



# Workplace Resolution Policy (Grievance Policy)



For Employees in Voluntary Aided Schools

Autumn 2023

**This Review:** July 2024

**Next Review:** July 2025

**Frequency of Review:** Annually

**Responsible Committee:** FGB



## Workplace Resolution Policy

### 1. Policy Statement

1.1 As a Church of England School we are committed to promoting and nurturing a positive working environment with good working relationships, where people are treated with dignity and mutual respect. We recognise that conflict in the workplace sometimes occurs and when it does, we wish to support staff and managers to work together to resolve issues constructively. Conflict can arise among individual members of staff or be directed towards school management and the governing board. Concerns may be of a relatively simple nature or of fundamental importance.

1.2 The Workplace Resolution Policy is aimed at securing constructive and lasting solutions to workplace conflict. This new policy replaces the previous Grievance Procedure and highlights our commitment to resolving issues that arise at work informally, wherever possible.

1.3 This policy also covers serious complaints including those of unacceptable behaviour such as harassment, bullying, victimisation and unlawful discrimination. We take such complaints very seriously and will deal with them fairly and consistently and in line with our policies.

### 2. Principles of Workplace Resolution

2.1 All staff have the right to seek resolution to concerns, complaints, conflicts or disputes which affect them personally and have issues dealt with fairly and without unreasonable delay.

2.2 School Leaders, Managers and School Governors have a duty to familiarise themselves with and adhere to this policy and to support the resolution of conflict and ensure that concerns are managed fairly and in a timely manner.

2.3 All staff are required to familiarise themselves with the contents of this policy and take responsibility for their conduct and relationships at work, taking steps to try to resolve problems promptly and collaboratively, at an early stage before any formal process is considered.

2.4 Support and advice will be provided by School Management to any member of staff who wishes to resolve an issue either informally or formally.

### 3. Scope

3.1 The policy applies to:

- All school employees
- Former employees who raise their complaint in writing, within three months of their last day of service.
- The procedure sets out:  
An informal process through which most complaints may be resolved without recourse to any subsequent stage.



A formal procedure to be invoked when the informal resolution stage has failed or is inappropriate due to the serious nature of the complaint.

A right to appeal the outcome of the formal stage of the procedure.

3.3 The policy is not applicable for concerns relating to:

- The same or similar issues that have previously been addressed and dealt with under the former grievance procedure.
- Issues that should be raised and dealt with under other applicable School policies and procedures.
- If any employee, including School Leaders, have a complaint against the Governing Board, this should be addressed by using the LDBS Complaints against Governors Policy - VA Schools.

This policy does not form part of any employee's contract of employment.

The policy will be reviewed every two years and may be amended from time to time.

#### **4. Representation**

Trade Union Representatives play an important role in the workplace resolution process by:

- Assisting in bringing about a speedy resolution to workplace related concerns
- Encouraging members to resolve concerns informally where possible
- Providing support and representing employees during the formal workplace resolution procedure

Staff involved in the formal procedure are entitled to be accompanied by a work colleague or trade union representative. At formal meetings, the TU representative or work colleague may make representations and ask questions but should not answer questions on the employee's behalf.

#### **5. Equality and Diversity**

This Workplace Resolution Policy will be applied fairly and in accordance with the Equality Act 2010.

#### **6. Confidentiality and Data Protection**

6.1 Confidentiality is particularly important when dealing with issues of conflict as it can become much more difficult to resolve issues if information about the matter becomes common knowledge. During the resolution process, all parties, including witnesses, must refrain from discussing the details of the case with other colleagues unless they are supporting them as a companion or trade union representative during the resolution process.

6.2 The policy will be implemented in adherence to GDPR regulations in relation to the distribution, sharing and storage of information pertaining to any individuals involved in this procedure. Notes and records of matters dealt with under this policy should be handled on a confidential basis and stored securely. The covert recording of informal or



formal meetings, e.g., by use of a mobile phone or any other recording device, will not be allowed.

## 7. Informal Resolution Stage

7.1 The School expects members of staff to give a reasonable level of consideration to the informal options before resorting to the formal resolution process. Where a member of staff has a concern which involves another member (or members) of staff, they should make every effort to resolve it by approaching the person(s) concerned directly. If required coaching/support to enable the member of staff to talk to the other person directly can be provided.

