ST PETER'S RC
PRIMARY SCHOOL

Schools Resolution Policy

Approved by	Gareth Rein	Headteacher	Date: 07.10.25
Approved by	P McMahon	Chair of Governors	Date: 07.10.25



SCHOOLS RESOLUTION POLICY

**(Replacing School Grievance Policy &
Harassment Policy and Procedure)**

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CONTENTS

SECTION	CONTENT	PAGE
1	**Introduction** • Policy Statement • Aims and Objectives • Scope of the policy • Awareness • Key Principles	 **4** **5** **5** **6** **7**
2	**Roles and Responsibilities** • Employee • Manager/Headteacher • HR People Services • Cardiff Council Mediation Service • Trade Union representatives • Governing Body • Resolution Committee of Governing body • Resolution Appeal Committee of Governing body • Clerk to the Governing Body/Committee • Witness	 **9** **9** **10** **10** **11** **11** **11** **12** **13** **13**
3	**Resolution Process** • Approaches to Resolution • Process Map	 **14** **15**
4	**Informal Resolution Procedure** • Early Resolution – Employee Led • Informal Resolution Meeting **Mediation Service** • Flowchart for mediation • The value of Mediation • What is mediation? • When is mediation appropriate? • When is mediation not appropriate? • Support during mediation • How to make a referral for mediation • Stages of Mediation • What happens after mediation?	 **16** **17** **19** **20** **20** **21** **21** **21** **22** **22** **23**

5	**Formal Resolution Procedure** • Formal Resolution Meeting • Format of Resolution Meeting • Outcome • Appeal • Appeal Resolution Meeting • Format of Meeting • Outcome • Communication of Appeal Decision	 **24** **24** **25** **26** **27** **27** **27** **28**
6	**Additional Guidance**	**29**
	APPENDICES	
APPENDIX 1	**Definitions**	**30**
APPENDIX 2	**Schools Formal Resolution Application (RS1- Sch)**	**33**
APPENDIX 3	**Schools Formal Resolution Appeal (RSA-Sch)**	**36**
APPENDIX 4	**Standard Letters**	**38**
APPENDIX 5	**Procedure for Resolution Committee & Resolution Appeal Committee meetings**	**48**

Under the Welsh Language Standards, employees have the right to make complaints, and respond to complaints or allegations made against them via the disciplinary process in Welsh. The School will ensure that correspondence, documents and any associated proceedings, meetings and outcomes will be made available in Welsh. We will provide a simultaneous translation service from Welsh to English for associated meetings unless they are conducted in Welsh without translation services.

Dan Safonau'r Gymraeg, mae gan gyflogeion hawl i wneud cwynion, ac ymateb i gwynion neu gyhuddiadau a wnaed yn eu herbyn drwy'r broses ddisgyblu yn Gymraeg. Bydd yr Ysgol yn sicrhau bod gohebiaeth, dogfennau ac unrhyw gamau cysylltiedig, cyfarfodydd a chanlyniadau ar gael yn Gymraeg. Byddwn yn cynnig gwasanaeth cyfieithu ar y pryd o'r Gymraeg i'r Saesneg ar gyfer cyfarfodydd perthnasol oni chânt eu cynnal yn Gymraeg heb fod angen gwasanaeth cyfieithu.

SECTION 1 – INTRODUCTION

PREAMBLE

This model Resolution Policy and Procedure is recommended by the Council for adoption by Governing bodies. It is based on Council Policies/Procedures and adapted, as appropriate, for schools.

Where a school has adopted a Restorative Approach (RA), and staff are appropriately trained by the school, before embarking on the stages identified within this policy, all parties will attempt to resolve the issues using a Restorative Approach. If a person feels aggrieved then they should raise the matter with the RA lead, the Headteacher or the Chair of Governors, with the aim of resolving matters using a Restorative Approach.

POLICY STATEMENT

1.1 This Resolution Policy provides an opportunity to link dispute resolution to the School's values and vision. It replaces the Schools Grievance and Harassment Policies and Procedures, offering a new name and a new focus.

