



THE FEDERATION OF MELLERS PRIMARY SCHOOL AND NOTTINGHAM NURSERY RESOLUTION AND GRIEVANCE PROCEDURE January 2025

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Document history

Revision date	Version number	Author of changes	Summary of changes
Sept 2025	School 2	Carol McCrone & Others	Review of Procedure to reflect new workforce cultures and ways of working and to incorporate stakeholder feedback.

Resolution and Grievance Procedure

Nottingham City Schools

This policy has been consulted on through JCNC with representatives of the National Association of Head Teachers (NAHT), the National Education Union (NEU), UNISON, GMB and UNITE, and has been



Nottingham the Association of School and College Leaders (ASCL) and
City Council

Resolution and Grievance Procedure

1. Who this procedure applies to

- 1.1 The Resolution and Grievance Procedure for Schools applies to all employees of the City Council, who are directly engaged by School Governing Bodies. It does not apply to casual workers, consultants, agency workers or any other worker who is not an employee of the School/Council.
- 1.2 This procedure is incorporated into individual employee's contracts of employment.

Note: the term 'manager' will usually refer to the headteacher at Stages 1 and 2. Where the concern relates directly to the headteacher, the role of manager will be fulfilled by a designated governor. At Stage 3, the role of 'manager' will be undertaken by the governing body's Appeal Panel.

2. The scope and expectations

This procedure must be read alongside the supporting Resolution and Grievance Procedure - Guidance document.

Template letters are available in the Resolution & Grievance Procedure section of the People Management Handbook for Schools (PMH4S) for both the management of the grievance process and investigation stages, as described throughout this procedure.

- 2.1 The School encourages a culture of trust and open communication between employees and between employees and their managers, to ensure that concerns arising during the course of their employment can be resolved quickly, fairly and amicably.

The Resolution and Grievance Procedure is the school's process for managing such concerns, conflict or grievances at work. The following stages

of the procedure have been designed to help managers and employees resolve concerns in line with the [ACAS Guide to discipline and grievances at work](#) and [ACAS Code of Practice 1: Disciplinary and Grievance procedures](#).

- 2.2 Before raising any concerns formally, employees are expected to have attempted to resolve these informally in the first instance, (see Stage 1 below). However, in some circumstances, it may not be possible or appropriate to do so where the concern is considered to be of a serious nature. These may include, for example, concerns relating to safeguarding, health and safety, harassment, discrimination, victimisation or bullying (HDVB), which should always be brought to the attention of an appropriate manager without delay (see Appendix 1 of this Procedure for definitions, and Part B of the accompanying Guidance for further information). In such instances the manager will assess the most appropriate way of dealing with the concern, which may include moving straight to the formal Stage 2, of the Resolution and Grievance Procedure.
- 2.3 Where concerns relate to an employee's manager or are of HDVB, it may be more appropriate for employees to raise these concerns with their manager's manager, or an alternative manager if this is not possible (for the purposes of this Procedure, the term 'manager' has been used). Further details of the process for addressing HDVB concerns are contained in Part B of the Guidance.
- 24 All School employees are expected to treat each other with respect, work together and try to positively resolve difficulties and conflict with each other at the earliest opportunity. Most employee concerns can be 'nipped in the bud' and resolved amicably. Concerns that aren't appropriately dealt with as soon as they arise can 'fester' and grow out of proportion. This can lead to relationships deteriorating and can lead to a negative impact on the business.
- 2.5 Where a Headteacher raises a concern about a colleague, or an employee has a concern relating to the Headteacher, the role of the manager at Steps 1 and 2 will be performed by a designated governor.
- 2.6 Concerns arising more than three months prior to raising them under this procedure will not normally be considered; however, previous incidents related to the current concern can be included.

3. **The Resolution and Grievance Procedure**

The Resolution and Grievance Procedure is comprised of three stages:

Stage 1 – Informal Resolution

Before raising any concern formally, you are expected to have attempted to resolve this informally in the first instance.

