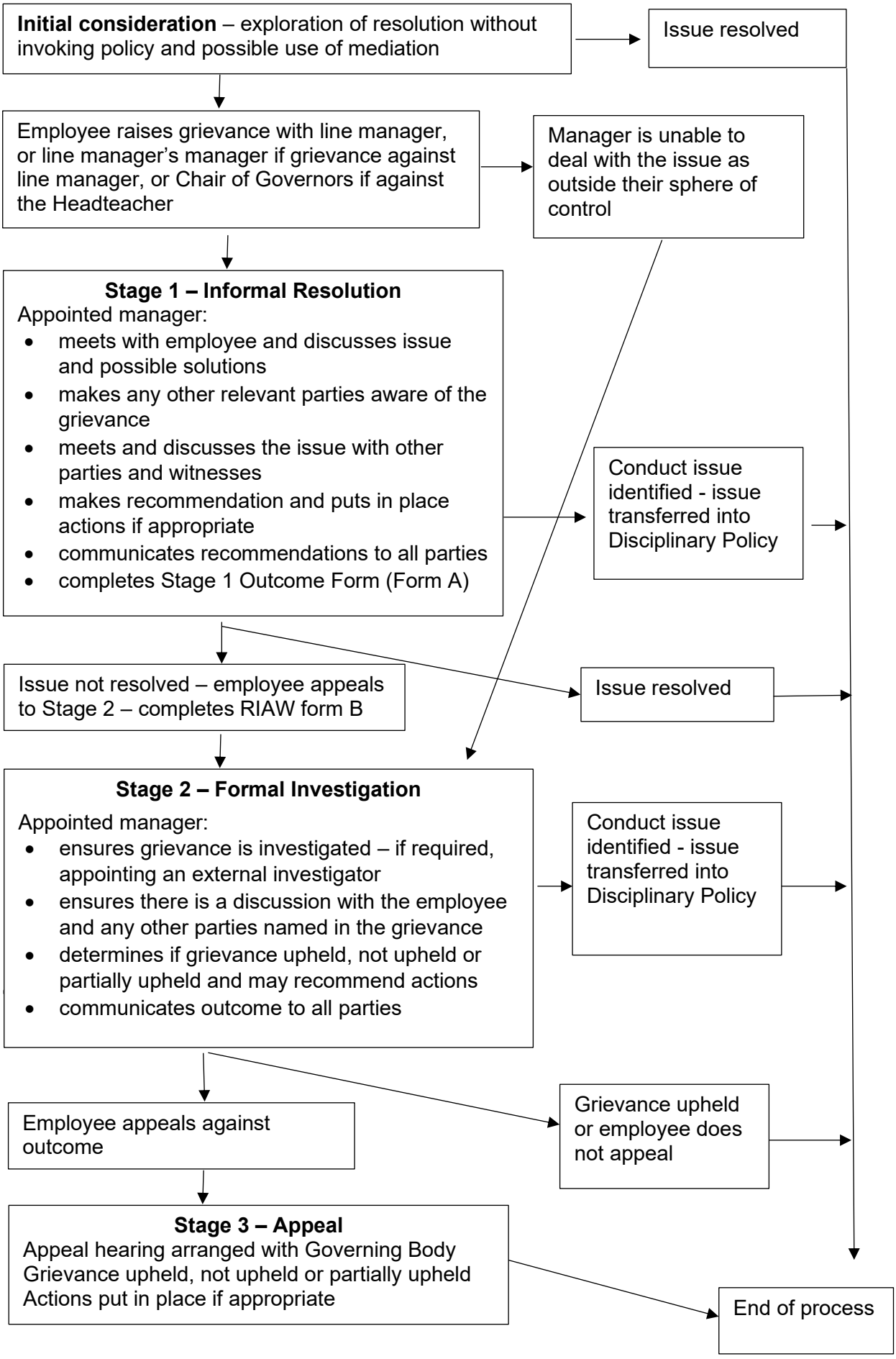
2.6 Should the grievance relate to potential misconduct, or where any alleged conduct issues arise during the RIAW investigation, the RIAW process will be brought to a close and all parties informed that it is deemed that the issues would more appropriately be dealt with under the school's Disciplinary Policy.