1.2 Schools, like many organisations, have a workforce made up of people from increasingly diverse backgrounds, with differing opinions, values and expectations about work. Schools recognise that from time to time, employees may have problems, concerns or complaints about aspects of their employment, e.g. working conditions or working relationships with colleagues, which they wish to raise and have resolved.

1.3 It is also recognised that there is a responsibility to deal with any such concern raised in a timely manner. This is to maintain discipline, good order, motivation and morale amongst employees in the interests of effective service delivery, and also to reduce the risk of time consuming formal proceedings and costs associated with sickness absence.

1.4 The foundation of all forms of **acceptable behaviour** at work is the respect in which we hold every individual working within the School, and the value we place on their individual contribution to our common purpose. Every individual is entitled to fair and equitable treatment and the School is committed to providing a caring and supportive working environment which is free from all forms of harassment, discrimination, bullying and intimidation (hereinafter referred to as **unacceptable behaviour**). The Trade Unions are also fully committed to taking a major role in preventing all forms of unacceptable behaviour at work (**Appendix 1**).

1.5 This statement of policy underpins a commitment to developing a culture of personal and managerial integrity and professionalism, in which dignity, courtesy and respect are valued, and unacceptable behaviour is identified and dealt with quickly, fairly and sensitively.

1.6 It offers a collaborative approach that balances the rights of individuals with their interests and needs. In doing so, it brings the core principles of mediation to the forefront and encourages constructive resolution and positive working relationships. By making mediation available at each stage (even where cases may be escalated to formal actions) greater flexibility is offered to all parties.

1.7 This policy and procedure, is consistent with the principles outlined in the Advisory, Conciliation & Arbitration Service (ACAS) Code of Practice on Discipline and Grievance Procedures, and the Welsh Government (WG) circular no. 002/2013 Disciplinary and Dismissal procedures for School Staff.

AIMS AND OBJECTIVES

The aims of this policy are to:

1.8 Develop a culture that is focussed on innovation and resolution.

1.9 Demonstrate a commitment to positively resolving conflict and taking concerns seriously by confronting the conflict, but not in a way that leads people to defensive positions.

1.10 Encourage free communication between employees and their respective managers to secure constructive and lasting solutions to workplace concerns, quickly and informally, to the satisfaction of all parties involved. This will increase the levels of staff morale, commitment and efficiency.

1.11 Help reduce levels of formal procedures, where appropriate, and absences due to stress or stress related illnesses.

1.12 Ensure that managers, employees and their companions are aware of their rights, responsibilities and obligations within the resolution process.

SCOPE OF THE POLICY

1.13 The Policy applies to **all** current employees of the School (permanent and temporary). The policy does not apply to agency workers, volunteers or those engaged by the School on Contracts for Service, who would use the policies of the employing agent to raise an issue. In the case of staff working wholly or primarily within schools but appointed to centrally established posts e.g. Council Cleaning or Catering posts, **Council** Policies and Procedures will apply.

1.14 It aims to provide a single framework for the resolution of individual as well as collective concerns about any aspect of their employment with the School without fear of reprisal and/or recrimination.

1.15 Application of this policy is suitable for concerns or disagreements between all work colleagues within a School, between managers/Head teachers and staff of their School, or actions/inactions of the employer. The issues that may cause concerns or disagreements, for example, could include work relations, bullying and harassment, new working practices, working environment, organisational change or discrimination. Where an issue is raised against a member of the Governing Body, the school's Complaints Procedure should be followed. (For further information please refer to WG guidance 011/2012: Complaints procedures for School Governing Bodies in Wales section 4)

1.16 This policy also covers **unacceptable behaviour** in any situation, as the result of which an employee's employment may be affected. It is not confined **to unacceptable behaviour** occurring in the workplace or during working hours, but extends to situations that occur outside the working environment which arise out of, or may affect, the working relationship between employees and their employer i.e. the Governing body/ Council. (Refer also to the Code of Professional Conduct and Practice for Registrants with the Education Workforce Council)

1.17 Employees cannot use this Policy and Procedure if the nature of the concern:-

Either (i) Relates directly to their substantive grade
(School staff refer to the School's Pay Policy or where appropriate, the Council's Regrading Policy)
Or (ii) Constitutes an appeal against disciplinary decisions taken against them (refer to School Staff Discipline Procedure).