7.2 If a direct approach fails to resolve the issue or is not felt appropriate the employee should request a meeting with their Line Manager, Head of School, Headteacher, or Executive Headteacher (as appropriate) to discuss their concerns. If the complaint is against the Headteacher or Executive Headteacher, the employee may request a meeting with a member of the Governing Body. In the first instance, the employee should contact the Chair of Governors, who will nominate a suitable governor to look into the matter. Neither the manager nor the employee will be accompanied during informal meetings.

7.3 The informal meeting should take place within five working days of the request and seek to resolve the problem personally in consultation with any other member (s) of staff involved. Depending on the nature of the complaint, the manager concerned may find it helpful to conduct a preliminary assessment of the facts of the case and the people involved, to help determine how best it is dealt and decide, the next course of action. Where the complaint involves another member of staff, they should be informed.

7.4 The courses of action may include one or more of the following:

- **Facilitated meeting** led by an experienced Manager between the person who is the subject of the concern or complaint and the employee. The facilitator will be able to support and help focus a discussion between the parties to move forward.
- **Mediation** may be more appropriate if a conflict has become more deep-seated and the parties need additional support and guidance in the discussions to reach a resolution. The process is voluntary and entirely confidential and designed to address issues positively and constructively. A trained Mediator will be assigned to the case to support the conversation, taking an impartial and neutral role to help both parties discuss their issues and needs, to support both to agree resolutions/next steps.
- **Start the formal resolution stage** – usually in more serious cases or where informal resolution or mediation has not been successful.
- **Start the disciplinary procedure** – this will usually be where there has been some formal information gathering under this policy and the case would be better dealt with as misconduct under the Disciplinary procedure.



- **No further action** – for example, where the same issue has been dealt with before within the previous 12 months or should be dealt with under another policy.

7.5 The informal approach is voluntary and if it is not possible to resolve an issue informally, a member of staff may decide to pursue their complaint through the formal resolution procedure as set out below.

## 8. Formal Resolution Stage

8.1 Where the matter has not been resolved informally (or it has not been appropriate to raise the matter informally) the member of staff should submit a Formal Resolution Request Form – Appendix 1 to the Executive Headteacher, Headteacher or Chair of Governors. The written notice should:

- Include full details of the complaint with reference to dates, times, and places.
- Names of any witness(es) to the incident(s)
- Provide copies of any supporting documents
- Describe the action taken by the member of staff to resolve the matter so far.
- State the resolution or outcome requested.

8.1.2 The appropriate Senior Leader or the Chair of Governors will appoint a suitable Investigation Officer to the case, usually a member of the Senior Leadership Team, an experienced Governor, or an Independent person. The Investigation Officer will have full delegated responsibility for hearing the formal complaint and reaching a decision on the outcome. A HR representative will be present at all formal meetings to provide procedural advice to the Investigation Officer, along with a notetaker.

8.1.3 If a complaint contains allegations relating to a specific individual(s), School Management or the Chair of Governors will let them know of the allegations and provide them with a copy of the Formal Resolution Request Form as detailed in Appendix 1 (redacting the names of others, where appropriate), and copies of any documentation provided in support of the complaint. Where the complaint involves more than one employee or where the identity of another employee who is not the subject of the request would be disclosed, each person should only be provided with the details of the complaint that relate to them or on a need-to-know basis. The individual(s) will be given the opportunity to provide a statement and any relevant evidence in response. This will be provided to the Investigating Officer

8.1.4 All staff involved in a complaint will be expected to behave professionally while the investigation is ongoing.

### 8.2 Investigation Process

8.2.1 The extent of the investigation will depend on the complexity of the complaint and will vary from case to case. The Investigating Officer will meet with the individual raising the complaint in a formal resolution meeting, usually within **15 working days** of receipt of the complaint. The purpose of this meeting will be for the member of staff to explain their concerns, and for those present to understand the full nature of the complaint and explore potential solutions.



8.2.2 If allegations have been raised against a specific individual(s), the Investigating Officer will meet with them in a formal resolution meeting, usually within **10 working days** of the formal meeting with the individual who raised the complaint. The purpose of the meeting will be for the member of staff to provide their response to the complaint.

8.2.3. The individual raising the complaint and the individual(s) responding to specific allegations must take all reasonable steps to attend their meetings with the Investigation Officer and they may be accompanied by a trade union representative or work colleague. The name of any representative accompanying them to the meeting should be provided in suitable time before the meeting. If the representative is unable to attend on a proposed date, then the member of staff may suggest an alternative date provided it is within five working days of the original date. This five-day time limit may be extended by mutual agreement.