2.7 In the event that serious concerns are raised with a manager, consideration and advice should be sought as to whether the allegation is a criminal matter, which warrants reporting to the Police.

3. Resolving Issues at Work Procedure Flowchart

3.1 The flowchart below provides an overview of the Resolving Issues at Work procedure:

OFFICIAL - SENSITIVE



OFFICIAL - SENSITIVE

4. Bullying and Harassment

4.1 Bullying or harassment may be by an individual against an individual (perhaps by someone in a position of authority) or involve groups of people. There are a broad range of behaviours that fall under these categories and, in all instances and in whatever form it takes, the actions are unwarranted and unwelcome to the individual.

4.2 The school is responsible for trying to prevent such behaviour within the workplace and will seek to challenge and address all instances of this type of conduct. It is important to recognise that bullying and harassment may not necessarily be face to face, for example internet harassment.

4.3 Harassment is defined as unwanted conduct affecting people's dignity in the workplace. It may be related to age, sex, race, disability, religion, sexual orientation, nationality or any protected or personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.

4.4 Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. Generally, bullying which is characterised by a persistent pattern of behaviour over a period of time, will be raised under this policy.

4.5 Behaviour may not be intended to harass or bully, but it may be perceived or felt to do so by the recipient. In short, it is the recipient who decides what potentially constitutes harassment / bullying in terms of what is unacceptable / offensive to them personally.

4.6 However, behaviour that is considered as harassment/bullying by one person may be considered firm management by another. Behaviour of people in the workplace can also vary from day-to-day and consideration should be given to what would be found reasonable by most people.

4.7 It should be noted that the school's disciplinary policy lists bullying and harassment as examples of potential misconduct and gross misconduct. Where a complainant raises an allegation of inappropriate conduct against another school employee, an initial assessment of the facts and complaint should be undertaken to determine whether it is appropriate to try and address the matter through resolving issues at work, or whether it is more

OFFICIAL - SENSITIVE

appropriate to investigate the allegation/s as a potential disciplinary matter. In reaching this determination, the school will take into account;

- any wishes expressed by the complainant
- the severity of what is alleged
- the potential implications if such allegation/s are proven against the individual
- their right of reply in the context of allegations having a potential impact in respect of their conduct
- the school's commitment to taking all reasonable steps to prevent employees from harassment in the workplace.

4.8 The aim of RIAW policy, is to act as a mechanism for resolving issues rather than establishing guilt or issuing punishment. This means that it would rarely be appropriate for allegations of harassment, including sexual harassment to be addressed through this policy. The complainant has the right to be protected during any process to establish the facts in such allegations, and the subject of the allegations has the right of a fair process and to reply in the context of understanding what is alleged and the potential implications for them in respect of their conduct.

4.9 However, where complaints of sexual harassment are deemed appropriate to be addressed through the resolving issues at work policy, leaders are advised to consider carefully how best to support those involved during the process. For such cases, leaders should read the sexual harassment policy in conjunction with this policy.

5. Principles

Timescales

5.1 All issues raised under this policy will be dealt with promptly and fairly. Every effort will be taken to ensure there will not be unreasonable delay in arranging meetings and hearings and in the making and communication of decisions. However, cases involving more complex and detailed investigations will inevitably take longer to finalise. As a guide, issues raised at the informal stage of the procedure should usually be concluded within 10 working days.

5.2 Employees should discuss any grievance they have as soon as it arises, with the aim of addressing issues before they escalate and whilst events can be reasonably recalled and evidence gathered.

Right to representation

5.3 Employees may be accompanied to meetings held under this policy by a work colleague or recognised trade union/professional association representative. If the employee's representative is not available to meet at the time proposed, the meeting will be rearranged to a time suitable for all parties and within a reasonable timeframe (usually 5 working days).