1.18 This policy does not apply where an employee of the School experiences unacceptable behaviour not by another employee of the School/Council, but by a parent/governor/contractor. Reference should be made to the School's management arrangements/relevant School policy or Code of Guidance and by seeking further advice. The following policies may also be applicable:

- Schools Complaints procedure
- Violence at Work policy

AWARENESS

1.19 This Policy must be brought to the attention of all employees. The School has a duty of care to its employees, and pupils, and is legally responsible for ensuring that the behaviour and conduct of employees in the course of their employment is acceptable.

1.20 The School acknowledges that the decision to raise a concern will normally rest with the employee. The School has a duty of care, and management has the right to initiate a preliminary assessment, if they have concerns with regards to an employee's conduct, even if a concern has not been raised.

1.21 Failure to recognise or investigate incidents of unacceptable behaviour does not

excuse the School from liability and could have serious legal consequences under health and safety and employment legislation. Therefore employees, including School senior management, **must** adhere to all aspects of this policy to limit the potential risk of a legal challenge.

1.22 All employees have a duty to comply with this policy and to be aware of their personal obligations by eliminating all forms of unacceptable behaviour.

KEY PRINCIPLES

1.23 At all stages of the Resolution Procedures, including the informal procedure, employees will be given the opportunity to be accompanied by a companion, with the exception of a mediation meeting.

1.24 A companion is defined as "*a work colleague at the School, a trade union representative or an official employed by a trade union*".

1.25 When concerns or complaints arise, they will be resolved through informal procedures wherever possible.

1.26 The School recognises that the offence may not be intentional. An individual may be subject to unacceptable behaviour, and the person causing the alleged distress may be unaware that their behaviour is offensive or causing a problem. Differences in culture, attitude and experience or the misinterpretation of social signals can result in differences in perception, and what may be perceived as unacceptable to one person may be perceived by others as normal social behaviour.

1.27 An employee will not prejudice their employment, opportunities for progression, promotion or training within the School by making a complaint of unacceptable behaviour, when it is made in good faith, or by any subsequent investigation.

1.28 Where more than one employee has the same concern, then the procedure should be applied on a group basis (where agreed by the group of employees) and called a collective concern. A collective concern will be subject to one procedure and will be treated as a single application albeit from a group of employees.

1.29 Records should be kept of each stage of the procedure and checked for accuracy by all parties (with the exception of mediation records -see paragraph 4.35). Employees should be given copies of the resolution meeting records that they attend, including any formal minutes. In certain circumstances the School may withhold some information, for example to protect a witness. All such records will be regarded as confidential and retained in accordance with the provisions of the Data Protection Act 1998.

1.30 The School undertakes to observe and maintain confidentiality wherever possible in dealing with cases of alleged unacceptable behaviour. In this context, confidentiality

means that information will be disclosed only on a need to know basis i.e.to comply with operational, procedural or legislative requirements.

1.31 The reference to days in this policy means **calendar days** but will exclude school holidays. All parties will endeavour to deal with concerns as quickly as possible and within the timescales stated. Should it be necessary, the time limits can be extended or modified with the agreement of all the parties.

1.32 Where an employee formally raises a concern or complaint under this policy during a disciplinary process, the disciplinary process may be temporarily suspended in order to deal with the concern. However, where the concern and the disciplinary matters are related it may be appropriate to deal with both concurrently if directly relevant to the outcome of the disciplinary hearing. Where this situation arises, a decision taken by the Headteacher/Chair of Governors will be communicated to the relevant parties, following advice from HR People Services. If the disciplinary case is a matter of fraud, bribery or financial impropriety then the decision will be taken by the Head Teacher/Chair of Governors and not an Audit Manager.

