

**Resolving Issues at Work
Policy and Procedure
(Covers Grievance, Harassment and Bullying)**

Document Status

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Policy produced in consultation with North Yorkshire HR.

Access: If you require this information in an alternative format please contact companysecretary@yeat.co.uk

1. Scope

- 1.1 This Policy applies to all employees (all teaching and support staff) of Yorkshire Endeavour Academy Trust.
- 1.2 The policy has been adopted by the Academy Trust Body of this Academy on the date shown on page 1.
- 1.3 The policy should be used for resolution of all issues at work except pay and grading and collective grievances. Grading issues will be resolved through a separate policy and procedure. Collective grievances will be managed through the Academy's collective disputes procedure (please amend if you don't have one). This policy is compliant with ACAS Code of Practice and Statutory Legislation.
- 1.4 Conduct issues arising from any investigations should be resolved under the Academies Disciplinary Policy and Procedure.
- 1.5 **Where reference is made to Manager within this policy, this could mean Principal, Headteacher, Senior Leader, line manager, Head of Department/ Faculty or Business Manager. Trustees or Local Governors may be involved where issues relate to the Headteacher/Principal/senior leaders or in Resolving Issues at Work hearings and appeals**
- 1.6 When reading and applying this Policy, Managers and employees should refer to the accompanying Guidance. Relevant sections of the Guidance are cross-referenced within Sections 2, 3, 4 and 5.

2. Policy Statement *(Please refer to Guidance – Section 2)*

- 2.1 This Academy is committed to fostering a workplace where employees feel able to raise issues of concern, and for such concerns to be resolved as soon as possible, with the least formality possible. The objective of this policy is to settle all issues in the shortest time and appropriate levels of confidentiality, as close to the point of origin as possible.
- 2.3 Examples of issues that may be dealt with through this policy include:
- Relationships at work (with colleagues/manager)
 - Equalities e.g. discrimination
 - Harassment and bullying
 - Health and Safety
 - Terms and conditions of employment
- 2.4 If an employee experiences issues as a result of proceedings under another policy, it should be dealt with under that procedure and not Resolving Issues at Work. However, if it is appropriate to raise issues under this procedure, this will not halt the other process.
- 2.5 An employee who raises a grievance that is found to be vexatious may face disciplinary action. A vexatious grievance is one which is fabricated for personal gain and/or the purpose is to harm the subject of the complaint or cause undue delay to a process.

3. Procedure - Informal Stage *(Please refer to Guidance – Section 3)*

- 3.1 Where an issue arises, the employee should firstly speak to the person concerned.
- 3.2 Where this does not work, or the employee feels unable to do this, they should speak to their line manager who will support them in trying to resolve the situation informally. If the issue is related to their line manager, then the employee should speak to their manager's manager or an alternative manager of appropriate seniority. (Please refer to table 1 in the accompanying Guidance document for information about reporting arrangements for issues relating to senior leaders, Trustees and Local Governors).
- 3.3 Normally, employees will not be accompanied when trying to resolve an issue informally. Many issues can be raised and settled quickly between the employee, related staff and their line manager(s). However, if an employee wishes, to be accompanied by a work colleague or recognised Trade Union representative at meetings under the informal stage then this should be supported where possible.
- 3.4 Managers do not need to keep minutes of informal meetings but a note of the outcome and any agreed actions should be recorded and retained on the relevant employees' personal file(s).
- 3.5 Where an employee does not feel that an issue has been satisfactorily resolved informally, then they may choose to raise the issue formally under this procedure.

4. Procedure - Formal Stage *(Please refer to Guidance – Section 4)*

- 4.1 An employee who wishes to raise concerns formally needs to put their issue/s in writing to their line manager, or where this is not appropriate (for example if they are related to the subject of the complaint) to an alternative manager of appropriate seniority. (Please refer to table 1 in the accompanying Guidance document for information about reporting arrangements for issues relating to senior managers, Trustees and Local Governors).
- 4.2 The written complaint should include the following information:
 - what the issue is;
 - the parties involved;
 - what has been done to try and resolve the issue informally;
 - why this has not worked;
 - what they see as a solution to the situation.
- 4.3 The designated manager will arrange to meet with the individual concerned without unreasonable delay. At the meeting the employee will explain their issue(s) and how they think the issue should be resolved. The employee has the right to be accompanied, by a work colleague or recognised Trade Union representative at this meeting.
- 4.4 The manager will then fully investigate the issue(s) as soon as possible. This may involve a number of meetings with different people (including witnesses), to establish the facts and involve gathering together relevant documents.
- 4.5 If an employee becomes ill at a time when required to attend a Resolving Issues at Work meeting, in normal circumstances, the meeting will be postponed. An explanation and supporting medical evidence may be sought.

- 4.6 Where it is apparent that the sickness absence will be for a prolonged period, the employee should be referred to the Academy's health and well-being partner services to enquire if the employee is fit or when they are likely to be fit to take part in the Resolving Issues at Work process.
- 4.7 In the event of longer term sickness absence, where an employee is not fit to take part in the Resolving Issues at Work process, aspects of the process that can be completed in the employee's absence (such as interviewing other members of staff and gathering relevant documents) can continue.
- 4.8 Having fully investigated and considered the issues raised, the manager will report to the employee in writing the findings and outcome of their investigation, and where appropriate, actions arising out of the investigation.
- 4.9 On occasion, conduct issues may arise from investigations carried out under the Resolving Issues at Work policy. These issues should be addressed via the Academy's Disciplinary Policy and Procedure, with the allegation(s) made clear to the appropriate employee(s) and a separate investigation carried out under the Disciplinary policy. It may be appropriate to use witness statements gathered during the Resolving Issues at Work procedure on these occasions, and witnesses will need to provide consent for this, prior to their use. Alternatively, witnesses may be re-interviewed where appropriate.
- 4.10 If the issue is resolved at this formal stage, the manager who has led the investigation will monitor the situation to ensure that the agreed actions are carried out.
- 4.11 If the employee who raised the issue does not accept the decision they will be given the right of appeal to an independent panel.

5. Procedure - Formal Appeal Stage *(Please refer to Guidance – Section 5)*

- 5.1 An employee must submit a letter of appeal to the manager who investigated the issue, within 10 working days of the date of the letter informing them of the decision at the formal stage.
- 5.2 The employee must be clear about the grounds of appeal, which may relate the facts of the case and/or procedural points and/or due to new evidence emerging.
- 5.3 Appeals will be heard at the earliest opportunity and will be heard by an Appeals Panel made up from at least two non-staff Governors/Trustees
- 5.4 The Appeal Hearing will be convened in line with the Academy's Hearing and Appeals Procedure.
- 5.5 The outcome of the Appeal Hearing must be confirmed in writing, normally within 5 working days of the date of the hearing.

6. Addressing issues once employment has ended *(Please refer to Guidance Section 4.2 – Case Law)*

- 6.1 There is no legal requirement for an employer to deal with grievances which are first raised after the employment has ended. However, depending on the nature of the issue(s) raised, it may be felt appropriate to investigate them and make a response. It is therefore important to seek advice from NYHR when an issue / complaint is received in writing after the employment has ended. In the majority of cases, issues raised after employees have left will be handled in writing by both parties.
- 6.2 Complaints that are raised in resignation letters/emails or through exit interview processes should be followed up as soon as possible, as these have been raised prior to the employment ending. As with other complaints, the process would normally begin at the informal stage.

7. Flow Diagram

