

# Blessed Carlo Acutis Catholic School

## Ysgol Gatholig Bendigaid Carlo Acutis



## Resolution Policy

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### INTRODUCTION

Schedule 16 of the School Standards and Framework Act 1998 provides that, for Community Schools, the regulation of conduct at the school and any procedures for giving members of staff opportunities for seeking redress of any grievances relating to their employment shall be under the control of the Governing Body. Schedule 17 contains a similar provision for Voluntary Schools.

Employees should always be encouraged to bring concerns in relation to their employment to the attention of relevant individuals. They are otherwise less likely to be productive and motivated in their roles which can adversely affect the overall aim of delivering high educational standards to children in our schools. Trying to resolve matters informally should lead to less stress and absence and we encourage or all concerns to be talked through, addressed and resolved at the earliest opportunity and allow for relationships to be rebuilt.

This procedure recognises the educational and legislative context and is designed to allow individual employees to raise concerns related to their employment and ensure that all such matters are dealt with in a fair and consistent manner.

Concerns are not disciplinarys and should not be treated as such. It is an opportunity to discuss matters together so as to resolve an issue that an employee has. The process should be focused on finding a resolution. Emphasis is always on resolving the issue quickly and fairly without any formal steps needed and it is an expectation that employees will cooperate in exploring early resolution.

### SCOPE

This Resolution procedure applies to all directly employed staff in the school whether they are full-time or part-time, in teaching or support posts, including Headteachers and Deputies.

The staff resolution procedure deals with staff complaints in relation to alleged discrimination, harassment or victimisation of employees and matters involving working arrangements and conditions of service. Issues relating to teachers' salaries should be considered under the statutory procedures set out within the Teachers Pay and Conditions document.

The resolution procedure does **not** cover the following matters: -

- Redundancy
- Sickness Absence
- Job Evaluation
- Disciplinary and Capability issues
- External complaints in relation to a school employee

In addition, employees may not complain about the school's established policies and procedures if those procedures have been established via collective bargaining arrangements between the LEA/School and Trade Unions. However, a complaint about the way those policies and procedures have been applied should proceed.

Types of issues that may be raised under this Policy include (but not limited to):

- Contractual issues;
- An alleged breach of legislation or a statutory right;
- Health and safety;
- Working environment or conditions;

## ROLES AND RESPONSIBILITIES

### 3.1 Employee

It is the responsibility of the aggrieved employee to address any workplace concerns with the Headteacher on an informal basis. (If the concern is against the Headteacher then they should discuss this with the Chair of Governors).

There may be instances where an employee is the subject of a concern by another employee. This can be upsetting and stressful. The employee should seek support from the Headteacher and be willing to work with the Headteacher and the aggrieved colleague to resolve the issue. Often these situations occur through miscommunication or misinterpretation of a situation and can be resolved quickly. Where this isn't possible, mediation may be required (see below).

The employee needs to raise the matter with the Headteacher (or Chair of Governors) within 4 weeks of the issue arising. This ensures that the matter is resolved quickly and to the benefit of the employee. (With the discretion of the Head of HR this time period can be extended if the reason the employee has not raised it early relates to a prolonged absence or some other reason that made it difficult to raise it within 4 weeks).

### 3.2 Headteacher

When an employee raises a concern with their Headteacher, it is the Headteacher's responsibility to listen and take the issue seriously. The Headteacher must take the time to sit down with the employee and consider how the issue can be resolved successfully with the employee. (Often a quiet word is all that is needed).

If the matter cannot be resolved during the initial discussion between the employee and their Headteacher, the Headteacher may need to undertake an informal enquiry into the issue. If there is a need to discuss this with others, it should be done sensitively and with a view to protecting confidentiality as much as possible.

If the matter is not one that can be resolved using the resolution procedure, such as it being an issue that is in relation to another policy or procedure, the Headteacher should let the employee know, and inform them of the correct policy or procedure that they need to use instead.

If the matter appears to be in relation to a safeguarding issue, the Headteacher should consult with the Safeguarding Manager. For discrimination issues or any other very serious matter, the manager should inform HR immediately. Please see Section 13.

### 3.3 [Human Resources](#)

Human Resources is there to advise and guide employees and managers in applying the policies and procedures effectively and correctly. If a Headteacher wishes to seek advice on the best way to approach an issue that an employee has raised, they may speak to an HR Advisor. It is not expected that there will be a need for an HR Advisor to attend a meeting with the Headteacher (or Chair of Governors if grievance is against the Headteacher) and/or employee at an early informal stage.

The HR Advisor will support and advise the Headteacher in how to apply the procedure correctly and effectively.

The HR Advisor cannot take the role of lead officer in any enquiry or investigation, have a view on the matter or be a decision maker at a formal stage as this would compromise the HR Advisor's role as a neutral procedural advisor.

### 3.4 [Trade Union Representatives](#)

Any employee that is in a Union can seek advice from their representative on any matters pertaining to their work. They may wish to take this advice before approaching their Headteacher or following a discussion with their Headteacher.

