

Guidance – Schools’

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

The Wensleydale School & Sixth Form

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Guidance produced for Schools and Colleges under Local Management of Schools, together with Early Years providers under the HR service provision of NYHR.

Access: If you require this information in an alternative format, such as large type, audio cassette or Braille, please contact NYHR.

Section 1: Introduction

This guidance accompanies and should be read in conjunction with the Resolving Issues at Work Policy and Procedure for Schools. It has been produced for Schools and Colleges under Local Management of Schools, together with Early Years providers under the HR service provision of NYHR.

Each section of the guidance corresponds with the relevant section of the Resolving Issues at Work Policy and Procedure and is cross-referenced accordingly. Links are also provided to template letters and model documents to be used at relevant stages of the procedure.

This guidance has been produced both for managers and employees.

Managers are strongly advised to take advice from the HR Advisory Service with regards the application of the Resolving Issues at Work Policy and Procedure and Guidance at all stages.

Where reference is made to Manager within this policy, this could mean Headteacher, line manager, Head of Department/Faculty, School Business Manager or Governor.

Section 2: Policy Statement Guidance

(Links to Policy and Procedure section 2)

The focus of this policy is to encourage employees to resolve issues at work as close to the source of the problem as possible. It aims to encourage people to talk about their issues openly with the person/s concerned, where possible, in order to seek an early solution and a way forward.

It should be noted that where this process is entered into the eventual outcome may not always be what the individual/s expected but will always aim to seek a viable solution to the matter. However, there will be a requirement for all parties concerned to co-operate. It is the managers responsibility to ensure that decisions are implemented and actions take place accordingly and it is the employees responsibility to fully cooperate with this.

It is essential that all parties involved in the procedure:

Co-operate and engage in the process

Take responsibility for and be committed to seeking a solution to the situation

Deal with matters in a timely manner

Do not use this procedure for allegations of a vexatious nature

Examples of issues that may be dealt with through the procedure include:

Relationships at work (with colleagues/manager)

[Equalities e.g. discrimination](#)

Harassment and bullying *

Health and Safety (please also refer to the [Health and Safety Policy](#) for issues relating to health and safety)

Terms and conditions of employment (i.e. how they have been applied or interpreted)

*** What is bullying and harassment**

Extract from ACAS Advice leaflet - Bullying and harassment at work: Guidance for employees

'These terms are used interchangeably by most people, and many definitions include bullying as a form of harassment. Harassment, in general terms is unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, sex, race, disability, religion, sexual orientation, nationality or any 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. 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. Bullying or harassment may be by an individual against an individual (perhaps by someone in a position of authority such as a manager or supervisor) or involve groups of people. It may be obvious or it may be insidious. Whatever form it takes, it is unwarranted and unwelcome to the individual'.

Section 3: Procedure – Informal Stage

(Links to Policy and Procedure section 3)

The majority of work place issues will be dealt with informally through normal day-to-day supervision and it is important to recognise that managers exercise judgement as part of their daily responsibilities. Managers should support employees in trying to resolve work place issues informally by facilitating discussions between the relevant parties.

Managers do not need to keep minutes of informal meetings but a note of the outcome should be recorded and retained on file.

Section 4: Procedure – Formal Stage

(Links to Policy and Procedure section 4)

Where an employee does not feel that an issue has been resolved satisfactorily, informally, then they may choose to raise the issue formally under this procedure.

How to raise concerns formally under the Resolving Issues at Work Policy and Procedure *(Links to Policy and Procedure 5.1)*

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.

Table 1: Arrangements for issues involving senior managers and members of the Governing Body

Nature of Issue	Action required
Where an employee(s) has an issue against the Head Teacher	Member of staff to raise the issue with the Chair of Governors. Chair of Governors to ensure that the Resolving Issues at Work procedure is followed, as appropriate. Appeal would be to a panel of Governors.

