



Grievance Procedure

June 2024

At **Elsworth Pre-School** we always follow our legal obligations as an employer including hearing and investigating grievances. We have a policy and procedures that set out our process.

Legal obligations

Our obligations as an employer are detailed in the ACAS Code of Practice on disciplinary and grievance procedures. This code of practice was introduced in April 2009 and updated in 2015. A full copy of the ACAS Code of Practice and the accompanying guidance can be obtained from the ACAS website www.acas.org.uk.

We note that a failure to follow the code does not make an organisation liable to formal proceedings at an employment tribunal, but failure to follow the code may result in any compensation award payable to be increased by up to 25%, or reduced by 25% if the employee does not comply.

Objectives and guiding principles

We recognise that a staff member needs to feel that their grievance has been fully investigated and has received a fair hearing. The staff member also needs to understand the reasons for the decision made by the person who heard their grievance.

The staff member should then be given the opportunity to appeal against the decision. Their appeal should be submitted in writing and should be investigated and heard by someone more senior to the person who heard the initial grievance. The person allocated to hear the staff member's appeal should be able to take a fresh and independent look at the issue.

In our organisation the individual's immediate line manager deals with the grievance initially before being passed on to the pre-school Committee Chair. The use of mediation to resolve grievances, to maintain a good working relationship and resolve issues within the workplace. We may decide to use such mediation where appropriate using ACAS support and guidance. Our grievance procedure does not form part of any staff members' contract of employment. It may be amended at any time, and we may depart from it depending on the circumstances of any case.

This procedure applies to all staff members regardless of length of service. Our pre-school believes that all staff members should be treated fairly and with respect. We encourage all staff members to try to resolve any grievance with the individual concerned on an informal basis, as most grievances can be resolved quickly through discussion. Their manager will assist them with this if they feel this is the best route. If this does not resolve the problem, they should initiate the formal process below.



Grievance process

Stage 1 Making your grievance

- Put the grievance in writing and forward it to their manager.
- This written statement will form the basis of any investigations and the subsequent hearing, so it is important that the nature of the grievance is clearly set out and includes any dates and names of individuals involved. This should also indicate the outcome that is sought. If the grievance is unclear, it may be necessary to clarify the complaint before any meeting takes place.
- If the complaint relates to an issue with their manager, the grievance should be sent to the Committee Chair.
- Before proceeding to a full grievance hearing, it may be necessary to carry out investigations of any allegations made by the complainant. If any evidence is gathered during these investigations, complainant will be given a copy long enough in advance of the hearing for them to consider their response. In exceptional circumstances, the evidence given by individuals may have to remain confidential. Where confidentiality is necessary, this will be explained to the complainant and an appropriate summary of the evidence gathered will be given to them.

Stage 2 The grievance hearing

The hearing will be held as soon as is reasonably possible following any investigations, and normally within **five** working days of the receipt of the written complaint. It will be conducted by their manager or Committee Chair, depending on the nature of the grievance.

They are entitled to bring a companion to the grievance meeting if a reasonable request is made. This request must be in advance of the meeting, and the name of the chosen companion should be given. The companion may either be a trade union representative or a work colleague. The complainant should ensure that they attend the meeting. If they are unable to attend because of circumstances beyond their control, they should inform the grievance hearing chairperson as soon as possible and the meeting will be re-arranged as soon as possible. If the complainant fails to attend without explanation, or if it appears that they have not made sufficient attempts to attend, the hearing may take place in their absence.

During the hearing the complainant will be given the opportunity to explain their complaint. Their explanations should focus on the complaint and not on irrelevant issues. The person conducting the hearing will inform the complainant if they believe the key issues are not being focused on. They may also set a reasonable timeframe for the meeting; this will be determined by the nature and complexity of the complaint.

The hearing may be adjourned to allow further investigations to take place. Following the meeting, the complainant will be informed in writing of the outcome, where reasonably practicable, within **five** working days and told of any action that the pre-school proposes to take as a result of the complaint, if applicable. If it is anticipated that



further investigation is required and therefore the outcome cannot be provided within this timeframe, the complainant will be informed as to when they can expect to receive the outcome.

[N.B. If another employee has been disciplined because of the grievance, they should not be informed as to which staff member raised the grievance as this information is confidential between the disciplined staff member and their employer.]

If the complainant is dissatisfied with the outcome, they may make a formal appeal in writing to the pre-school chairperson, stating their full grounds of appeal, within **five** working days of the date on which the decision was sent or given.

Stage 3: Appeal

The pre-school will hold an appeal meeting within 14 working days, where reasonably practicable, of receiving the appeal. This will be dealt with impartially by a committee member who has not previously been involved in the case. The complainant will have the right to bring a companion, as explained above. The pre-school will confirm their final decision in writing, usually within seven working days of the appeal hearing, where reasonably practicable. There is no further right of appeal.

Grievances linked to disciplinary matters

Complaints that a staff member may have about any disciplinary action taken against them should be dealt with as an appeal under the disciplinary procedure. Grievances raised while they are subject to disciplinary proceedings will usually be heard when the disciplinary process has been completed.

If a grievance has any bearing on the disciplinary proceedings, it will be dealt with as part of the disciplinary hearing or disciplinary appeal, as appropriate.

Adopted on:	12 th June 2024
Adopted by:	Sophie Mills, Pre-School Interim Manager Hannah Holland, Chair of Trustees
Next Review Date:	12 th June 2025