1.33 Where a concern relates to a difference in the interpretation and/or application of a particular policy, procedure or agreement, consideration of the matter may be adjourned with the consent of all the parties to enable appropriate advice and guidance to be sought. When this has been received, consideration of the concern will be resumed at the point at which it was adjourned.

1.34 The School reserves the right to deal with any unusual or urgent concern outside the normal Resolution Procedure in exceptional circumstances, but will only exercise that right following consultation with all parties, with the final decision resting with the Headteacher/Chair of Governors.

1.35 Employees have the right of appeal against the formal resolution decision.

1.36 The School recognises the possibility that concerns may be brought with malicious, vexatious or spurious intent. If there is evidence to support such intent, this may result in disciplinary action being taken against the complainant.

1.37 This model policy and associated procedures will be reviewed by the Local Authority in the light of operational experience.

1.38 Where the concern is raised about the Headteacher, or by the Headteacher, the Chair of Governors will fulfil the Manager/Headteacher responsibilities described in this Resolution policy.

SECTION 2 - ROLES and RESPONSIBILITIES

2.1 It is important that everyone clearly understands their roles and responsibilities within the resolution procedure.

EMPLOYEE RESPONSIBILITIES

2.2 All School employees are responsible for:

a) Behaving and acting in a way that is consistent with the values of openness, fairness and working together with others.
b) Ensuring that their behaviour complies with any School Code of Conduct and any external Code of Conduct / Practice, e.g., Education Workforce Council, that govern the profession in which they are engaged.
c) Ensuring they read, understand and comply with this policy and fully co- operate with the requirements of the procedures when they are in operation.
d) Demonstrating an active commitment to this policy and its aims.
e) Raising a concern with their manager in a timely way, clearly stating the basis of the concern including the resolution required.
f) Undertaking to resolve the concern informally before resorting to the formal stages of the procedure.
g) Maintaining a written record of the incidents that have caused distress including the time, date, place and a full description of what happened including the names of the people concerned and names of any witnesses
h) Maintaining confidentiality at all times during any resolution proceedings, with the exception of any conversations which may be necessary with their companion, and if there is a requirement to share information in relation to safeguarding concerns.
i) Only raising concerns in good faith. If the School finds that an employee has made a malicious or vexatious allegation, it may consider taking disciplinary action against the employee.

MANAGER/HEADTEACHER RESPONSIBILITIES

2.3 **In addition to their responsibilities as employees**, Managers/Headteachers are also responsible for:

a) Ensuring employees are aware of all relevant policies and procedures
b) Taking positive steps in maintaining an environment which is free from unacceptable behaviour, and to treat those for whom they are responsible fairly and with dignity, courtesy, and respect at all times
c) Taking the initiative in identifying unacceptable behaviour and taking reasonable corrective or preventative action in accordance with this policy and procedures. It is not acceptable for any Manager/Headteacher to ignore unacceptable behaviour.
d) Dealing with minor concerns as part of normal day to day operational management.

e) Dealing with concerns promptly, fairly and consistently in accordance with the procedure and detailed timescales and with advice from HR People Services
f) Working with the employee to resolve the matter informally in the first instance, if safe to do so
g) Committing to release employees during working hours for mediation.
h) Keeping adequate notes and records of all events and evidence to support the use of the policy, understanding that such notes could be subject to disclosure as a result of a Subject Access Request for information under section 7 of the Data Protection Act 1998.
i) Writing formally to the employee following consideration of their concerns, detailing their response, explaining the reasons behind their decision (see Appendix 4 for standard letters).
j) Ensuring any reporting requirements are fulfilled
k) For matters concerning a Headteacher, the Chair of Governors would undertake these responsibilities.

