

## Grievance Procedure



Little Elms recognises that from time to time our people may have questions or problems relating to their employment. In this respect, our grievance procedure follows our legal obligations and is designed to encourage communication between employees and their Managers to ensure that problems arising can be aired and resolved quickly and consistently to the satisfaction of all concerned.

### 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)

### Scope

This procedure applies to all employees regardless of length of service.

### Objectives and guiding principles

Little Elms believes that all employees should be treated fairly and with respect. We encourage all employees to try to resolve any grievance with the individual concerned on an informal basis, as most grievances can be resolved quickly through discussion.

To ensure any issues raised are dealt with as quickly as possible and in an effective manner, any individuals involved in the grievance procedures are requested to consider the following guidelines:-

- Be clear about the facts; try to avoid rumours and hearsay.
- Limit the issue to those involved and show discretion at all times.
- Work to resolve the issue and actively pursue a positive outcome.
- Be honest about your own role and involvement.
- Demonstrate understanding, empathy and flexibility to ensure that the other person's perspective is also accommodated.
- Strengthen relationships once the outcome is known and positively apply any learning points for the future.

The grievance procedure is a tool for resolving internal disputes at work. Little Elms takes all complaints seriously and will investigate any complaints made. However, the procedure should only be used where there is a genuine dispute and should not be misused as a vehicle for vindictive action against a fellow employee or, to avoid open communication and informal resolution of disputes where appropriate. Any suspected misuse of the grievance procedure for malicious reasons or to raise spurious claims will be investigated and may result in disciplinary action being taken.

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 employees' contract of employment. It may be amended at any time and we may depart from it depending on the circumstances of any case.

## Grievance Procedure

### Informal Process

The informal stage of our grievance procedure enables an employee to raise and resolve any grievance they may have as quickly as possible through their Nursery Manager without the need for formal procedures, which we believe is in the best interests of everyone concerned. Employees are encouraged to speak to their Nursery Manager as soon as possible, explaining their problem. The Nursery Manager may ask for more detail to fully

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understand the problem and ask what the employee believes is a possible solution/what they believe needs to happen to satisfactorily resolve their problem.

Employees and Nursery Managers are expected to discuss problems openly, and take every reasonable step to resolve issues informally. Where appropriate, the Nursery Manager can consider using alternative informal methods to resolve a problem. For example, if the issue relates to a disagreement between colleagues and both parties have shown commitment to resolving the situation, the Nursery Manager may consider using informal discussions to understand expectations or mediation.

If your issue relates to the behaviour or decisions made by your Nursery Manager, please contact the Head of Operations or HR Manager who will support you to address the problem informally if possible.

#### Formal Process

If a satisfactory outcome has not been achieved by following the informal process or the employee wishes to raise their grievance more formally, they should set out in writing the details of their grievance and send this to the Nursery Manager. The grievance should be dated and clearly state that they are raising a formal grievance. The grievance should include the following information:

- Specifics of the problem
- If the problem relates to a specific incident, the date and location of the incident
- Who is involved, including any witnesses
- Specifics of any action the employee has taken to try and resolve the problem informally
- Specifics of the employee's proposed solution to satisfactorily resolve their grievance

After receiving the grievance, the Nursery Manager will arrange a meeting in order to discuss the grievance as soon as is reasonably practicable. If the employee is unable to attend the meeting due to circumstances beyond their control, they should inform the Nursery Manager as soon as possible and a further meeting will be re-arranged as soon as possible. If the employee 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 meeting the employee will be given an opportunity to put forward any points they wish to make in relation to the grievance. After the meeting the Nursery Manager will fully consider the points raised and where necessary will undertake further investigations. The employee will be advised of the outcome and given the right to appeal should they not be satisfied with the outcome.

If the employee's grievance relates to the Nursery Manager, employees should raise the matter as soon as possible to the Head of Operations or HR Manager

#### Appeal

Should the employee not be satisfied with the decision made at the formal stage of the procedure, they can appeal and this would normally be heard by another manager at a similar or senior level to the Nursery Manager, who is removed from the situation and can make an independent decision regarding the decision. This could be a Nursery Manager from another setting, the Head of Operations or the HR Manager.

The employee should confirm their intention to appeal stating the grounds for appeal, following the same guidelines as detailed above, in writing, to the person detailed in the outcome letter, within 7 days of the decision. After receiving the appeal letter, the person hearing the appeal will arrange a meeting in order to discuss the appeal as soon as is reasonably practicable. Once again the employee will be given an opportunity to put forward the points they wish to make and to describe their proposed solution to satisfactorily resolve the grievance.

The person hearing the appeal will consider what has been discussed and will make a decision. This decision will be confirmed in writing as soon as possible. The decision made at this point will be considered a final decision.

### Representation

At all stages of the formal grievance procedure the employee has the right to be accompanied by a work colleague or a certified Trade Union representative (evidence should be provided). The role of the representative is to act as a witness to what has been said during the meeting, to provide support and to assist and advise the employee in presenting their views. The role of the representative is not to answer questions on the employee's behalf.

### Confidentiality

The Informal and Formal Procedures in the Grievance Procedure are confidential and any employee involved in the Procedure is prohibited from discussing the matter with anyone, other than in confidence with their representative, professional advisers or immediate family.

It is important that any employees involved in any stages of the grievance procedure respect the need for confidentiality; failure to do so may be regarded as Gross Misconduct and could result in disciplinary action.

### Relationship with other procedures

There may be circumstances where there is an overlap or connection with matters raised under this Procedure and matters being dealt with under other procedures, such as the Disciplinary Procedure or Absence Management Procedure.

For example, an employee may raise a grievance about disciplinary action being taken against him or her, or a warning for excessive sickness absence. In those circumstances, we may decide to deal with both matters together.

### *Associated Documents:*

- *Disciplinary Procedure*
- *Bullying & Harassment Policy*
- *Continuous Performance Development Procedure*
- *Absence Management Procedure*
- *General Data Protection Regulations Policy*