

CHIDDINGSTONE NURSERY SCHOOL CIO

Chiddingstone Castle
Hill Hoath Road
Chiddingstone
Edenbridge
Kent TN8 7AD

Telephone: 01892 871315
Charity Number 1184378



Individual Grievance Policy and Procedure

Written by	Jill McCoy
Ratified on behalf of Management Committee	July 2022
Date for Review	July 2023
Signed – Chair of Management Committee	
Signed – Nursery Leader	

This policy will be reviewed and ratified at least annually and/or following any updates to national and local guidance and procedures.

This policy has been impact assessed by Jill McCoy in order to ensure that it does not have an adverse effect on race, gender or disability equality.

Statement

The aim of the grievance procedure is to ensure a safe and efficient workplace by maintaining good employment relations and to provide arrangements which ensure a fair, effective, consistent and timely method of dealing with grievance

Grievance Procedure

The grievance procedures have been drawn up between Nursery Management Committee Trustees and Nursery employees. Issues that may cause grievance include:-

- Terms and conditions of employment
- Health and safety issues
- Work relations
- Bullying and harassment
- New working practices
- Working environment
- Organisation change and
- Equality of opportunities

The procedure will be explained to employees and a copy or access to a copy will be available to them.

It covers all matters which may become a source of grievance excluding

- Those concerned with disciplinary action, unless the disciplinary action amounts to discrimination, or the action was not taken on the grounds of the employee's conduct or capability
- Decisions on strategic business issues, which are taken by the Nursery committee Trustees but not excluding the operational impact of those decisions

The individual grievance policy will not be used where enforcement of legal requirements which the nursery is obliged to implement. Such an example may be found where there is a statutory requirement for employee to be policed checked and consequently their suitability to work with children and or disqualification.

Employees are encouraged to raise concerns verbally with their line manager (or employer) prior to raising a formal grievance.

Employees are entitled to be accompanied by a trade union representative or by a work colleague at a grievance or appeal meeting.

Chiddingstone Nursery's policy is to encourage free interchange and communication between managers and the staff they manage. This ensures that questions and problems can be aired and resolved quickly and that grievances are settled informally.

Informal Procedure

Many grievances will be settled informally with the Nursery Management Committee or Nursery Leader. An employee who feels aggrieved should aim to settle the matter informally in the first instance by raising it promptly with their immediate line manager/supervisor during the course of normal work, employees are expected to discuss ordinary day to day issues informally with their line manager through supervision meeting or if necessary request a separate meeting making it clear that

the concern is being raised under the Grievance Policy and Procedure. If the grievance cannot be settled informally, the employee should raise it formally with the Nursery Management Committee trustees.

If after seeking to resolve concerns informally, employees are not satisfied, then they should write to the setting explaining their grievance.

The Formal Grievance Procedure

Under the standard statutory procedure, employees must:-

State in writing the nature of the alleged grievance and send the written complaint to their line manager. Where the grievance is against the line manager, the matter should be raised with Chiddingstone nursery CIO committee.

Be invited in writing by the Nursery Management Committee to a meeting to discuss their alleged grievance within five working days of the date of receipt of the letter of grievance. The meeting should be scheduled to take place as soon as reasonably possible, and normally at least 48 hours' notice of this meeting should be provided to the employee. The employee will have the right to be accompanied. The meeting must be rearranged if any parties are unable to attend. The employee must take all reasonable steps to attend this meeting.

Should an employee's companion be unable to attend, then the employee should make contact within (five) days of the date of the letter to arrange an alternative date that falls within (10) days of the original date provided. These time limits may be extended by mutual agreement.

If the complaint is against the person with whom the grievance would be raised, the employee can approach that person's manager or a Nursery Management Committee member.

The employee will be allowed to explain their complaint and inform the manager hearing the grievance what the basis for the complaint is. If the employer reaches a point where further investigation is required and necessary, the meeting should be adjourned to get further advice or information.

Meetings should not be interrupted and the employee should have their grievance treated in strict confidence. Managers will deal with all grievances raised, whether they are in writing or not.

Employees whose first language is not English, or who have difficulty in expressing themselves, should be encouraged to seek support, for example from work colleague.

The employee should raise the grievance in writing and wait 28 days before presenting any tribunal claim relating to the matter.

Employers and employees are expected to go through statutory grievance procedure unless they have reasonable grounds that by doing so they might be exposed to a significant threat, such as violence, abusive or intimidating behaviour or harassment.

The statutory procedure does not need to be followed if circumstances beyond the control of either party prevent one or more steps being followed over a reasonable period for example:- long term illness.

Wherever possible a grievance should be dealt with before an employee leaves employment. A modified procedure can be put in place if both parties agree in writing. Under this modified procedure the employee writes to the employer setting out the grievance as soon as possible after leaving and the employer must write back setting out their response.