HR PEOPLE SERVICES RESPONSIBILITIES

2.4 **In addition to their responsibilities as employees,** HR People Service Officers are responsible for:

a) Providing support and advice to managers and employees at all stages of the policy and procedures, including the informal, and to ensure that the Schools Resolution Policy and Procedures are correctly applied
b) Supporting Schools by offering information on services available.
c) Collating and reviewing monitoring data for consideration by various groups, e.g. Council Senior Management Team, Works Council, Governing Bodies/Schools.
d) Reviewing the application of this model policy and procedures in the light of operational experience

N.B. Refer to the School's Service Level Agreement for HR People Services role.

CARDIFF COUNCIL MEDIATION SERVICE RESPONSIBILITIES

2.5 **In addition to their responsibilities as employees**, Mediators are responsible for:

a) Assessing whether or not cases are appropriate for mediation
b) Providing support and guidance to all employees entering into mediation
c) Co-ordinating, assigning and mediating cases that are deemed suitable
d) Maintaining confidentiality at all times, with the exception of the duty to disclose where there are safeguarding concerns. Notes taken by the mediator are destroyed at the end of the mediation process
e) Facilitating a written agreement between parties
f) Evaluating the effectiveness of the mediation service

TRADE UNION REPRESENTATIVE RESPONSIBILITIES

2.6 **In addition to their responsibilities as employees**, Trade Union Representatives are responsible for:

a) Providing advice, support and representation to their members.
b) Working with managers, HR People Services and employees to ensure that the Schools Resolution policy is adhered to.
c) Working with all parties to facilitate timely and early resolution to matters.
d) Encouraging the use of informal procedures if appropriate, including promoting the use of mediation to re-establish and maintain working relationships.

N.B. Where the Companion is a work colleague, their role is only to provide support to the employee.

GOVERNING BODY RESPONSIBILITIES

2.7 The Governing Body should:

a) Confirm annually at its first Governing Body meeting of the year, terms of reference for the Resolution and Resolution Appeals Committees, and the list of governors for each Committee from which the members hearing a specific case will be drawn.
b) Decide on the Clerking arrangements for the Resolution Committee and the Resolution Appeals Committee.

RESOLUTION COMMITTEE OF THE GOVERNING BODY RESPONSIBILITIES

2.8 This Committee replaces the former Grievance Committee of the Governing Body. The Committee should:

a) Comprise of a minimum of 3 members of the Governing Body who must not have been involved in the Resolution process at an earlier stage. Where necessary, the Governing Body can appoint non Governing Body members to sit on a Resolution Committee, although it is expected that this will only be necessary where the Governing Body has exhausted all options from within the Governing Body. Such individuals must be a Governor from another school, and any such decision must be agreed by the Governing Body and recorded in the minutes.
b) Be required to sit where a concern has not been resolved informally by the Headteacher (or the Chair of Governors where it concerns the Headteacher).
c) Deal with concerns promptly, fairly and consistently in accordance with the procedure and detailed timescales.

d) Obtain copies of all documentation, including the meeting notes from the Informal Resolution stage, but excluding notes of any mediation session.
e) Meet with the employee (their companion as appropriate)/witnesses and give due consideration to the issues raised. If necessary to investigate the issues raised which may require further meetings.
f) Communicate the decision in writing to the employee within 14 calendar days (excluding school holidays) of the meeting.
g) Approve the record of its Hearings.

