



North

Yorkshire County Council

# Resolving Issues at Work Policy and Procedure

(Covers Grievance, Harassment and Bullying)

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## Scope

**This policy** applies to all employees. Those in locally managed schools may have separate policies. If schools wish to adopt this policy, they will need to agree it through their normal processes.

Should be used for resolution of all issues at work except grading. Grading issues will be resolved through a separate procedure via the Pay and Reward team. This policy is compliant with ACAS Code of Practice and Statutory Legislation.

Conduct issues arising from any investigations should be resolved under the [Disciplinary policy](#).

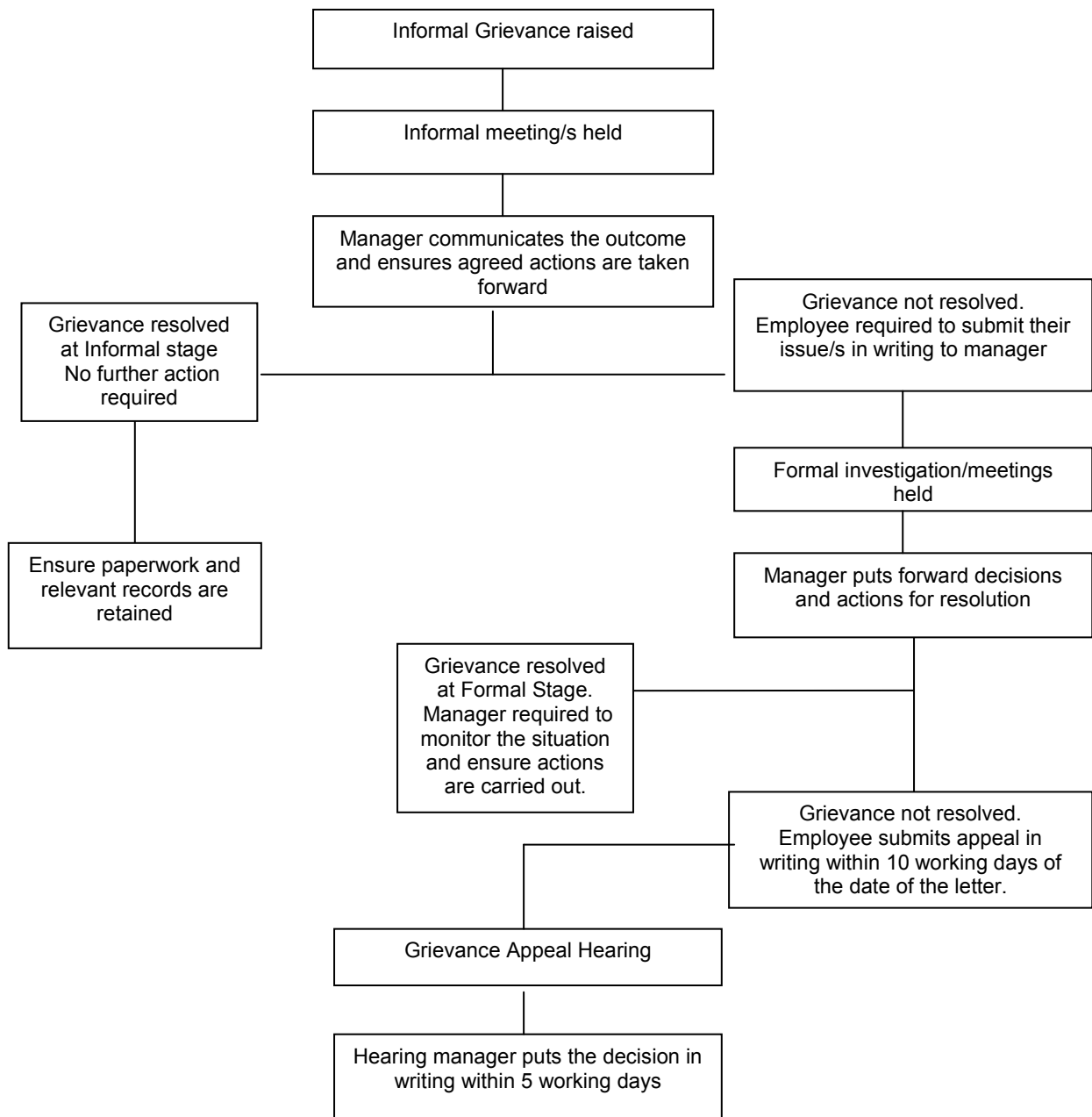
The objective is to settle any grievance or issue in the shortest time, as close to the point of origin as possible. If an employee experiences issues as a result of proceedings under another policy, it should be dealt with under that procedure and not Resolving Issues at Work. However, if it is appropriate to raise issues under this procedure, this will not halt the other process.

**Where reference is made to the Manager** - in schools, this could mean the Head Teacher, line manager, Head of Department, School Business Manager.

Schools please note – There is a separate procedure for dealing with complaints made by parents and members of the public.