Where an employee(s) (including a Head Teacher) has an issue against a Governor or the Governing Body	Member of staff (or Head Teacher) to raise the issue with the Chair of Governors. Chair of Governors to ensure that the Resolving Issues at Work procedure is followed. If the issue progresses to the formal stage then the Chair of Governors will make a formal written report to the appropriate Committee of Governors and will inform the employee in writing of the outcome. LA advice should initially be sought. Appeal would be to a separate panel of Governors.
Where an employee(s) (including a Head Teacher) has an issue against the Chair of Governors	Member of staff to raise the issue with the Vice Chair of Governors. Vice Chair of Governors to ensure that the Resolving Issues at Work procedure is followed. If the issue progresses to the formal stage then the Vice Chair of Governors will make a formal written report to the appropriate Committee of Governors and will inform the employee in writing of the outcome. LA advice should initially be sought. Appeal would be to a separate panel of Governors.

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.

Employees may choose to complete a proforma which accompanies this guidance as a prompt for outlining their issues. [Link to Template 1: Employee pro-forma to outline issues and help discussions](#). Please note that employees do not need to submit this proforma in order to raise their grievance/complaint. Please refer to case law information below on handling disputes, which specifies that employers must take care in noting the receipt of a grievance/complaint as they may be lodged through a variety of methods.

Meeting with employee and investigation of issue
(Links to Policy and Procedure 4.2 and 4.3)

On receipt of a complaint, a manager must organise to meet with the employee as soon as possible and undertake an investigation, in order to provide a formal written response.

Case law has resulted in the need for employers to be aware that they must respond, in writing, to all complaints (including email) even when the person has not stated that it is a grievance/complaint.

Case Law – Point to Note

Case Law on handling disputes (grievance/complaints) in the workplace suggests that employers need to take particular care in establishing whether or not a complaint has been lodged and therefore requires investigation under the Resolving Issues at Work Policy and Procedure. Employers will need to analyse any written communication, which may amount to a complaint, very carefully.

For example – A letter can amount to a complaint/grievance where:

The letter of complaint is sent to someone other than the person stated in the Resolving Issues at Work procedure (RIAW)

The complaint is only briefly referred to and in no detail, as long as in the context of the case, the employer can be expected to understand that the complaint is being raised.

The letter fulfils more than one purpose/function

The complaint is in a letter of resignation even if there is only a passing reference to it

The letter does not mention or suggest the work grievance/complaint, or refer to the RIAW procedure

The complaint is contained in a solicitors letter before action or in a without prejudice correspondence

Subject to particular facts, the complaint is contained in a letter which states that a complaint / grievance will be formulated at some point in the future.

At the meeting the employee will explain their issue(s) and how they think the issue should be resolved. Managers should record the discussions that take place within the meeting. ([Link to Template 2: Record of Resolving Issues at Work Meeting](#))

Advice/Support

Managers should remember that all parties involved in the Resolving Issues at Work process may find the situation difficult and emotionally challenging. It may be helpful to share details of Health Assured (telephone: 0800 0305182) with all parties at the start of the process (applies only to schools that buy in to this service) and to keep all parties informed of progress in a timely manner, throughout the process.

Sickness absence during the RIAW procedure

(Links to Policy and Procedure 4.4, 4.5 and 4.6)

Where an absence has been prolonged and the RIAW procedure is a significant factor in that absence (preventing an employee from returning to work), the Attendance Management Procedure will be followed according to normal procedure.

Any formal meeting to be held with the employee under the Resolving Issues at Work procedure will normally be postponed until either they deem themselves or Occupational Health deems them (whichever is sooner) fit to take part in that process, following which the procedure should continue.

However, at the point that, under the Attendance Management Policy, a case proceeds to an Attendance Management panel, it may be appropriate to consider the RIAW issues as part of the formal Attendance Management hearing.

Outcome of Investigation

(Links to Policy and Procedure 4.7)

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. ([Link to Template 3: Outcome of Resolving Issues at Work Investigation](#))

The manager may decide to present this information at a further meeting prior to sending it in writing. The findings may be accompanied by a report to fully explain the process and outcome. A copy of this will be saved on the employee's personal file.

Independent Facilitation

One outcome of the investigation may be independent facilitation between two or more parties from an independent third party to help rebuild the working relationship. Facilitation (also known as mediation) is optional and involves a neutral independent, third party who is completely impartial, pulling the parties together to move an issue to a satisfactory conclusion for all. The process aims to resolve situations where other workplace interventions have failed.

It is not a requirement of this policy that facilitation will be used in every situation, nor is it a required stage in the procedure. Normally, the individuals concerned would be expected to resolve the issue between themselves informally, or with the help of the manager through the Resolving Issues at Work Procedure.