- 3.1 Where employees have not been successful in resolving their concerns themselves directly with the colleague concerned, (see section 2 above), or it has not been appropriate to do that, they should then raise their concern with

their manager by completing Sections A and B of the RGP1 'Stage 1 - Notification of Stage 1 informal concern' form and forwarding it to their manager.

- 3.2 The manager will then speak to any other people involved and may arrange a manager-led discussion to support the parties to resolve their differences. The purpose of this discussion is to facilitate a resolution. At the meeting, the employee should explain what their concern is and what resolution they are seeking. Where appropriate, the manager may agree that the employee meets independently with the person who is causing the concern. It is expected that this should take place within 10 working days of the concern being raised.
- 3.3 Whilst this is an informal process and there is no statutory right to representation, employee requests will be accommodated provided this will not unreasonably delay the process – see Section 5 below.
- 3.4 It is the manager's responsibility to record details of the informal resolution outcome in section C of the 'Stage 1 - Notification of Informal Concern form' (RGP1) and provide the employee and HR caseworker with a copy.

Stage 2 – Formal Resolution

- 3.5 Where the employee considers that their concern has not been resolved at Stage 1, or where their concern is considered serious (see definition in 2.2) they may raise their concern more formally at Stage 2 of the Resolution and Grievance Procedure.
- In raising a concern at Stage 2, they should:
- Use form 'RGP2 - Formal Resolution' to set out their concern (grievance) in writing and send this form to their manager. They should include as much detail as possible e.g. facts, the names of people involved and dates of occurrences.
 - Ensure that they complete all the required sections of the form, including details of what actions they have taken to resolve their concerns and the resolution provided by their manager at Stage 1 of the procedure. Any additional information supporting their RGP2, should be provided within 10 working days of submitting the form.
 - Attend a formal meeting that the manager will convene to listen to your concerns, where the employee will have the opportunity to explain their concern(s) in detail and provide additional information.
- 3.6 An initial Stage 2 meeting should take place with the manager within 10 working days of the matter being raised, unless extenuating circumstances prevent this. The parties will be kept informed, as appropriate. At the meeting, the manager will discuss the RGP2 and obtain further details. The manager will look into the concerns and, in some cases, it may be appropriate for the manager to instigate an investigation based on the information that has been provided. In most cases this will be undertaken by the manager considering the concern, or delegated to a nominated person. An investigation is likely to be required for concerns of a serious nature (see 2.2 above and Guidance

section 2.4 for further information on serious concerns and Guidance 3.5 for conducting investigations).

- 3.7 Once all the facts have been gathered, the manager will consider the information and will meet formally with the employee (and their TU representative or colleague) to discuss their findings and propose a Stage 2 resolution. Written confirmation of their resolution decision will normally be provided within five working days of the meeting. A copy of the manager's resolution letter and RGP2 will be placed on the employment file.

Stage 3 - Appeal

- 3.8 Where employees are dissatisfied with the resolution outcome at Stage 2 of the procedure, they may lodge an appeal.

In lodging an appeal, they should:

- Do this within 10 working days of receiving their Stage 2 resolution outcome letter, submitting Form RGP3 'Stage 3 – Appeal' form to the manager who heard their concerns at Stage 2 of the procedure.
- Ensure that they set out the full reasons for their appeal in Section C of Form RGP3. Include details of specific factors which they feel have been dealt with unfairly or incorrectly at Stage 2. The appeal is not intended to be a re-hearing of the original concern, but rather a consideration of any specific areas with which the employee remains dissatisfied. The employee should also state what outcome they are seeking.

- 3.9 The appeal will be heard by an Appeal Panel of three governors appointed for this purpose. Where governors have been involved at Stages 1 or 2, for example, in cases involving the Headteacher, the appeal panel will consist of governors who have not had prior involvement with the matter. The Local Authority may assist by identifying an external panel of governors from other schools to ensure impartiality and/or to assist schools with insufficient governors.

- 3.10 The Stage 3 appeal should be acknowledged within 5 working days of receipt, providing an indication of a timescale for the hearing of the case. The appeal may require further review of information and additional investigation; however, this should be heard without unreasonable delay. Delays to the timescale will be discussed with the employee and their representative.

