

Safeguarding and Welfare Requirement: Suitable People

Providers must ensure that people looking after children are suitable to fulfil the requirements of their roles.

2.8 Grievance policy and procedure

Policy statement

Little Fingers Pre-School is committed to an open and honest method of working. In the first instance staff should try to resolve grievances in an informal way, via a discussion with the Pre-school Manager. Only if the grievance is deemed sufficiently serious, or if informal measures have not resolved the matter satisfactorily, should formal action be taken. Employees should then raise any difficulties arising, (or experienced by employees as a result of actions or omissions by the organisation), with the Pre-school Manager or an officer of the Committee.

Procedure

Step 1: Inform the Employer

The employee should inform the employer of his/her grievance. The Pre-school Manager or an officer of the Committee should deal with all grievances raised, whether or not the grievance is presented in writing. However, employees need to be aware that if the statutory procedure applies, they will not subsequently be able to take the case to an employment tribunal unless they have first raised a grievance in writing and waited a further 28 days before presenting the tribunal claim.

Where the the issue relates to the conduct of the Pre-school Manager or another colleague, and the employee feels unable to approach them directly, an officer of the Committee should be notified.

Step 2: Meeting and Decision

On receiving a formal grievance, the Pre-school Manager should invite the employee, in writing, to a meeting within five working days and inform them that they have the right to be accompanied. It is good practice to agree a time and place for the meeting with the employee. If the person to accompany the employee cannot attend on a proposed date, the employee can suggest another date so long as it is reasonable and is not more than five working days after the date originally proposed by the employer. This five day time limit may be extended by mutual agreement.

The employee should be allowed to explain their complaint and say how they think it should be settled. If the employer reaches a point in the meeting where they are not sure how to deal with the grievance or feel that further investigation is necessary, the meeting should be adjourned to get advice or make further investigation. The employer should give the grievance careful consideration before responding.

The employer should respond in writing to the employee's grievance within five working days and should let the employee know that they can appeal against the employer's decision if they are not satisfied with it. If it is not possible to respond within five working days, the employee should be given an explanation for the delay and told when a response can be expected.

Step 3: Appeals

If an employee informs the employer that they are unhappy with the decision after a grievance meeting, the employer should arrange an appeal. It should be noted that the appeal stage is part of the statutory procedure and if the employee pursues an employment tribunal claim, the tribunal may reduce any award of compensation if the employee did not exercise the right of appeal. As far as is reasonably practicable, the appeal should be with a more senior manager than the one who dealt with the original grievance. In small organisations, even if there is no more senior manager available, another manager should (Deputy Manager) hear the appeal. If that is not an option, the person overseeing the case should act as impartially as possible. At the same time as inviting the employee to attend the appeal, the employer should remind them of their right to be accompanied at the appeal meeting.

As with the first meeting, the employer should write to the employee with a decision on their grievance within five working days. They should also tell the employee if the appeal meeting is the final stage of the grievance procedure.

Step 4: Keeping Records

It is important, and in the interests of both employer and employee, to keep written records 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
- Subsequent developments.

Records should be treated as confidential and kept in accordance with the Data Protection Act 1998, which gives individuals the right to request and have access to certain personal data.

Copies of meeting records should be given to the employee, including any formal minutes that may have been taken. In certain circumstances (for example to protect a witness) the employer might withhold some information.

Summary: Under the statutory procedure, employees must

- **Step 1** Inform the employer of their grievance in writing.
- **Step 2** Be invited by the employer to a meeting to discuss the grievance where the right to be accompanied will apply and be notified in writing of the decision. The employee must take all reasonable steps to attend the meeting.
- **Step 3** Be given the right to an appeal meeting if they feel the grievance has not been satisfactorily resolved and be notified of the final decision.

Further Guidance

- Can be found at www.legislation.gov.uk, or www.hse.gov.uk, or other government websites.

This policy was adopted by

Little Fingers Pre-school

On

Date to be reviewed

March 2022

Signed on behalf of the provider

Name of signatory

Carolyn Coleman

Role of signatory (e.g. chair, director or owner)

Chair