How to book facilitators

NYCC has a number of trained facilitators that can be booked via Health Assured 0800 030 5182, where Schools buy into this service.

Referral and booking must be made by the manager, as the department/school of the employee that has raised the issue, will be required to pay for this service.

Whilst facilitation does incur a cost; managers are advised to balance this against the direct and indirect costs of a protracted employee relations issue in their service. Often facilitation is a cost effective option, delivering satisfactory outcomes for all parties involved.

The principles of facilitation

The principles of facilitation are as follows:

Collaborative problem solving to reach a solution acceptable to all.

Focus on the future, emphasise a positive working relationship in the future, rather than apportioning blame for the past.

A belief that communication is often the key to workplace disputes.

The parties must be in agreement to use this method of conflict resolution

The process of facilitation

Facilitation is both confidential and privileged, which means that anything said during facilitation, cannot be relied upon in subsequent legal proceedings. Representation is not appropriate during facilitation, as it is up to the parties concerned, to have a full,

frank and honest discussion without the distraction of other parties being present. There is no written record of the meeting. The facilitator will however:

Write to the parties concerned, setting out what they have agreed to, and will require them to sign this and return it to the facilitator.

A copy of this will then be sent to the manager of the employee(s) who made the original complaint.

The manager is then responsible for bringing both parties together again, to discuss the agreed outcome and how this will be put in place.

The facilitators note should be kept on the employee's e-file, in line with Mediation UK practice.

Where one of the parties refuses to continue to participate in facilitation, the manager will then put forward their final decisions and actions for resolution.

The role of the facilitator is to help people in dispute, to find a mutually acceptable solution through developing options for resolution. Whilst the facilitator owns and manages the process, the solution and agreement rests with the parties concerned who with the help of the facilitator, will come up with their own solutions to move forward.

Exceptions to confidentiality within the facilitation process

Where there is a concern that there is a likelihood of serious physical or emotional harm to the individual or others

Where there may be a breach in the law

Where a court made a legal order (subpoena)

A release form signed by the individual has been obtained specifying to whom the information is to be released.

Representation

Employees have the right to be accompanied at the formal stage of the RIAW procedure by a work colleague or recognised Trade Union representative. However, if an employee requests to be accompanied by a work colleague or recognised Trade Union representative at the informal stage, then this should be permitted.

Section 5: Procedure – Formal Appeal Stage

(Links to Policy and Procedure section 5)

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.

The appeal letter should summarise what has happened to date, state why they are not able to accept the decision, and state what they feel the solution to the issue could be and why.

Appeals will be heard at the earliest opportunity and will be heard by an Appeals Panel. An Appeals Panel will normally comprise of 3 members of the Governing Body who have not had any prior involvement or knowledge of the issue and investigation. Staff Governors should not be form part of an Appeals Panel for Resolving Issues at Work issues.

Employees must be invited to the Appeal Hearing in writing. (Template 4: Invitation to Appeal Hearing)

All parties must submit full documentary evidence to be presented at the hearing together with details of any witnesses they wish to call (if applicable) as soon as possible and no later than 5 working days prior to the Hearing. Documentation to be submitted should include:

- a copied set of all the previous relevant letters /pro-formas/information
- any action plan agreed
- the employee's written case for appeal

The outcome of the Appeal Hearing must be confirmed in writing, normally within 5 working days of the date of the hearing. (Template 5: Delay with outcome of Appeal Hearing, Template 6: Outcome of Appeal Hearing).

Section 6 – Model Letters/Documents

These model letters are included to assist during the Resolving Issues at Work process and as such are only intended as a guide. Advice, guidance and support is available from the HR Advisory service.

Template Number	Letter name	Description
1	Employee pro-forma to outline issues and help discussions	May be used by employee to submit their complaint/grievance in line with the formal procedure
2	Record of Resolving Issues at Work meeting	Template to be used by manager to record meeting with employee in the formal procedure
3	Template letter - Outcome of Resolving Issues at Work Investigation	Template to be used by manager to provide outcome of Resolving Issues at Work Investigation
4	Template letter – Invitation to Appeal Hearing	Template to be used by manager to invite employee to Appeal Hearing where they have appealed the outcome of the Resolving Issues at Work Investigation
5	Template letter – Delay to Appeal Hearing Outcome	Template to be used where appeal outcome is not known immediately after Appeal Hearing
6	Template letter – Outcome of Appeal Hearing	Template to be used to confirm outcome of Appeal Hearing

Template 1: Employee pro-forma to outline issues and help discussions

Name

Contact Number

Job Title

Department

Please outline your issue/s with regard to:

- 1 What is causing you concern?
- 2 Who has been involved in this?
- 3 What action have you taken to resolve it?
- 4 Why has this not worked?