- 3.11 The Appeal Panel will arrange to meet with the employee to consider their appeal.. At the meeting, the employee will have an opportunity to provide further information in addition to the RGP3 submission. Where necessary, the Appeal Panel may adjourn the appeal hearing in order to consider the points of appeal or obtain further clarification. A representative of the Appeal Panel will write to the employee with their decision or alternative resolution within five working days, wherever possible. A copy of the Appeal Panel's outcome letter and Form RGP3 will be placed on the employment file.

- 3.12 There is no further right of appeal under this procedure.

4. Accessibility

- 4.1 Employees with any specific needs that would help them to participate in the Resolution and Grievance Procedure, should discuss these with the manager when they first raise their concern.
- 4.2 Where the manager has concerns about the employee's health and welfare during the process, they may facilitate further support to help them to continue in their role.

5. Right to be accompanied

- 5.1 Stage 1 is an informal process and there is no statutory right to representation; however, an employee may request to be accompanied by a companion, either a trade union representative or work colleague. The meeting should not be unreasonably delayed if such representation is not available at the planned time and may still go ahead. It is acknowledged that the trade unions have a key role to play in helping both parties to resolve issues that arise, at an early stage; therefore, it may be helpful to have input from a trade union representative.
- 5.2 Employees have the right to be accompanied by a companion at the formal stages of the Resolution and Grievance Procedure, namely Stage 2 and Stage 3. A companion can be a trade union representative or a work colleague.
- 5.3 The employee and their chosen companion should make every effort to attend the meeting at Stage 2. If their companion is not available at the time proposed for the Stage 2 meeting, they should propose an alternative date within 5 working days of the original meeting date or a date that is mutually agreed. If their companion remains unavailable to attend the meeting, they will be expected to make arrangements for an alternative companion to accompany them.

6. Appropriate use of the Resolution and Grievance Procedure

- 6.1 After listening to the employee's concerns, the manager may, at any stage, decide that the facts presented are sufficient for them to deal with the concern under a different procedure. This may be the case, for example, where there is evidence that bullying may have occurred and this would be more appropriately managed through the Disciplinary procedure in regard to the alleged perpetrator.
- 6.2 The intention of the Resolution and Grievance Procedure is to help resolve employee grievances (concerns) arising in the day-to-day course of their employment.

Where an employee raises a concern which is related to a live process to which they are currently subject to e.g. Disciplinary, Restructure/Change process, Absence Management, Performance Management, it is appropriate for these types of concerns to be managed and resolved under that process; therefore, an RGP1 or 2 form is not required to be submitted to raise concerns about the live process. However, should an employee inadvertently submit an

RGP1 or 2 form concerning the live process, this will be managed by the lead manager as part of the live process.

This does not remove the right of an employee to raise a grievance.

- 6.3 It is recognised that 'overlapping issues' may be complicated, especially if they deal with matters of harassment, discrimination, victimisation or bullying. It is expected that managers will carefully consider these and a further concern may be raised.
- 6.4 Grading Grievances cannot be considered under the Resolution and Grievance Procedure and should be dealt with through the Grading Grievance procedure.
- 6.5 Where it has not been possible to provide a resolution prior to the termination of an employee's contract, the manager will provide a written response to the concerns raised.
- 6.6 The Resolution and Grievance Procedure does not apply to former employees who no longer work for the Council.

7 Collective Grievances

Where a grievance is raised by a trade union representative on behalf of two or more employees, the collective grievance will be dealt with consistent with this procedure. Depending on the circumstances, collective grievances may not require a formal meeting, subject to the agreement of the parties involved.

8 Attendance and conduct expectations

- 8.1 It is expected that all parties will behave in accordance with the Code of Conduct.
- 8.2 In raising a concern under the Resolution and Grievance Procedure, there is an expectation that employees will be available to participate in the resolution process. Where an employee raises a concern immediately prior to an extended period of absence (e.g. maternity, long-term sickness or extended leave) they should ensure they are available to engage during the absence, wherever possible. Alternatively, the manager will look into the concern during the period of absence and provide their resolution in writing.
- 8.3 Misuse of the Resolution and Grievance Procedure may result in disciplinary action.