OFFICIAL - SENSITIVE

5.4 The right to be accompanied applies to the employee raising the grievance, any employee against whom a complaint has been raised and witnesses.

Appointed Manager

5.5 Generally, grievances will initially be raised with the line manager of the employee who is raising the grievance. The exception to this will be where the line manager may be the subject of, or otherwise involved, in the grievance, in which case the issue should be raised with the line manager's manager. Where the grievance is against the Headteacher, it should be raised with the Chair of Governors.

5.6 Where possible, the informal stage of the process will be managed by the line manager. Where the initial complaint is to the manager's manager another manager of suitable seniority may be appointed to try and resolve and/or investigate the complaint. Where a complaint has been made to the Chair of Governors about the Headteacher, a member of the governing body may be appointed to undertake this role.

5.7 If a case has been appealed at Stage 1 then a different manager of sufficient seniority will be asked to investigate the matter at Stage 2.

5.8 Cases appealed to Stage 3 will be heard by the appeals committee of the Governing Body.

Communication and confidentiality

5.9 In all cases, the appointed manager should ensure that those involved are kept informed of the progress of the case and, at its conclusion, the relevant findings and/or actions. The expectation is that the appointed manager will meet with the aggrieved employee and feedback their findings, the outcome and any actions which will be put in place. If any action is being taken against another employee as a result of the complaint the details of this will not be shared with the employee for reasons of confidentiality.

5.10 As far as is possible, all RIAW issues will be dealt with in the strictest confidence. However, where other employees are involved or impacted by any agreed actions as a result of the RIAW finding, the necessary information will be shared with them to enable this to be implemented and monitored.

Grievances involving other employees

5.11 Where the grievance is against another employee then they must be informed that a grievance has been received relating to them within a reasonable timescale, and, as a minimum requirement, before any potential witnesses are interviewed. At this stage, the employee may ask for further

OFFICIAL - SENSITIVE

details and it is advisable to only provide a brief and general summary of the concerns raised, reminding them of confidentiality.

5.12 The employee will be notified of the outcome of any grievance raised against them, as soon as possible, and informed should an appeal be made regarding the outcome of each stage of the procedure.

Mediation

5.13 In some cases, mediation may help to resolve grievances, especially those involving working relationships. Mediation can be used either before grievances escalate or as part of the recommended actions at any stage of the procedure. Both parties need to agree to mediation in order for it to proceed. In mediation, the decision makers are the staff members, supported by a facilitator.

Employee support

5.14 The grievance process can be distressing for all parties involved; those raising a complaint, those against whom a complaint has been made and those who may be called to act as witnesses. Appropriate support arrangements should be considered for all employees impacted by the case.

5.15 Employees are encouraged to contact their trade union or professional association for advice and support. Employees should also be made aware of the support available through the school's Employee Assistance Programme.

5.16 Where an employee has a mental health or other condition, which may impact on their ability to participate in the grievance process and which they have previously declared as a disability, the school will make reasonable adjustments to the process, taking into account appropriate medical advice.

Absence during the RIAW procedure

5.17 Where an aggrieved employee is absent from work due to illness, the school may take medical advice on the employee's fitness to participate in the process. In such cases, the school will progress the grievance as far as possible in relation to each case (i.e. interviewing witnesses and collecting relevant information).

5.18 Where any employee considers that the absence has resulted from the grievance, the school will progress the process swiftly so as not to prolong the sickness absence unnecessarily.

5.19 The school's attendance management processes will continue to be implemented as normal throughout any grievance process. The school will

OFFICIAL - SENSITIVE

seek to keep the employee at work wherever possible, either in their usual role or with adjustments, for example, through temporary redeployment.

Addressing issues when employment has ended

5.20 A revised process will apply to grievances which are first raised after the employment has ended. Such cases will usually be dealt with at Stage 2 - Formal, however, there will be no subsequent right of appeal to Stage 3. In the majority of cases, issues raised after employees have left will be handled in writing by both parties.

