



## Resolving Issues at Work Policy & Procedure

### Yorkshire Endeavour Academy Trust

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## 1. Policy Statement

- 1.1. This Trust believes that all employees should be treated fairly and have the right to work in a safe environment without the fear of discrimination, harassment or abuse. The Trust has a range of policies and procedures aimed at promoting good employment practices but recognises that occasionally problems can arise.
- 1.2. This policy provides the means for employees to raise genuine complaints and concerns and have them dealt with fairly, objectively and effectively, without fear of recrimination.

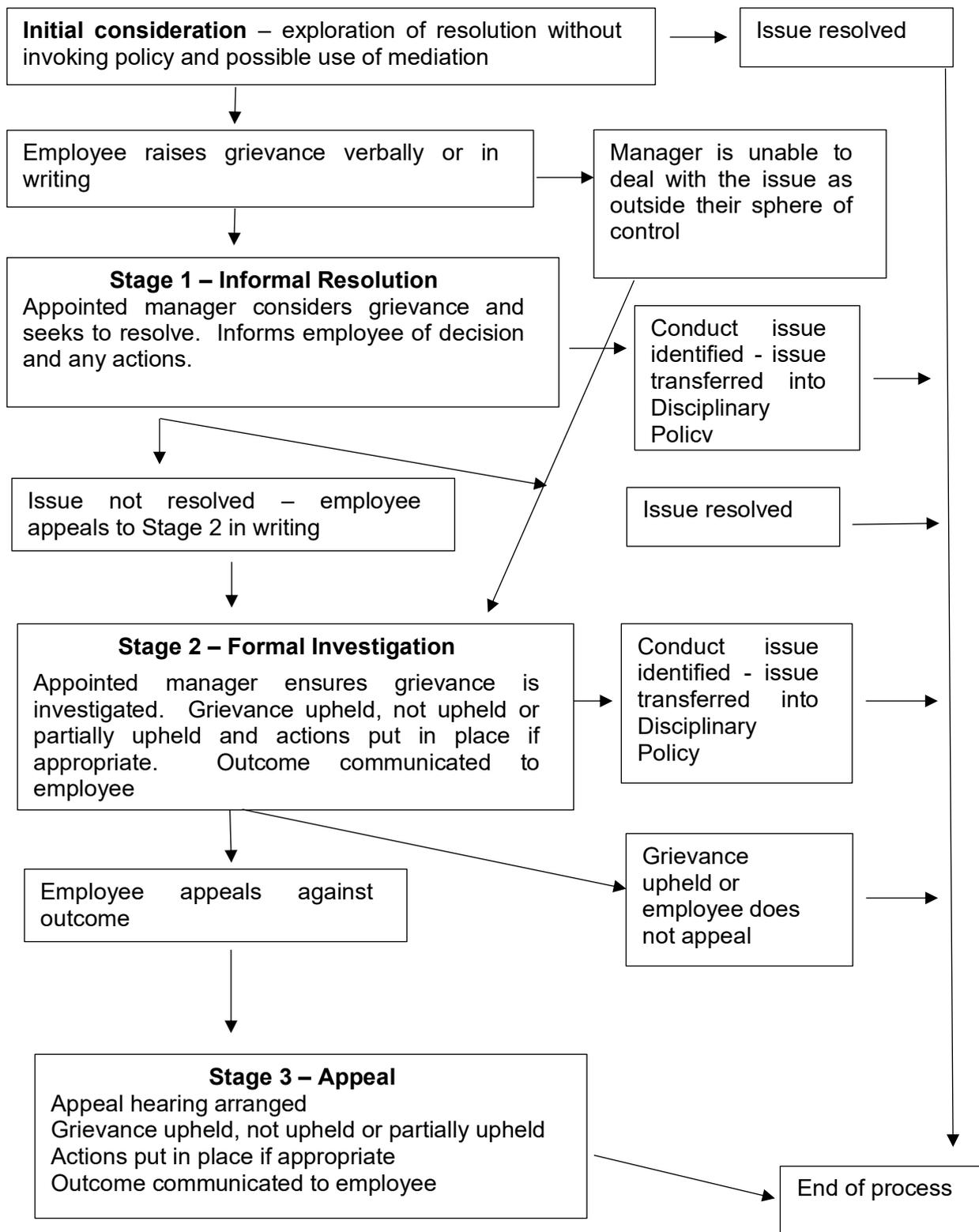
- 1.3. This policy is consistent with ACAS's statutory Code of Practice on disciplinary and grievance procedures.