Please outline how you think this situation can be resolved.

You may attach additional information.

Employee signature

Date

Please send completed form to your line manager or other appropriate senior manager

Template 2: Record of Resolving Issues at Work meeting

Employee's name

Date of meeting

Venue

Name of Manager

Main points of discussion

Decisions

Name of Manager

Name of Employee

Signature of Manager

Signature of Employee

Date

Date

Template 3: Outcome of Resolving Issues at Work Investigation

<Insert Address>

<Insert Date>

Dear <Insert Name>

Resolving Issues at Work – Agreed Outcome

Further to the issues raised by you under the School's Resolving Issues at Work Policy and Procedure and the resulting investigation, I am writing to confirm the <insert 'agreed' as applicable> outcome as follows:

It was agreed by both parties that the attached Action Plan would be implemented and reviewed at <insert timescale> intervals to ensure the situation is regularly monitored.

OR

I propose that both parties review the attached Action Plan to be implemented and reviewed at <insert timescale> intervals to ensure the situation is regularly monitored.

OR

It was agreed that <insert details of solution agreed>

OR

I propose that <insert details of proposed solution>

A copy of this agreed solution will be retained on your personal file for reference.

OR

I would ask that you review the proposal and confirm your acceptance of this solution. Following this a copy will be retained on your personal file for reference.

I must advise you that you do have a right of appeal against the outcome under this procedure. If you wish to raise an appeal you must do so in writing to me within 10 working days of the date of this letter. Your appeal must include a summary of what has happened, why you feel you are unable to accept the decision and what you feel the solution should be and why.

Yours sincerely

**<Insert Name>
<Insert Job Title>**

c.c. Personal File

Template 4: Invitation to Appeal Hearing

<Insert Address>

<Insert Date>

Dear <Insert Name>

Resolving Issues at Work - Appeal Hearing

I have received your request for an Appeal Hearing regarding an employment matter that has not been resolved. The Appeal hearing will take place as follows:

Date: <Insert date>
Time: <Insert time>
Venue: <Insert venue>

Please report to <insert name/venue>.

The appeal will be heard by <Insert names (and job titles – where relevant)> of panel members>, supported by <name of HR Advisory Service representative>.

You may be represented by a Trade Union representative or work colleague, if you wish.

All previous papers together with your statement of case have been submitted to the panel.

Please confirm in writing whether or not you are able to attend and who will be representing you. If you have questions in relation to this letter, please do not hesitate to contact me on the above number.

Yours sincerely

<Insert Name>
<Insert Job Title>

c.c. Human Resources Representative

Template 5: Delay with outcome of Appeal Hearing

<Insert Address>

<Insert Date>

Dear <Insert Name>

Resolving Issues at Work Appeal Outcome - delay in reaching decision

Further to the appeal hearing on <insert date> I am writing to let you know that the decision is under consideration and will be notified to you as soon as possible.

I apologise for this delay and will contact you as soon as possible to inform you of the outcome, in writing.

Yours sincerely

<Insert Name>

<Insert Job Title>

Chair of the Appeal Panel

Template 6: Outcome of Appeal Hearing

<Insert Address>

<Insert Date>

Dear <Insert Name>

Resolving Issues at Work – Outcome of Appeal Hearing

Following the appeal hearing held on <insert date> I am writing to confirm the decision of the panel.

After careful consideration of the issues put forward at the hearing the decision is as follows:

<Insert details of the decision made>

I must advise you that this decision is final, and that all parties must adhere to it as part of their duty to follow reasonable management instructions.

A copy of this letter will be sent to your manager and <insert name of the other party>. Your manager will be responsible for ensuring the above measures are put in place.

Yours sincerely

<Insert Name>

<Insert Job Title>

Chair of the Appeal Panel

c.c. Personal File