5.21 Equally, should an employee resign during the RIAW process prior to its conclusion, every attempt must be made to resolve the grievance at the stage of the policy they are on. In this case, the individual will have no right of appeal, if applicable, as their employment has ended.

5.22 Grievances that are raised in resignation letters/emails or through exit discussions should be followed up as soon as possible, as these may have been raised prior to the employment ending. As with other grievances, the process would normally begin at the informal stage.

6. Resolving Issues at Work Procedure

Initial considerations

6.1 Where an employee experiences an issue at work the nature and severity of the issue and the individual's ability to deal with the issue will impact on the method of resolution. It is in the interest of all parties to resolve issues informally, where appropriate, as this often results in issues being settled quickly and successfully.

6.2 For minor issues, the employee may wish to speak to the other individual involved without the need to invoke this procedure. This will involve explaining what the issues/ concerns are from their perspective and what they foresee as an expected outcome. However, where this has been unsuccessful or where the employee feels unable to do this, most issues will enter the process at Stage 1 – the informal process.

6.3 Occasionally, cases may enter the process at Stage 2, this will include where the issue is outside the line manager's sphere of control. It is a management decision whether to enter the process at Stage 2.

OFFICIAL - SENSITIVE

Possible outcomes

6.4 The possible outcomes of any formal stage of the grievance procedure are:

- **Upheld** - this will be the case where the appointed manager agrees that the employee's complaint is reasonable. Usually, actions will be put in place to resolve or address the issue
- **Partially upheld** – in such cases, the appointed manager agrees with some elements of the employee's complaint but not all. Usually, actions will be put in place to resolve or address the issue.
- **Not upheld** – where the appointed manager does not agree that the employee's complaint is reasonable then the grievance will be not upheld. Despite this, there may be actions put in place to resolve or address issues raised during the process.

6.5 At the informal stage, the appointed manager is not required to reach an outcome as detailed in 6.4 above, however, they may choose to do so if it is appropriate based on the particular circumstances of the case. Generally, at Stage 1, the manager will make recommendations and put in place relevant actions.

7. Stage 1 - Informal Stage

7.1 To instigate the procedure at this stage, the employee should raise the grievance verbally with their line manager as soon as it arises (although they may do so in writing if they wish).

7.2 If the concerns relate to the employee's manager, employees should still raise them directly with their manager if they feel able to do so. Where this is not possible, the employee should raise it with their manager's manager.

7.3 On receipt of the grievance, the manager should meet with the employee to discuss the specific concerns and discuss what may be a realistic resolution to the issue.

7.4 In some circumstances, it may be necessary for the manager to make further enquiries to establish the facts. If the grievance relates to the actions of another employee, then the manager should inform that individual that a matter has been raised informally, under this policy and meet with them to discuss their account of events.

7.5 Depending upon the circumstances, there are a wide range of approaches a manager can adopt when resolving an issue informally. These will usually be informed by the wishes of one or both parties and may include:

- holding a joint meeting with the individuals concerned
- supporting the employee to discuss the issue with the individual
- exploring using mediation

OFFICIAL - SENSITIVE

- discussing the issue with the alleged perpetrator on the employee's behalf
- discussing and putting in place some agreed actions to resolve the issue/ prevent it happening again

7.6 The manager would then meet the employee to provide feedback on the outcome of the process and to communicate the agreed actions. The manager would also feedback to the employee against whom the complaint was raised, if relevant, and anyone else impacted by the implementation of the actions (an action plan may be produced if applicable). It is the manager's responsibility to ensure any agreed actions are implemented.

7.7 Managers do not need to keep minutes of informal meetings but a note of the recommendations and actions should be recorded, using the Stage 1 Outcome template, shared with relevant parties and retained on file.

7.8 Where the employee is not satisfied with the recommendations and actions at Stage 1 they may choose to raise the issue formally at Stage 2. Where actions are to be put in place following Stage 1, it may be appropriate for these to be given an opportunity to take effect before the employee decides whether to progress to Stage 2.

8. Stage 2 – Formal Stage

8.1 To instigate the formal stage of the procedure, the employee should put their issue/s in writing to the appointed manager from Stage 1.