8.2.4 If the member of staff does not attend either the original or re-arranged meeting, a decision may be made in their absence and the outcome confirmed in writing.

8.2.5 If more allegations are raised during the investigation process that are relevant to the original complaint, they should be investigated simultaneously by the same Investigating Officer.

8.2.6 A notetaker will be present at formal resolution meetings and witness investigation meetings to record the key points discussed. The notes will not be a verbatim record. Following the meeting, the notes will be provided to the relevant party to review and confirm they are an accurate record of the meeting. A deadline to review and return the notes will be given which will usually be within five working days of receipt. If the notes are not agreed as an accurate record, an annotated version should be provided. If the Investigating Officer agrees the amended version is accurate, the changes will be agreed. If the Investigating Officer does not agree, then both versions will be kept on record.

8.2.7 The Investigating Officer may consider it necessary as part of their investigations to meet with witnesses. In some instances, they may need to meet again with the person raising the complaint or with individuals responding to specific allegations to follow up on points for clarity. This may be undertaken via correspondence. The Investigating Officer will make every attempt to address the issues promptly and will update the parties of any changes to the timetable, or unexpected delays to the process.

### 8.3 Decision/Investigation Report

8.3.1 . Once the Investigation Officer has considered all the information gathered, they will prepare a report of their findings, including whether all or part of the complaint was upheld or not upheld and recommend what action(s), if any need to be taken. The Investigation Officer should consult with HR in the preparation of the report and where they have made recommendations for action.

8.3.2 The investigation should come to a conclusion as soon as possible although this will depend on the complexity of the issues raised and the number of meetings involved. The individual raising the complaint will be provided with a copy of the report and this will normally be issued within **20 working days** of the close of the investigation process.



8.3.3 The report will summarise:

- the nature of the complaint(s)
- the investigation that was conducted
- the decision
- the reason for the decision; and
- any recommendations/ actions
- the right to appeal the outcome

8.3.4. A copy of notes taken at the formal meetings will also be enclosed.

8.3.5 The Investigation Officer should discuss the outcome and any agreed actions with the relevant manager/s before issuing the report to the employee.

8.3.6 Where the Investigation Officer is making specific recommendations for action involving another employee, for example disciplinary action as a result of the complaint being upheld, these should not be included in the report. Instead, a general statement that relevant management action will be considered should be included.

8.3.7 The Investigation Officer should ensure that any actions involving formal procedures which they are recommending are communicated to the appropriate Senior Leader or the Chair of Governors.

8.3.8 A summarised outcome letter will also be provided to individuals who responded to specific allegations against them, letting them know the relevant aspects of the resolution outcome.

## 9. Resolution Procedure - Formal Stage Two: Appeal

9.1 If the member of staff who raised the complaint is not satisfied with the outcome of the formal resolution, they may appeal in writing to the Chair of Governors within **10 working days** of receiving the written decision. The notice of appeal should set out the specific reasons, why they are not satisfied with the outcome by completing the **Notice of Resolution Appeal Form** at Appendix 2. The specific grounds of appeal should be stated, and the remedy or outcome sought.

Grounds for appeal should be based on the following:

- Procedural errors where there is evidence the process was incorrectly followed
- New evidence has come to light that may change the outcome of the original decision
- Fairness and Reasonableness of the outcome

9.2 The appeal will be heard by a panel of three governors of the school involved or members from another LDBS school if appropriate. All documents already submitted will



be made available to the appeal committee. This hearing will normally take place within fifteen working days of receipt of the notice of appeal.

9.3 At least **10** working days' notice will be given to the parties concerned, who may attend in person and be accompanied by a work colleague or trade union representative.

9.4 The purpose of the meeting will be: to understand the on-going nature of the problem, to review the basis for the earlier decision and to explore potential solutions. It is not an opportunity to rehear the original complaint.

9.5 The Investigation officer will also be invited to the hearing, to answer questions on their report and findings from the previous stage.

9.6 At the conclusion of the appeal meeting, an outcome letter will be issued, normally within **five** working days of the final meeting.

9.7 The decision of the appeal committee will be final, and this will conclude the internal process for the resolution of the complaint.

This process may run concurrently with any other procedure being implemented involving the complainant.