## **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 and practices, treatment at work or relationships with colleagues. The Trust 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.
- 2.2. 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.
- 2.3. Other issues excluded from consideration under this policy include:  
  
Grading issues, pension decisions, whistleblowing
- 2.4. Where a collective grievance is raised (not covered by 2.3) 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. 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.
- 2.5. Should the grievance relate to potential misconduct, or where any alleged conduct issues arise during the RIAW investigation, the matter will be dealt with under the Trust's Disciplinary Policy.
- 2.6. 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:



## 4. Bullying and Harassment

- 4.1. Bullying or harassment may be by an individual against an individual 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 Trust 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.
- 4.3. Harassment is defined as unwanted conduct affecting people's dignity in the workplace. It may be related to 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.
- 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. However, consideration should be given to what would be found reasonable by most people.
- 4.6. 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 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 Trust's commitment to taking all reasonable steps to prevent employees from harassment in the workplace.
- 4.7. The RIAW policy acts as a mechanism for resolving issues rather than establishing guilt or issuing sanctions. 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.
- 4.8. 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.
- 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).
- 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. Grievances should be raised by the employee with their line manager. 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 CEO. Where the grievance is against the CEO, it should be raised with the Chair of the Trust Board.
- 5.6. Where possible, the informal stage of the process will be managed by the line manager. Where this is not possible, a manager of suitable seniority or member of the Governing Body or Trust Board where the grievance is against a Headteacher/CEO may be appointed to try and resolve and/or investigate the complaint.
- 5.7. If a case has been appealed at Stage 1 then a different person 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 or Trust Board

### ***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 appointed manager may meet with the aggrieved employee to feedback their findings, the outcome and any actions which will be put in place.
- 5.10. As far as is possible, all RIAW issues will be dealt with in the strictest confidence.

### ***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.
- 5.12. The employee will be notified of the outcome of any grievance raised against them 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. Both parties need to agree to mediation in order for it to proceed.

### ***Employee support***

- 5.14. The grievance process can be distressing for all parties involved. Appropriate support arrangements should be considered and employees should be advised to contact their trade union or professional association for advice and support.
- 5.15. 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 Trust will make reasonable adjustments to the process, taking into account appropriate medical advice.

### ***Absence during the RIAW procedure***

- 5.16. Where an aggrieved employee is absent from work due to illness, the Trust may take medical advice on the employee's fitness to participate in the process. In such cases, the Trust will progress the grievance as far as possible in relation to each case.
- 5.17. Where the employee considers that the absence has resulted from the grievance, the Trust will progress the process swiftly so as not to prolong the sickness absence unnecessarily.
- 5.18. The Trust's attendance management processes will continue to be implemented as normal throughout any grievance process. The Trust will 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***

- 5.19. This policy does not apply to grievances which are first raised after the employment has ended. However, the Trust may choose to give consideration to such cases.

## **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.
- 6.2. For minor issues, the employee may wish to speak to the other individual involved without the need to invoke this procedure. However, 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.

### ***Possible outcomes***

- 6.4. The possible outcomes of any formal stage of the grievance procedure are:
  - Upheld
  - Partially upheld
  - Not upheld
- 6.5. At Stage 1, the manager is not required to reach an outcome as detailed in 6.4 above but will usually make recommendations and put in place relevant actions.

## **7. Stage 1 - Informal Stage**

- 7.1. Grievances at Stage 1 may be raised verbally or in writing.

- 7.2. 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.
- 7.3. 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 the policy.
- 7.4. The manager will provide feedback to the employee, and others involved in the case, on the outcome of the process and to communicate any agreed actions.
- 7.5. 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.

## **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. An appointed manager will be appointed to manage the grievance at Stage 2. The appointed manager may investigate and deal with the grievance themselves or, where appropriate, may commission an external investigator.
- 8.3. 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.
- 8.4. Where an external investigator is appointed, their role will be to investigate the grievance 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.
- 8.5. The outcome of Stage 2 will be confirmed to the employee in writing.
- 8.6. If the aggrieved employee feels that their grievance has not been satisfactorily resolved they may appeal to Stage 3 of the procedure.

## **9. Stage 3 - Formal Appeal**

- 9.1. Appeals will be held in line with the Hearing and Appeals Procedure. Appeals will be heard by a panel made up of no 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.
- 9.3. Arrangements will be made for the appeal hearing to take place. Any documentation to be considered at the hearing should be shared at least 15 working days before the appeal hearing takes place.
- 9.4. The order of proceedings at the hearing and arrangements for note taking will be as detailed in the Hearing and Appeals Procedure.
- 9.5. The outcome of the appeal should be confirmed in writing to the employee within 5 working days of the appeal hearing and should include that the decision of the panel is final.