RESOLUTION APPEAL COMMITTEE OF THE GOVERNING BODY RESPONSIBILITIES

2.9 This committee replaces the former Grievance Appeal Committee of the Governing body. The committee should:

a) Comprise a minimum of 3 members of the Governing body who must not have been involved in the resolution process at an earlier stage. The membership of the resolution Appeal Committee shall include no fewer members of the Governing body than that of the Resolution Committee. Where necessary, the Governing body can appoint non Governing body members to sit on a Resolution Appeal Committee, although it is expected that this will only be necessary where the Governing body has exhausted all options from within the Governing body. Such individuals must be a Governor from another school, and any such decision must be agreed by the Governing body and recorded in the minutes.
b) Deal with concerns promptly, fairly and consistently in accordance with the procedure and timescales stipulated in section 5 of this policy.
c) Obtain copies of all documentation (including the meeting notes from the Informal resolution stage and the Resolution Committee), but excluding any notes from a mediation session.
d) Meet with the employee (their Companion as appropriate)/ witnesses and give due consideration to the issues raised.
e) Communicate the decision in writing to the employee within 14 calendar days (excluding school holidays) of the meeting.
f) The decision of the Resolution Appeal Committee will be final.
g) Approve the record of its Hearings.

THE CLERK TO THE GOVERNING BODY/CLERK TO THE COMMITTEE RESPONSIBILITIES

2.10 The Clerk to the Governing body should:-

a) Receive the application for a formal Resolution Hearing or a Resolution Appeal Hearing and pass it to the Clerk to the Committee.

2.11 The Clerk to the Committee should:

a) Arrange the date, time and place for the formal Resolution meeting/Resolution Appeal meeting seeking agreement to dates from members of the Committee, the members of staff and any witnesses.

b) Inform the members of staff/witnesses in writing of the purpose of the meeting, the membership of the Resolution Committee/ Resolution Appeal Committee, and their right to be accompanied by a Companion.

c) Make relevant documentation available to Committee members.

d) Record the proceedings of the formal Resolution meeting/Resolution Appeal in the form of notes/minutes (including deliberations by the Committee, decisions and reason for those decisions).

e) Record all procedural advice given to the Committee.

f) After the formal Resolution meeting or the Resolution Appeal Meeting, prepare a letter using templates contained within **Appendix 4** of this policy, to notify the members of staff the Committee's decision and the reasons for that decision. The letter following the formal Resolution meeting should also inform the member of staff of the Appeal process. The letter following the Resolution Appeal meeting should state that the Committee's decision is final and there is no further right of Appeal.

WITNESS RESPONSIBILITIES

2.12 **In addition to their responsibilities as employees,** Witnesses are responsible for:

a) Attending a formal Resolution meeting/ Resolution Appeal meeting when requested.

b) Giving a clear account of the event(s) they have witnessed.

c) Answering any questions put to them by a member of the Committee in a consistent and truthful manner.

SECTION 3 – RESOLUTION PROCESS

APPROACHES TO RESOLUTION

3.1 This policy provides employees with the opportunity to take personal responsibility to resolve or discuss their concerns in a supportive, constructive and empathetic forum to enable relationships to be rebuilt.

3.2 Employees may seek advice and support from HR People Services or their Trade Union at any time. Being accompanied by a companion does not mean that the formal process has been triggered.

3.3 The different approaches to resolution include:

Informal

a) **Self Help (Employee led)** – in the first instance, and when considered safe to do so, the expectation is that the employee communicates directly with the person with whom they have a concern. This can lead to an effective resolution, as it is likely the individual will modify their behaviour once they are made aware of the concern.

b) **Resolution Meeting** – An employee can meet informally with their manager to express their feelings and concerns. The manager and employee can together identify concerns and agree solutions, which could include a number of options, such as instigation of a separate policy (refer to this policy **Section 6** Additional Guidance or Resolution Processes Flowchart)

c) **Mediation** - employees volunteer to engage in the structured process with the assistance of a neutral third party, e.g., mediator, to meet with the two parties, separately, then together, in an attempt to resolve the concerns and to build agreement on how interactions will occur in the future. The focus is on rebuilding the relationship and not on finding fault of either party.

