

38. Grievance Procedure

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V1.0	Sept 2017	Version control, update and separated from the disciplinary policy	K Coupe & G Potter	Dropbox.com Website	2018/19
V2.0	Sept 2018	Update re GDPR & reviewed	K Coupe	Dropbox.com Website	2020
V3.0	25 Apr 2022	Updated as follows: • review of procedure using ACAS advice as a reference; • inclusion of a list of associated policies & procedures as per GSCP section 175/157 safeguarding audit 2022	K Coupe & R Burton	Dropbox.com Website	May 2024

Introduction

These grievance procedures apply to all staff of North Nibley Pre-school.

The Pre-school recognises the need for a structured approach agreed by all parties should an occasion arise that warrants a grievance to be raised by a member of staff. As such the following procedure and appeals process shall apply.

Purpose of a Grievance Procedure

A grievance procedure is a formal way for an employee to raise a problem or complaint to their employer. The aim of this procedure is to enable employee grievances to be dealt with fairly, justly and equally.

Looking after employee's wellbeing and mental health

North Nibley Pre-school recognises that going through a grievance procedure can be very stressful. As such, the setting will consider the wellbeing and mental health of any employees involved.

By looking out for employee's wellbeing and offering support can help prevent:

- absence;
- mental health issues arising;
- existing mental health issues getting worse.

If a Grievance is raised while a Disciplinary is taking place

North Nibley Pre-school can pause the disciplinary procedure and deal with the grievance first. If the disciplinary and grievance cases are related, the employer can deal with both at the same time.

Dealing with Grievances Informally

If a member of staff has a grievance or complaint to do with work or the people they work with, they should, wherever possible, start by talking it over with their line manager. A solution may be able to be agreed informally. However, if the employee's grievance cannot be dealt with informally, ie. in discussion with the line manager, the following standard procedure will apply.

Standard Formal Grievance Procedure (3-step process):

Step 1: Put it in writing

If the matter is serious and/or the employee wishes to raise the matter formally, the employee must send a written explanation of their grievance to their line manager, stating the basis for their complaint. The document should stick to the facts and avoid language that is insulting or abusive.

Where the issue relates to the conduct of the line manager or another colleague, and the employee feels unable to approach them directly, a member of the management committee should be notified.

Step 2: Meet and discuss

The line manager or member of the management committee (depending on the grievance) will invite the employee to a meeting to discuss the issue within five working days of receipt of the grievance. The employee should take all reasonable steps to attend and has the right to be accompanied.

North Nibley Pre-school can arrange for someone not involved in the grievance to:

- take notes at the meeting;
- act as a witness if necessary.

To keep the procedure fair, the line manager/member of the management committee will:

- consider information or evidence from all sides;
- see if a similar grievance has happened before and aim to follow the same fair procedure

After the meeting the line manager must inform the employee of their decision, **in writing**, within five working days, and offer the employee the right to appeal. If it is not possible to respond within five working days, the employee should be given an explanation for the delay and told when the response can be expected.

A confidential record will be kept of the meeting, the evidence gathered and the decisions or actions taken.

Step 3: The appeal

If the employee wishes to appeal he/she must inform the line manager, who must then arrange a second meeting to hear the appeal, normally within 5 working days. This meeting will be with a more senior manager, eg. a member of the management committee. The employee has the right to be accompanied.

After the meeting the senior manager will inform the employee of the outcome of the appeal, in writing, within ten working days of the meeting. It must be made clear to the employee that this decision is final.

Sharing Information

Under data protection law¹, North Nibley Pre-school will get consent from any person who provided information for the meeting/appeal before sharing it.

This might mean that the setting will need to make some information anonymous before sharing it.

Modified Grievance Procedure (2-step process) applies when employment has ended and either:

- the setting and the employee agree the modified procedure should be followed, OR
- the setting or the employee are unable to complete a step in the standard grievance procedure (as described above).

The modified grievance procedure is:

Step 1: Put it in writing

The employee must send a written explanation of their grievance to the line manager, stating the basis for their complaint.

Step 2: The appeal

The line manager will invite the employee to a meeting to discuss the grievance/appeal. The employee must be given the line manager's final decision after the meeting and follow this up in writing within five working days. The employee must be advised of their right to be accompanied.

What a "Companion" Person should do

With the permission of the person raising the grievance, the companion is allowed to:

- take notes;
- set out the case of the person raising the grievance;
- speak for them;
- talk with them during the meeting.

The companion cannot:

- answer questions put to the person raising the grievance;
- prevent anyone else at the meeting from explaining their side of things.

After the grievance procedure

Talking to staff

All disciplinary outcomes and details will remain confidential. However, where appropriate, the Pre-school may talk privately with any staff who knew the grievance procedure was happening. This can help avoid any negative effects on the Pre-school, eg. bad feeling; gossip; bullying; low work morale.

¹ General Data Protection Regulations (GDPR) 2018 and Data Protection Act 2018

Keeping Records

It is important, and in the interests of both employer and employee, to keep written records during the grievance process. Records should include:

- the nature of the grievance raised;
- a copy of the written grievance;
- the employer's written response;
- action taken;
- reasons for action taken;
- whether there was an appeal and, if so, the outcome; and
- subsequent developments.

Records should be treated as confidential and kept in accordance with the General Data Protection Regulations 2018 and Data Protection Act 2018, which gives individuals the right to request and have access to certain personal data.

Copies of meeting records should be given to the employee, including any formal minutes that may have been taken. In certain circumstances (for example to protect a witness) the employer might withhold some information.

Legal framework

- General Data Protection Regulations 2018 and Data Protection Act 2018

Further Guidance

Can be found at: www.legislation.gov.uk or www.hse.gov.uk or other government websites. .
In addition, www.acas.org.uk offers comprehensive advice for employers and employees.

Associated policies and procedures

- No 18 : Employment and staffing
- No 27 : Disciplinary procedure
- No 35 : Record keeping