**Issues involving elected members** - The same principles of the policy apply, but the Assistant Chief Executive (HR, OD) would need to be informed at an early stage.

# FLOWCHART FOR DEALING WITH GRIEVANCES



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## Procedure

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Prior to considering informal or formal action, employees should aim to settle most grievances with their line manager in the first instance. Many problems can be raised and settled during the course of everyday working relationships and this could aid a quick resolution for all. Managers should always consider this course of action prior to moving to the informal stage.

Employees have the right to be accompanied at any stage of the process by a work colleague or recognised Trade Union/Professional Association representative, except in situations where independent facilitation takes place. However, at the informal stage where an employee is accompanied this should be supportive and non-adversarial.

Managers may request support and advice from Human Resources throughout the process.

### 1. Step 1 - Informal

- 1.1 Where an issue arises the first step should be for the employee to speak to the person concerned.
- 1.2 Where this does not work, or the employee feels unable to do this, the employee should speak to their own 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 managers' manager. Please see separate guidance in the toolkit, Appendix A for complaints regarding governing bodies or senior management.

The manager will meet with the employee who has raised the issues as soon as possible in order to:

- establish what the issue is
- establish what steps, if any, have already been taken to resolve the issue
- establish what the employee's suggested solution to the matter is
- consider informal meetings with the various parties to hear their point of view
- consider appropriate actions
- consider if independent facilitation could be used to resolve the issue

Following the meetings the manager should communicate the outcome of the meetings and ensure any actions agreed are taken forward and facilitate any further discussion for resolution. A number of meetings at this stage may be required to reach a resolution. The manager should then ensure that the agreed resolution is put in place and the situation is monitored. If an action plan is agreed a copy of this should be kept on personnel files. Managers do not need to keep formal minutes of meetings but a note of the outcome should be recorded and retained on file.

Where the actions at step 1 have not worked, or are not appropriate, then the employee should go to step 2.

### 2. Step 2 – Formal

- 2.1 Upon receipt of a written complaint, managers should first consider whether the informal procedure has been exhausted, where this is appropriate.
- 2.2 It is important to clearly identify the employee's issue therefore **the employee will be required to submit their issue/s in writing to the manager**. An employee's pro forma is available in the toolkit, Appendix B. **This will need to include:**
- 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.

The manager will then arrange to meet with the individual concerned without unreasonable delay upon receipt of the letter/form from the employee. The manager (or nominated officer) will investigate the issue as soon as possible. This may involve a number of meetings to establish the facts.

Part of the decision may involve further **facilitation from an independent third party** to help rebuild the working relationship. Where external facilitation is used directorates / schools will be required to fund this. Where independent facilitation is to be used, both parties must agree to participate in this process.

- 2.3 **After consideration of the issue/s**, the manager may decide that a further meeting would be beneficial to discuss their decisions and actions for resolution. The manager should present any findings to the employee and this can be done in report format if appropriate. Alternatively the manager may decide that a letter should be sent to confirm the findings. An example report format can be found in the toolkit, Appendix D and a record of the meeting pro forma for recording key points of the meeting is provided in Appendix C.
- 2.4 If the issue is resolved at step 2 the manager should monitor the situation to ensure that the actions are carried out.
- 2.5 **Where the employee who raised the issue does not accept the decision;** they will be given the **right of appeal** to an independent panel (step 3). (**Schools** – right of appeal is to the Chair of Governors and a separate panel to hear this.)

### 3. Step 3 - Formal Appeal Hearing

- 3.1 The employee who raised the issue and does not accept the decision made by the manager has the right to appeal to an independent appeal panel. In order to submit an appeal, the employee must be clear of the grounds of the appeal, which may include:
- The facts of the case and/or
  - Procedural points and/or
  - Through new evidence emerging
- 3.2 The employee's appeal letter must:
- Summarise what's happened in writing to the manager

- State why they were not able to accept the manager's decision
  - State what they feel the solution to the issue should be and why
- 3.3 The employee is required to submit their written appeal no later than **10 working days** of receipt of the letter informing them of the decision at step 2.
- 3.4 At this point arrangements will be made for the appeal hearing to take place, including the collation of documentation required.  
This will include:
- a copied set of all the previous letters /pro-formas
  - any action plan agreed
  - the employees written case for appeal
- 3.5 All documentation should be sent to the appeal panel at least **five working days before** the appeal hearing takes place.
- 3.6 For the appeal hearing refer to guidance (LINK). Appeals will be heard at the earliest opportunity and reasonable written notice of the date and arrangements will be given.
- 3.7 **The appeal panel decision will be put in writing** to the manager and the parties concerned no later than 5 working days after the appeal hearing date. Where the panel is unable to reach an immediate decision they must write to the parties concerned to inform them that there will be a delay. This must be done no later than 5 working days after the date of the appeal hearing. However, the decision must be made as soon possible after the hearing. See Appendix E in the Toolkit for the appropriate model letters.
- 3.8 The manager overseeing the process is responsible for ensuring that the decisions are put into action.