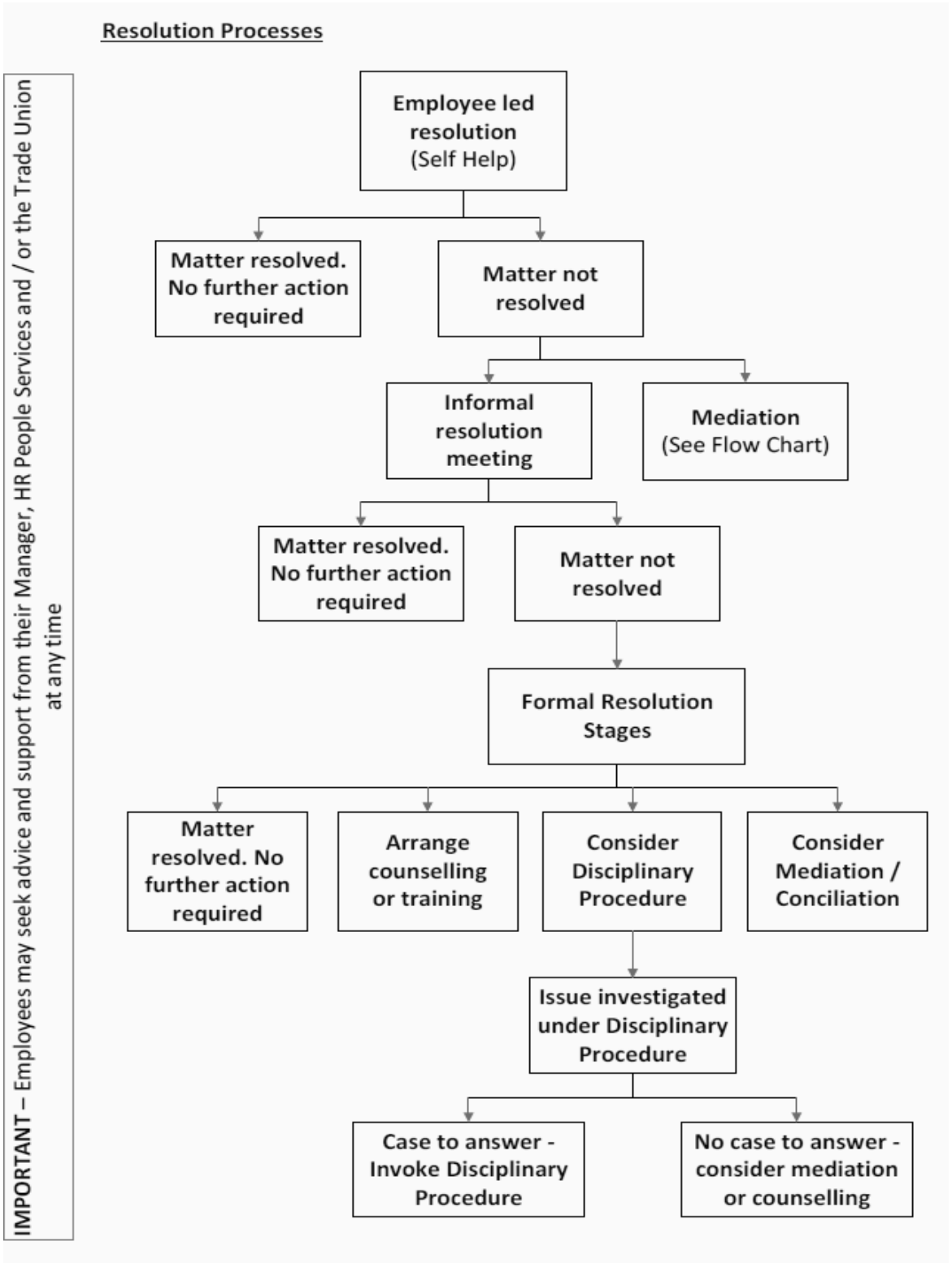
Formal

d) **Formal Resolution Meeting** – If informal resolution has not resolved the concern then employees can move forward to the formal procedure, where they can expect to receive a formal recommendation for resolution from the Resolution Committee.