After the final meeting the manager hearing the grievance must write to the employee informing them about any decision and offering the right to appeal. This written response will be within ten working days of the grievance meetings and should include details of how to appeal if they feel the grievance has not been satisfactorily resolved.

Appeals

Should an employee consider that the grievance has not been satisfactorily resolved after a grievance meeting, then they must set out their grounds of appeal in writing within seven working days of receipt of the decision letter, confirming that they wish to appeal against the decision or failure to make a decision.

Within five working days of receiving the appeal letter the employee should be invited in writing to attend an appeal hearing, where the alleged grievance can be discussed. The appeal meeting should be arranged to take place as soon as reasonably possible.

Employees are required to take all reasonable steps to attend the appeal hearing. However if parties are unable to attend the appeal meeting must be rearranged. Employees will be informed of their right to be accompanied at the appeal meeting.

Should an employee's companion be unable to attend then the employee should make contact within 5 days of the date of the letter to arrange an alternative date that falls within ten days of the original date provided. These time limits may be extended by mutual agreement.

After the appeal meeting, the appeal hearing manager must write to the employee informing them of the employer's final decision. This letter should be sent within ten working days of the appeal hearing. The appeal is part of the statutory procedure.

A member of the Nursery Management Committee Trustees should handle the appeal.

The member of the Nursery Management Committee Trustee will respond to the grievance in writing after the appeal and tell the employee if it is the final stage in the grievance procedure.

Special Considerations

Complaints about discrimination, bullying and harassment in the work place are sensitive issues and will also need to meet the minimum statutory requirements.

In the interest of employer and employee written records will be kept during the grievance process. Records should include:

- The nature of the grievance raised
- A copy of the written grievance
- The employer's response
- Action taken
- Reasons for action taken
- Whether there was an appeal and, if so the outcome and
- Subsequent developments

Records will be treated as confidential and kept in accordance with the General Data Protection Act 2018, which gives individuals the right to request and have access to certain personal data.

Copies of meeting records should be given to employee, including any formal minutes that may have been taken.

Further advice on the right to be accompanied, standard statutory dismissal and disciplinary procedure, statutory procedure exemptions and deemed compliance and further advice can be found in the Complaints File in the lockable filing cupboard in the nursery office.

Providers must comply with the Equality Act 2010

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Individual Grievance Notification Form to be used in Formal Stages

Notification of Grievance – to be used in formal stages of the procedure

(Insert your address below)

Today's Date	

Dear _____ (name of the person you want to raise the grievance with, e.g. your manager)

I am writing to inform you that I wish to raise a grievance under the standard statutory grievance procedure as set out in Schedule 2 of the Employment Act 2002.

The details of my grievance and the basis for that grievance are given below.

My grievance took place: on _____ (insert date)*/between _____
and _____ (insert relevant times)*.

I would like you to arrange a meeting to discuss this matter. I intend to exercise my statutory right to be accompanied to that meeting by a fellow worker*/a trade union representative*/ _____ . * Delete as appropriate

Yours sincerely

_____ (your signature) _____ (print name)

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Grievance Procedure Format for Formal Meeting

1. The manager hearing the grievance will introduce all parties and explain the format of the meeting.
2. The employee and/or their representative state their grievance.
3. Questions may then be asked by:
 - the manager hearing the grievance
 - the manager complained against
4. The employee and/or their representative may then call and question any witnesses.
5. Questions may then be asked of any witnesses by:
 - the manager complained against
 - the manager hearing the grievance
6. The manager complained against will respond to the grievance.
7. Questions may be asked of the manager by:
 - the employee or their representative
 - the manager hearing the grievance
8. The manager complained against will call and question any witnesses.
9. Questions may be asked of any witnesses by:
 - the employee or their representative
 - the manager hearing the grievance
10. The manager complained against will have the opportunity to sum up their response
11. The employee or their representative will then sum up their case
12. The manager hearing the grievance will call an adjournment to consider the evidence. Where it is necessary to recall either party to seek clarification, both parties will return to the room together.

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Grievance Procedure Flowchart

Informal stage

Employee raises grievance with immediate supervisor/line manager, verbally or in writing

Matter resolved by line manager?

No Yes Conclusion of the procedure

Formal Stage 1

Employee raises grievance in writing with immediate supervisor/line manager

Meeting to be arranged within 5 working days

Matter resolved?

No Yes Conclusion of the procedure

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Formal Stage 2

Employee appeals in writing to next level of management within 10 working days of receipt of letter following stage 1 meeting

Meeting to be arranged within 10 working days

Matter resolved?

No Yes Conclusion of the procedure

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Formal Stage 3

Employee appeals in writing to next level of management within 10 working days of receipt of letter following stage 2 meeting

Meeting to be arranged within 10 working days

This is the final stage of the procedure