



## **NOTTINGHAM NURSERY SCHOOL & TRAINING CENTRE**

### **Resolution and Grievance Procedure**

### **2022-23**

**This policy has been agreed with representatives of the National Association of Head Teachers (NAHT), the National Education Union (NEU), the Association of School & College Leaders (ASCL), Unison, GMB and Unite and has also been consulted on with the National Association of School Masters & Union of Women Teachers (NASUWT).**

<b>Name of School: Nottingham Nursery</b>
<b>Date adopted by Governing Body:</b>
<b>Signed</b>
<b>Chair of Governing Body: Lesley Lyon</b>
<b>Head of School: Laura Patel</b>



## **Resolution and Grievance Procedure for Schools**

### **1. Who this policy applies to**

- 1.1 The Resolution and Grievance Procedure for Schools applies to employees of the City Council who are directly engaged by school governing bodies. It does not apply to casual workers, consultants, agency workers, Council-employed contract staff (e.g. catering and cleaning), external contractors or any other worker who is not directly engaged by the school.
- 1.2 This procedure is incorporated into employees' contracts of employment.

### **2. The scope of the Resolution and Grievance Procedure**

This procedure must be read alongside the supporting Resolution and Grievance Procedure - Guidance document.

- 2.1 The Council and Nottingham Nursery School encourages a culture of trust and open communication between employees and between employees and their managers, to ensure that concerns arising during the course of their employment can be resolved quickly, fairly and amicably.

The Resolution and Grievance Procedure is the school's process for managing employee concerns, conflict or grievances at work. The following stages of the procedure have been designed to help managers and employees in schools to resolve concerns in line with the [ACAS Code of Practice 1: Disciplinary and Grievance procedures](#).

- 2.2 Before raising any concern formally, you are expected to have attempted to resolve these informally in the first instance, (see Stage 1 below). However, in exceptional circumstances, it may not be possible or appropriate to do so where the concern(s) are of a very serious nature. These include concerns relating to safeguarding, health and safety, harassment, discrimination, victimisation or bullying, which should always be brought to the attention of an appropriate manager without delay (see Guidance section 2 for further information). In such instances your manager will assess the most appropriate way of dealing with your concern(s) which may include moving straight to the formal stage, Stage 2, of the Resolution and Grievance Procedure.
- 2.3 If your concern relates directly to your manager, you should raise this with them in an attempt to resolve matters informally, wherever possible. However, if your concern is one of harassment, discrimination, victimisation or bullying (HDVB) it may be more appropriate for you to raise your concerns with your manager's manager or an alternative manager if this is not possible. Further details of the process for addressing HDVB concerns is contained in Part B of the Guidance.
- 2.4 Where a Headteacher has a concern, or an employee has a concern relating to the Headteacher, the role of manager at Steps 1 and 2 will be performed by the Chair of Governors, or other designated governor.

### 3. **The Resolution and Grievance Procedure**

The Resolution and Grievance Procedure is comprised of three stages:

#### **Stage 1 – Informal Resolution**

- 3.1 All City Council employees are required to treat each other with respect, work together and try to positively resolve difficulties and conflict with each other at the earliest opportunity. Most employee concerns can be ‘nipped in the bud’ and resolved amicably. Concerns that aren’t appropriately dealt with as soon as they arise can ‘fester’ and grow out of proportion. This can lead to relationships deteriorating and can lead to a negative impact on the business.
- 3.2 Concerns arising more than three months prior to raising them under this procedure will not usually be considered, unless there are exceptional circumstances.
- 3.3 In dealing with your concern(s) informally, you should:
- ④ Wherever possible, try your best to resolve your concern(s) yourself directly and reasonably with the person(s) involved.
  - ④ If necessary, speak to your manager for support and guidance about your concern.
- 3.4 Where you have not been successful in resolving your concern(s) directly with the person, you should then raise your concern with your manager. Your manager will arrange to meet with you and any other people involved to undertake a ‘manager led discussion’. The purpose of this informal meeting is to facilitate a resolution. At the meeting you should explain what your concern is and what resolution you are seeking. Where appropriate, the manager may ask you to meet *with* the person who is causing you concern.
- 3.5 A resolution arising from this informal meeting will be recorded by your manager on Form RGP-1.

#### **Stage 2 – Formal Resolution**

- 3.6 Where you consider that your concern(s) have not been resolved at Stage 1 or, where your concern(s) are considered \*serious (see definition at paragraph 2.2) you may raise your concern more formally at Stage 2 of the Resolution and Grievance Procedure.

In raising your concern(s) formally, you should:

- ④ Use Form RGP-2 to set out your concern / (grievance) in writing and send this form to your manager. Try to include as much detail as possible e.g. facts, the names of people involved and dates of occurrences etc. Ensure that you complete all the required sections of the form. You should also include what actions you have taken to resolve your concerns yourself and the resolution provided by your manager at Stage 1 of the procedure.
- ④ Attend a formal meeting that your manager (or an alternative manager where your manager is the subject of your concerns) will convene to listen to your concerns. You will have the opportunity at the meeting to explain your concern(s) in detail and provide additional information.

- 3.7 At the meeting, it may be necessary for the manager to adjourn in order to obtain further information. However, in some cases, it may be appropriate for the manager to discuss with you the need to move straight to an investigation based on the content of your RGP-2 form. This is likely to be the case for concerns of a serious nature (see 2.2 above and Guidance section 2 for further definition). Once all the facts/information has been gathered, the manager will then write to you, without unreasonable delay, with their resolution decision. This will usually be within five working days of the meeting, depending on the need for gathering further information and evidence. A copy of the manager's resolution letter and Form RGP-2 will be placed on your Employment File.