8.2 This may take the form of a letter or completion of the template form (Form B). The written grievance will include:

- what the issue is
- the parties involved
- what has been done to try and resolve the issue informally and at Stage 1
- why this has not worked
- what the employee sees as a resolution to the situation.

8.3 An appointed manager will be appointed to manage the grievance at Stage 2 (see paragraph 4.7). The appointed manager may investigate and deal with the grievance themselves or, where appropriate, may commission an external investigator. Contact will be made with the aggrieved employee, ideally within five working days and without unreasonable delay.

8.4 The appointed manager should ensure they, or the external investigator, has a clearly defined remit and scope for the investigation, where possible, listing the issues individually so all are in agreement.

8.5 The employee will be asked to explain their concerns and how they feel these should be resolved. The appointed manager will then ensure that the issues are investigated as soon as possible. This may involve a number of meetings

OFFICIAL - SENSITIVE

with different people (including witnesses), to establish the facts and involve gathering together relevant documents. It is important that the investigation is balanced and thorough and the employee is provided with an anticipated timescale for the investigation to be concluded. Additionally, should the timescales change, the employee should be informed of this and the reasons for it.

8.6 Where witnesses are interviewed a written statement or notes of the meeting will be produced which the witness, and their representative if applicable, will be asked to check for accuracy. Witnesses will be informed that these may be shared with the employee should the matter progress to appeal.

8.7 Where an external investigator is appointed, their role will be to investigate the grievance in line with the above requirements and inform the appointed manager of their findings. It will be the manager's responsibility to decide on a Stage 2 outcome, informed by the investigation.

8.8 The expectation is that the appointed manager will meet the employee to provide feedback on the outcome of the process and to communicate the agreed actions. Following the meeting, these discussions will be confirmed to the employee in writing.

8.9 The manager will also feedback to the employee against whom the complaint was raised, if relevant, and anyone else impacted by the implementation of the actions recommended to resolve the issue. It is the manager's responsibility to ensure the actions are implemented.

8.10 If the aggrieved employee feels that their grievance has not been satisfactorily resolved they may appeal to Stage 3 of the procedure. Employees may not appeal in relation to the employer actions taken against other employees as a result of the grievance.

9. Stage 3 - Formal Appeal

9.1 Appeals will held in line with the Hearing and Appeals Procedure. Appeals will be heard by a panel made up of not less than two non-staff governors who have not been previously involved in the case.

9.2 The appeal must be submitted in writing to the appointed manager from Stage 2 no later than ten working days from the date of receipt of the outcome letter. The appeal letter must include the following:

- what the issue is
- the parties involved
- what has been done to try and resolve the issue informally and at Stage 2
- why they do not agree with the finding at Stage 2
- what the employee sees as a resolution to the situation.

OFFICIAL - SENSITIVE

9.3 In addition, they should also include any information in relation to potential procedural flaws in the process and any new evidence which the employee wishes to have taken into account.

9.4 At this point arrangements will be made for the appeal hearing to take place. The employee and the Appeal Panel will be provided with access to relevant documentation regarding the findings and actions taken at Stages 1 and 2, which may include:

- copies of letters
- the summary document produced at the end of Stage 1
- a summary of findings at Stage 2 produced by the appointed manager
- any actions or, where applicable, an action plan
- the employee's written grounds of appeal
- any documents which the employee wishes to have considered as part of their appeal

9.5 All documentation should be sent to the Appeal Panel and the employee at least 15 working days before the appeal hearing takes place. Should the employee wish to have any documentation considered as part of their appeal, or call any witnesses, then this information should be submitted to the chair of the panel at least 15 days prior to the hearing.

9.6 The order of proceedings at the hearing and arrangements for note taking will be as detailed in the Hearing and Appeals Procedure.

9.7 The outcome of the appeal should be provided in writing to the employee within 5 working days of the appeal hearing and this includes confirming that the decision of the panel is final.

OFFICIAL - SENSITIVE