It would not normally be expected to have a union representative in attendance with the employee when the employee first raises an informal grievance with the manager.

## INFORMAL PROCEDURE

Concerns by individual employees should be discussed initially with the Headteacher with an expectation that it can be resolved quickly and informally. If the concern is against the Headteacher then they should discuss this with the Chair of Governors.

See [Roles and Responsibilities](#) for further details of the responsibilities of each party at the informal stage.

## FORMAL PROCEDURE

If, following an informal discussion with the Headteacher (or Chair of Governors if concern is against the Headteacher), the matter has not been able to be resolved, the employee has a right to put their concern in writing by completing the Resolution Form attached as Appendix 1 to this Policy. The Chair of Governors will appoint an investigation officer (normally a member of the senior management team) who will be supported by a member of HR if requested.

If the concern is about a work colleague, in addition to interviewing the employee who has raised the grievance, it will be necessary to interview the employee who has had a concern raised against them. Both parties will be entitled to be accompanied by either a work colleague or Trade Union representative. The employee who the concern is against should be given sufficiently clear relevant information about the concerns in order to respond at their interview - this will include the Resolution Form (Appendix 1).

If may also be necessary to interview witnesses. As a witness the right to be accompanied does not apply but they may seek advice from their Trade Union representative.

The investigator will be required to produce a report for the Headteacher (or Chair of Governors if the concern is against the Headteacher) which will include investigation into the facts of the grievance. The Headteacher or Chair of Governors will then arrange a resolution hearing with the employee who lodged the concern and the member of staff who the concern is against. The Headteacher will hear it (unless the concern is against the Headteacher and then the First Committee will be the decision maker. The outcome of the resolution hearing can be appealed by the employee.

## APPEAL HEARING

If the employee wishes to appeal the decision, they must send their written appeal to the clerk to the Governors within 7 working days of the date of the written confirmation. The appeal letter must clearly state the reason for the appeal. The appeal hearing will be heard by the first committee (or second committee if the concern is against the Headteacher.) within 15 days of receiving the appeal.

## THE RIGHT TO BE ACCOMPANIED

The member of staff who lodged the concern and the member of staff who the grievance is against has the right to be accompanied by their trade union representative or a work colleague throughout the process. Both parties have the opportunity to postpone a resolution hearing or appeal hearing once if their trade union representative or work colleague are unable to attend.

## MEDIATION

At any stage of the resolution procedure, it may be recognised that the matter could be dealt with by way of mediation. This involves the appointment of a third-party mediator who will discuss the issue with all those involved and seek to facilitate a resolution. Mediation will only be used where it is considered appropriate and when all parties are in agreement.

Any planned hearing or appeal will be adjourned whilst the mediation is taking place. If the aggrieved employee and the manager/other employee agree that the mediation has resolved the issue, the planned hearing or appeal will be cancelled. This must be agreed with all parties and will be put in writing.

If mediation does not satisfactorily resolve the issue, then the hearing or appeal will progress as planned.

Mediation may also be a suggested outcome to an appeal or hearing to help resolve an issue.

## CONDUCT DURING THE RESOLUTION PROCEDURE

Matters raised as part of a concern can be emotional and upsetting. However, it is not acceptable to be abusive or insulting to others. All those involved should treat each other with respect and express themselves calmly and professionally. If any employee does not show respect and is abusive,

insulting or threatening, this behaviour will be treated as a misconduct matter under the Disciplinary Policy and Procedure.

## CONFIDENTIALITY

All parties involved in the resolution at all stages (informal or formal) are to retain confidentiality and only share information where it is appropriately required as part of the agreed process. If discussions are required with additional people, the aggrieved employee needs to be kept aware of this. Complaints in relation to breaches of confidentiality will be addressed under the Disciplinary Policy and Procedure.

## COLLECTIVE CONCERNS

A collective concern is a grievance brought by a group of employees (i.e., 2 or more) who want to raise a concern about the same issue. One resolution form should be completed on behalf of the group, it should contain the names and signatures of each employee raising the concern. A spokesperson should be nominated who will represent the group at any subsequent Resolution Hearing/Appeal Hearing.

## REPEATED, VEXATIOUS, FRIVOLOUS CONCERNS.

All issues raised by an employee are taken seriously as it is in the interest of the school to engender a healthy and productive workforce. However, some issues raised are not able to be addressed successfully within this procedure due to the nature of the matter being vexatious and disingenuous, or one that is repeatedly raised despite the procedure having been followed and completed previously. This resolution procedure is here to address genuine concerns and issues raised by employees.

These types of concerns take up management time that is not well spent, and de-motivates fellow employees. This is not helpful and creates an unhealthy culture. Where these types of concerns are identified, the employee will be informed verbally by Headteacher who will explain why this is the case and will follow up in writing. There is no further recourse for this, although the Resolution Procedure remains available for the employee to use if a genuine concern is raised.

Vexatious concerns will be considered a disciplinary offence and investigated under the Disciplinary Policy and Procedure.

