

# Grievance Procedure

At Wood St Nursery, we follow our legal obligations as an employer at all times, including hearing and investigating grievances. This policy and procedures 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](http://www.acas.org.uk)

We note that a failure to follow the code does not, in itself, 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 as an organisation we need to listen to and respond to our staffs' concerns and difficulties. Should staff raise grievances they need to feel that their grievance has been fully investigated and has received a fair hearing. The member of staff also needs to understand the reasons for the decision made by the manager who heard their grievance. The member of staff should then be given the opportunity to appeal against the decision. In our organisation the individual's immediate line manager (Room Leader) deals with the grievance initially, before being passed on to the owner/manager of the nursery.

ACAS advocates the use of mediation to resolve grievances, in an attempt 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 member of staff's 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 member of staff regardless of length of service.

Our nursery believes that all members of staff should be treated fairly and with respect.

Prior to following the Grievance Procedure we expect all members of staff to:

1. Try to resolve any grievance with the individual concerned on an informal basis, as most grievances can be resolved through discussion.
2. Raise general grievances (eg not about one person) in team meetings, if appropriate.

3. Seek the support of their line manager if at all possible, so they can assist with informal resolution.
4. Ask for supervision and discuss their grievance with their supervisor to see if a way forward can be found.

If this does not resolve the problem, the following formal process below can be initiated:

## **Grievance process**

### **Stage 1**

#### **Making your grievance**

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

### **Stage 2**

#### **The grievance meeting**

The meeting will be held as soon as is reasonably possible following any investigations, and normally within five working days of the receipt of your written complaint. It will be conducted by your line manager. You are entitled to bring a companion to the grievance meeting if you make a reasonable request to do so. This request must be in advance of the meeting and you should tell us the name of your chosen companion. The companion may either be a trade union representative or a work colleague.

You should ensure that you attend the meeting where possible. If you are unable to attend because of circumstances beyond your control, you should inform your line manager as soon as possible and a further meeting will be arranged as soon as possible. If you fail to attend without explanation, or if it appears that you have not made sufficient attempts to attend, the hearing may take place in your absence.

During the hearing you will be given the opportunity to explain your complaint. Your explanations should focus on the complaint and not on irrelevant issues. The manager conducting the hearing will inform you 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 your complaint.

The hearing may be adjourned to allow further investigations to take place. Following the meeting, you will be informed in writing of the outcome within five working days, where reasonably practicable, and told of any action that the nursery proposes to take as a result of your complaint, if applicable. If it is anticipated that further investigation is required and therefore the outcome cannot be provided within this timeframe, the manager will inform you as to when you can expect to receive the outcome.

N.B. If another member of staff has been disciplined as a result of the grievance, managers will not inform the member of staff who raised the grievance as this information is confidential between them as the employer and the other member of staff.

If you are dissatisfied with the outcome, you may make a formal appeal in writing to the nursery manager, stating your full grounds of appeal, within five working days of the date on which the decision was sent or given to you.

### **Stage 3**

The manager will hold an appeal meeting within 14 working days of receiving the appeal, where reasonably practicable. This will be dealt with, with the support of the local authority to insure impartiality. You will have the right to bring a companion, as explained above.

The manager will confirm the 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 you may have about any disciplinary action taken against you should be dealt with as an appeal under the disciplinary procedure.

Grievances raised while you 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.