## **10. Further Support**

10.1 After the resolution process concludes School Leadership in liaison with the line manager and HR will assist with the implementation of any recommendations made by the Investigating Officer/ Appeal Panel.

10.2 Consideration will be given to providing restorative support to help staff rebuild effective working relationships by offering further facilitated discussions or mediation, if needed. Staff may also be signposted to helpful external organisations such as <https://www.educationsupport.org.uk/> . A UK charity dedicated to supporting the mental health and wellbeing of education staff in schools.

10.3 The Line manager of the person who raised the complaint should meet with them to offer support and to ensure that no further issues have arisen because of them making a complaint.

10.4 Line managers also have a responsibility to meet with members of staff who have been subject to an allegation, or staff who have been involved in a resolution process to offer support.

10.5 Staff are responsible for their conduct and behaviours in school and are expected to maintain effective and professional working relationships. Failure to engage with the resolution process and the offer of restorative support to rebuild working relationships , may be in breach of the school's code of conduct.





## Appendix 1:

### **Workplace Resolution Policy Formal Resolution Request**

This form is intended for use by any employee of the school who would like to raise a formal workplace complaint about a member of school management or a third party, the behaviour of a colleague or any other workplace issue.

It should be noted, it is only in exceptional circumstances that formal complaints will be accepted without school management being given the opportunity to help resolve the matter informally, in the first instance.

Please complete this form and include any supporting evidence. It should be delivered to an appropriate member of staff (Head of School, Headteacher, Executive Headteacher or the Chair of Governors). You should also keep a copy.

If your complaint contains allegations relating to a specific individual(s), a copy of this form will be sent to the individual/s against whom the complaint has been raised for them to respond.

Employee's Name:

School:

Job role :

Date submitted:

#### **Summary of the Complaint:**

Describe the nature of your complaint and include any supporting evidence (continue on a separate sheet if necessary and attach any extra sheets and information)

#### **Individuals Involved in the Alleged Incident/complaint.**

You may contact witnesses to inform them you are naming them in your complaint as a witness. It is not appropriate to go into the details of your complaint with potential witnesses. When reviewing complaint, the Investigation Officer will decide what if any witnesses they need to meet as part of their investigation as it may not be necessary to meet with everyone.



Please provide the names and contact details of any people involved in your complaint, including witnesses.

**Informal Action previously taken.**

When did you first raise your issue, and with whom?

Have you discussed this with the other person(s)?

Yes - If Yes – What was the outcome?

No - If No – Please explain why

Please state the reason(s) why you are dissatisfied with the outcome of any informal action taken?

**Outcome Requested**

Please set out what outcome you are hoping for and why and how you believe this will resolve the issue.

**Trade Union Representation**

Has your trade union representative been informed? If yes, please provide their name and contact details.

**Declaration**

I confirm that the above statements are true to the best of my knowledge, information, and belief. I give you my consent to proceed with this matter formally, and in doing so, I am aware that this document will be sent to the individual/s my complaint is against, to give them an opportunity to respond.

Signed..... Date.....

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**For Completion by the School**

Date Received .....

Name of Recipient and Role .....



## Appendix 2

### **Workplace Resolution Policy Notification of Appeal against Formal Resolution Outcome**

This form is intended for use by any employee of the school who would like to appeal against the decision made as a result of the outcome of a Formal Resolution Meeting  
Please complete the form and ensure it is delivered to the Chair of Governors.  
You should also keep a copy.

Employee's Name:  
School:  
Job role:  
Date submitted:

#### **Grounds of Appeal against the Formal Resolution outcome:**

Your grounds for appeal should be based on the following:

- Procedural errors where there is evidence the process was incorrectly followed
- New evidence has come to light that may change the outcome of the original decision
- Fairness and Reasonableness of the outcome

Please indicate what your grounds for appeal are and provide details to explain your reason for appeal below.

#### **Desired Outcome Requested:**

Please set out what you are seeking as an outcome to your appeal and why and how you believe this will resolve the issue.

#### **Declaration**

I confirm that the above statements are true to the best of my knowledge, information, and belief. I give you my consent to proceed with this matter formally, and in doing so, I am aware that this document will be sent to the individual/s my complaint is against, to give them an opportunity to respond.

Signed.....

Date.....



### **For Completion by the School**

Date Form Received -

Date Acknowledged -

Name of Recipient and Job Role -

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