Appendix 1 – Definitions of HDVB

The following definition can also be found in Part B of the accompanying Resolution and Grievance Guidance.

Employees should refer to these definitions when completing forms RGP1, 2 and 3.

Harassment

ACAS defines harassment as ‘unwanted conduct’ and must be related to a relevant protected characteristic (see below) or be ‘of a sexual nature’. It must also have the purpose or effect of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

Protected characteristics include age, disability, gender re-assignment, race (including colour, nationality or ethnic/national origins), religion or belief, sex and sexual orientation, and can also include such characteristics as marriage and civil partnership, pregnancy and maternity.

The individual perceived to be harassed may have a protected characteristic or a connection to a protected characteristic, i.e. they may associate with someone with a protected characteristic or are wrongly perceived to have a protected characteristic. For example, a heterosexual male who is harassed because he is wrongly perceived to be a gay man.

Harassment may also apply where an employee witnesses actions or behaviours that are perceived to be offensive, which are not directed at them, but relate to a protected characteristic of a third party (e.g. derogatory language used at a workplace). This may create an environment that is considered to be offensive. This is irrespective of whether or not they themselves have the relevant protected characteristic.

Examples of harassment could include unwelcome physical, verbal or non-verbal conduct and action contrary to equal treatment, whether or not the harassment was intentional. The harassment may not necessarily be experienced in person and may include visual images, for example, posts on social media. It may be directed at individuals or groups of individuals. It may be persistent or an isolated incident. The harassment may come from someone who does not work for the Council, such as a customer. The most important factor is that the actions or comments are reasonably viewed as demeaning or unacceptable to the person receiving them.

Discrimination

Everyone is guilty of making quick and unconscious judgments about people, known as ‘unconscious bias’. These judgments can originate from our familial backgrounds, personal experiences, societal stereotypes and the cultural in which we’re raised. These become discrimination when they form the basis of actions and decisions.

Discrimination can be direct or indirect. It can be an individual act or a series of acts. The person doing the discriminating may do this intentionally or unintentionally.

Direct discrimination

Direct discrimination is where a person is treated less favourably than another person because of a ‘protected characteristic’ e.g. because of their age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race (including colour, nationality or

ethnic/national origins), religion or belief, sex or sexual orientation). Direct discrimination cannot be justified and is illegal.

Direct discrimination

Direct discrimination may also occur because an individual is perceived to have a protected characteristic, or because they associate with someone who has a protected characteristic, for example, a person who is treated less favourably than another person because they are a carer for a disabled person. An example of this could be denying someone a training opportunity because they are disabled, or female, or possess another protected characteristic.

Indirect discrimination

Indirect discrimination may occur where a provision, criterion or practice is equally applied but systematically disadvantages a group of people sharing a characteristic i.e. people of a particular age, race, religion or belief, sex, sexual orientation, disability, gender re-assignment and marriage and civil partnership. Indirect discrimination may be justifiable where it is a proportionate means of achieving a legitimate aim.

Victimisation

Victimisation occurs when a person is treated less favourably than another person because they have asserted their rights under a relevant statutory provision (e.g. Equality Act 2010) or raised a complaint under the Council's procedures. This may apply to those either bringing proceedings or acting as a witness to proceedings.

Bullying

There is no legal definition of bullying but, for practical purposes, the Council defines bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. In some cases, bullying may constitute unlawful harassment or discrimination where it is perpetrated on certain protected grounds (e.g. race, sex, disability, etc.). Bullying in all its forms is unacceptable to the Council.

Examples of bullying may include occurrences of the following behaviours or actions targeted at individuals or groups:

- constant unfair criticism, fault finding or undermining
- being excluded, marginalised or isolated
- being treated less favourably than everyone else
- being threatened, shouted at or humiliated
- being either over-burdened with work or denied work
- being set unreasonable targets and deadlines
- denial of annual leave or compassionate leave or opportunities to earn additional income e.g. overtime
- distorting or misrepresenting actions
- cyberbullying and stalking