### **Stage 3 - Appeal**

- 3.8 Where you are dissatisfied with the resolution outcome at Stage 2 of the procedure, you may lodge an appeal.
- In lodging an appeal, you should:
- ④ Within 10 working days of receiving your Stage 2 resolution outcome letter, submit Form RGP-3 (appeal form) to the Chair of Governors. The Chair of Governors should immediately send a copy to the school's HR advisor.
  - ④ Ensure that you set out the reasons for your appeal in Section C of Form RGP-3. Include specific factors which you feel have been dealt with unfairly or incorrectly at Stage 2. The appeal is not intended to be a re-hearing of the original concern, but rather a consideration of the specific areas with which the employee remains dissatisfied. The employee should also state what outcome they are seeking.
- 3.9 The appeal will be heard by an Appeal Committee from the Governing Body appointed for this purpose. Where governors have been involved at Stages 1 or 2, for example in cases involving the Headteacher, the appeal panel will consist of governors who have not had prior involvement with the matter.
- 3.10 The Appeal Committee will arrange to meet with you to hear your appeal. At the meeting you will have an opportunity to provide further information in addition to your RGP-3 submission. Where necessary, the Appeal Committee may adjourn the appeal hearing in order to consider your points of appeal or obtain further clarification. A representative of the Appeal Committee will write to you with their decision or alternative resolution within five working days. A copy of the Appeal Committee's outcome letter and Form RGP-3 will be placed on your employment file.
- 3.11 There is no further right of appeal under this procedure.

## **4. Accessibility**

- 4.1 If you have any specific needs that would help you to participate in the Resolution and Grievance Procedure, you should discuss these with your manager when you first raise your concern(s).
- 4.2 Where your manager has concerns about your health and welfare during the process, they may facilitate further support to help you to continue in your role.

## **5. Right to be accompanied**

- 5.1 The informal resolution meeting at Stage 1 of the Resolution and Grievance Procedure is part of the usual dialogue between an employee and their manager; therefore there is no automatic right to be accompanied by a companion at this stage. However, it is acknowledged that the trade unions have a key role to play in helping both parties to resolve issues that arrive at an early stage; therefore, it may be helpful to have input from a trade union representative.
- 5.2 You have the right to be accompanied by a companion at the formal stages of the Resolution and Grievance Procedure, namely Stage 2 and Stage 3. A companion can be a Trade Union representative or a work colleague.
- 5.3 Both you and your chosen companion should make every effort to attend the meeting at Stage 2. If your companion is not available at the time proposed for the Stage 2 meeting, you should propose an alternative date within 5 working days of the original meeting date. If your companion remains unavailable to attend the meeting, you will be expected to make arrangements for an alternative companion to accompany you.
- 5.4 The ACAS Guide 'Discipline and Grievances at Work' clarifies the role of the companion as being: *'allowed to address the hearing to put and sum up the workers case, respond on behalf of the worker to any views expressed at the meeting and confer with the worker during the hearing. The companion does not, however, have the right to answer questions on the worker's behalf, address the hearing if the worker does not wish it or prevent the employer from explaining their case'*.

## **6. Appropriate use of the Resolution and Grievance Procedure**

- 6.1 After listening to your concerns, the manager may at any stage decide that the facts presented are sufficient for them to deal with your concerns under a different procedure. For example, there may be evidence of bullying which may lead straight to a disciplinary process for another employee.
- 6.2 The intention of the Resolution and Grievance Procedure is to help resolve employee grievances (concerns) arising in the day to day course of their employment. Where an employee has a concern(s) which are related to another live process to which they are subject to e.g. Disciplinary, Restructuring, Attendance Management or Capability, it is appropriate for their concern(s) or objections to be raised and resolved under that process. The Resolution and Grievance Procedure cannot be used to address issues that have already been dealt with through another live process or an appeal, except where there is reasonable belief that the concerns are of harassment, discrimination, victimisation or bullying.
- 6.3 It is recognised that 'overlapping issues' may be complicated, especially if they deal with matters of harassment, discrimination, victimisation or bullying. It is expected that managers will carefully consider these and a further concern may be raised.
- 6.4 Grading Grievances cannot be considered under the Resolution and Grievance Procedure

and should be dealt with through the Grading Grievance procedure.

6.5 Where it has not been possible to provide a resolution prior to the termination of an employee's contract, the manager will provide a written response to the concerns raised.








6.6 The Resolution and Grievance Procedure does not apply to non-employees (which includes former employees who no longer work for the Council).

## **7 Collective Grievances**

Where a grievance is raised by a trade union representative on behalf of two or more employees the grievance can be resolved collectively and, depending on the circumstances, may not require a formal meeting subject to the agreement of the parties involved.

## **8 Absence, behaviours and misuse**

8.1 It is expected that all parties involved in the Resolution and Grievance Procedure will behave in the following manner:

-  Be prepared to engage and communicate positively in the process
-  Not delay the process unnecessarily
-  Be aware of their own behaviours
-  Listen to other people's feelings, needs and points of view
-  Have realistic expectations, be open to different ideas and solutions and be prepared to compromise
-  Appreciate that the Council has services to deliver to customers
-  Be prepared to move forward positively if things don't always go your way

8.2 In raising a concern(s) under the Resolution and Grievance Procedure, there is an expectation that you will be available to participate in the resolution process. Where an employee raises a concern(s) immediately prior to an extended period of absence (e.g. maternity, long term sickness or extended leave) they should ensure they are available to engage during the absence, wherever possible. Alternatively, the manager will look into the concern during the period of absence and provide their resolution in writing

8.3 Where a pattern of misuse or vexatious use of the Resolution and Grievance Procedure is observed, the Council reserves the right to manage such instances as it sees appropriate, including the use of disciplinary action.