## CONSIDERING CHANGES FOLLOWING THE CONCERN

The concern may have raised an issue that the Headteacher was not aware of or was considered preventable. Steps should be taken to ensure that the matter is fully resolved, and any changes that need to be made is undertaken to prevent the same issue becoming a problem again for the same employee or others.

## CONCERNS THAT ARE POTENTIALLY SAFEGUARDING, DISCRIMINATION OR RELATED MATTERS

If the concern is of a very serious nature, it may be necessary to immediately consider the risks and duty of care of employees or service users.

The safeguarding of children is a priority for the school, and any concern or allegation that a member of staff has neglected or abused a child will be taken seriously. In all cases of this type, consultation will be carried out with the Safeguarding Manager. The Safeguarding Manager will offer advice about whether the matter should be managed under the Child Protection Procedures and will provide information about risk management and work with colleagues to ensure that there is effective support for the employee.

A matter that alleges an employee has breached safeguarding procedures for children, breached data protection or security rules, been discriminatory to others or has breached some other disciplinary matter may require the employee to be suspended.

Suspension cannot take place under the Grievance Procedure, but with the Head of HR's agreement, the Chair of Governors can ask for the Disciplinary Policy and Procedure to be triggered, which allows for the suspension of the employee who has allegedly breached the disciplinary rules pending an investigation into the allegations.

The employee raising the concern will be informed that the matter is being handled confidentially. They need to be told that they will be interviewed confidentially as part of a disciplinary process to gather more facts.

## CONCERNS STARTED PRIOR TO TERMINATION OF EMPLOYMENT

If an employee raises a formal concern during employment, but the concern hasn't been completed prior to their employment coming to an end, the concern will be reviewed by the Chair of Governors and HR Advisor to assess whether, by the employee leaving, this has brought the concern to its natural conclusion.

If the Chair of Governors believes that the issues raised by the employee prior to their departure has not been brought to a natural conclusion and that the matter should be looked into, the employee will be informed of this. It will not however be undertaken as part of the resolution procedure, instead it will be investigated as a workplace matter.

The Chair of Governors will appoint an investigatory officer (normally a member of the senior management team) and a report will be produced with recommendations for improvements. A copy of the report and the recommendations may be sent to the employee who initially raised the concern for their information. The report will only be sent to the employee if there are no confidential matters within the report.

Examples of when this will be relevant is when there are workplace issues that may continue to be problematic following the aggrieved employee leaving the school, or when there the employee had identified an alleged breach.

**APPENDIX 1 – RESOLUTION FORM**

Name(s) of Employee:

Job Title:

School

Name of Headteacher:

Have you discussed your concern with your Trade Union:

Name of TU Representative:

Please provide full details of concern (continue on separate sheet is required):

Please provide details as to why your concern could not be resolved informally:



What resolution are you seeking:

Signature(s):

Dated:

Format for Stage 1 Resolution meetings  
THIS IS A TEMPLATE FOR MEETING AND MAY BE ADAPTED AS APPLICABLE TO THE CIRCUMSTANCES

- 1.The employee or his/her representative will be invited to outline their concern to the Headteacher (Staffing Committee if against the Headteacher) and outline their preferred resolution.
2. The Headteacher (or Staffing Committee) may ask questions about the matters raised to the investigatory officer and the member of staff raising the concern and the staff member who the concern is against. Witnesses may be called.
- 3.The Headteacher (or Staffing Committee) will adjourn to consider the matters raised and whether to uphold the concern. They will be advised by a member of HR.
4. Following an adjournment, the Headteacher (or staffing committee) will reconvene the meeting with the employee raising the concern to determine whether to uphold (fully or partially) or not

uphold the concern. If upheld, the Headteacher (or staffing committee) should decide appropriate resolution taking into account the employee's original request.

5. Following determination, the employee will, if possible, be advised verbally and a letter confirming the decision will be sent within 15 days.
6. If the concern is about a work colleague, they will be advised of the outcome as soon as possible after the outcome has been confirmed to the employee raising the grievance.

## **STAGE 2 – APPEAL (Heard by Staff Disciplinary and Dismissals Appeal Committee)**

**THIS IS A TEMPLATE FOR MEETING AND MAY BE ADAPTED AS APPLICABLE TO THE CIRCUMSTANCES**

1. The employee will be asked to outline reasons for appealing the outcome of the stage 1 grievance and what their desired resolution is.
2. The Headteacher (Chair of First Committee) will explain reasons for decision at Stage 1.
3. In order to ensure a fair and transparent process, any of the parties involved will be allowed to cross question each other, but the meeting must not be allowed to become hostile or threatening to anyone.
4. All parties will be invited to sum up briefly.
5. If a decision can be made within a reasonable time limit, this will be communicated verbally to the employee raising the grievance. If further time is needed, the employee will be advised and asked whether they wish to have the meeting reconvened to hear the decision or if they will accept outcome in writing.
6. The decision will be confirmed in writing within 15 days.
7. If the concern is about a work colleague, they should be advised of the outcome as soon as possible after the outcome has been confirmed to the person raising the concern.