3.4 The type of resolution approach will depend upon:

- The seriousness of the concern(s) being raised
- The willingness of parties to engage in meeting or mediation
- Whether there have been previous attempts to resolve the situation

Resolution Processes



SECTION 4 – INFORMAL RESOLUTION PROCEDURE

4.1 The person causing the alleged distress may be unaware that their behaviour is perceived as such and a simple explanation may be sufficient to resolve the matter.

4.2 Employees can seek the advice and support of HR People Services and/or their Trade Union at any stage.

EARLY RESOLUTION – EMPLOYEE LED

4.3 The best approach for an employee with a concern or disagreement in work is to face it in a calm and rational way, using a planned approach.

4.4 Incidents of alleged unacceptable behaviour can usually be resolved informally and this will be encouraged wherever possible. If the concern is in relation to another employee's behaviour, employees are encouraged to approach the individual causing them concern themselves, and make it clear, in a respectful manner, that they find their behaviour is having a negative impact on their personal wellbeing. The employee should state what their desired outcome is.

4.5 Where the concern is not in relation to unacceptable behaviour, but another matter, for example new working practices, working environment or organisational change, employees are still encouraged to engage in constructive discussions and try to resolve the dispute on their own in the first instance.

4.6 Communicating directly to the employee causing concern can also be done with the support of a companion or their manager, as a facilitated conversation. Where employees ask a companion to speak to the other party on their behalf, this should be carried out in as low key and non-confrontational manner as possible.

4.7 Alternatively, employees may feel more comfortable writing a letter / email to the person concerned, explaining that the behaviour / concern is causing distress. A companion could help the employee write such a letter / email if they wish.

4.8 If the individual causing distress is the employee's manager they should raise their concern with a member of the next level of management/Headteacher/Chair of Governors. In all cases, the seniority of the investigating manager will be equal to or greater than the individual against whom the concern was raised.

INFORMAL RESOLUTION

4.9 **Mediation may also be considered at this early stage, or at any other time in the process,** as an alternative to a manager-led resolution.

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4.10 If the matter has not been resolved by speaking to the individual, or it was not possible to do so, then the employee should raise the matter with their manager, as soon as possible. If the employee is a Headteacher, then they should raise the matter with the Chair of Governors. If the issue is in respect of a Head teacher, the employee should raise the matter with the Chair of Governors. Employees are encouraged to act promptly and try not to wait until the situation is intolerable, in order to protect their personal wellbeing.

4.11 The School expects employees and managers to work together to try and resolve concerns informally in the first instance, as this can lead to the matter being resolved quickly and with minimum distress to the parties involved.

4.12 The manager should meet with the employee and allow them to explain the concern(s) and provide evidence / information relating to their concerns, and discuss the impact these concerns are having on them / their role. The employee can be accompanied by a companion at this meeting if they wish, but being accompanied by a companion does not mean that the formal process has been triggered. It is important that the line manager agrees the guidelines for the meeting which should be based on openness, honesty and mutual respect, ensuring confidentiality. The focus of the meeting is to build on the positives rather than focusing just on the negatives, and this can be achieved by de- personalising the situation where possible.

4.13 During the Informal Resolution meeting it will be important to identify any factors that may have led to the situation. The employee may state how they would like to see the matter resolved and what their desired outcome is. However, the manager and the employee should identify and explore potential solutions to the concern(s), taking into consideration all the pros and cons for the various options. This approach can be empowering as an individual can have a say in the solution.

4.14 The outcome being sought by the employee will be personal to them and will be dependent on the nature of the concern(s) raised, but must also be reasonable and achievable. The employee/ manager may find solutions to the concern(s), which are applicable to any party, and may include the following (but is not intended to be an exhaustive list):

- Provide on the job coaching
- Provide training / development
- Give additional support internal/external
- Clarify revised working instructions
- Provide new/additional information
- Undertake clarification of roles within a team
- Make adjustment of working arrangements/work environment
- Undertake modification of behaviours
- Reconfirm employees responsibilities e.g. Equal Opportunities or other policies
- Referral for mediation
- Facilitated discussions between employees

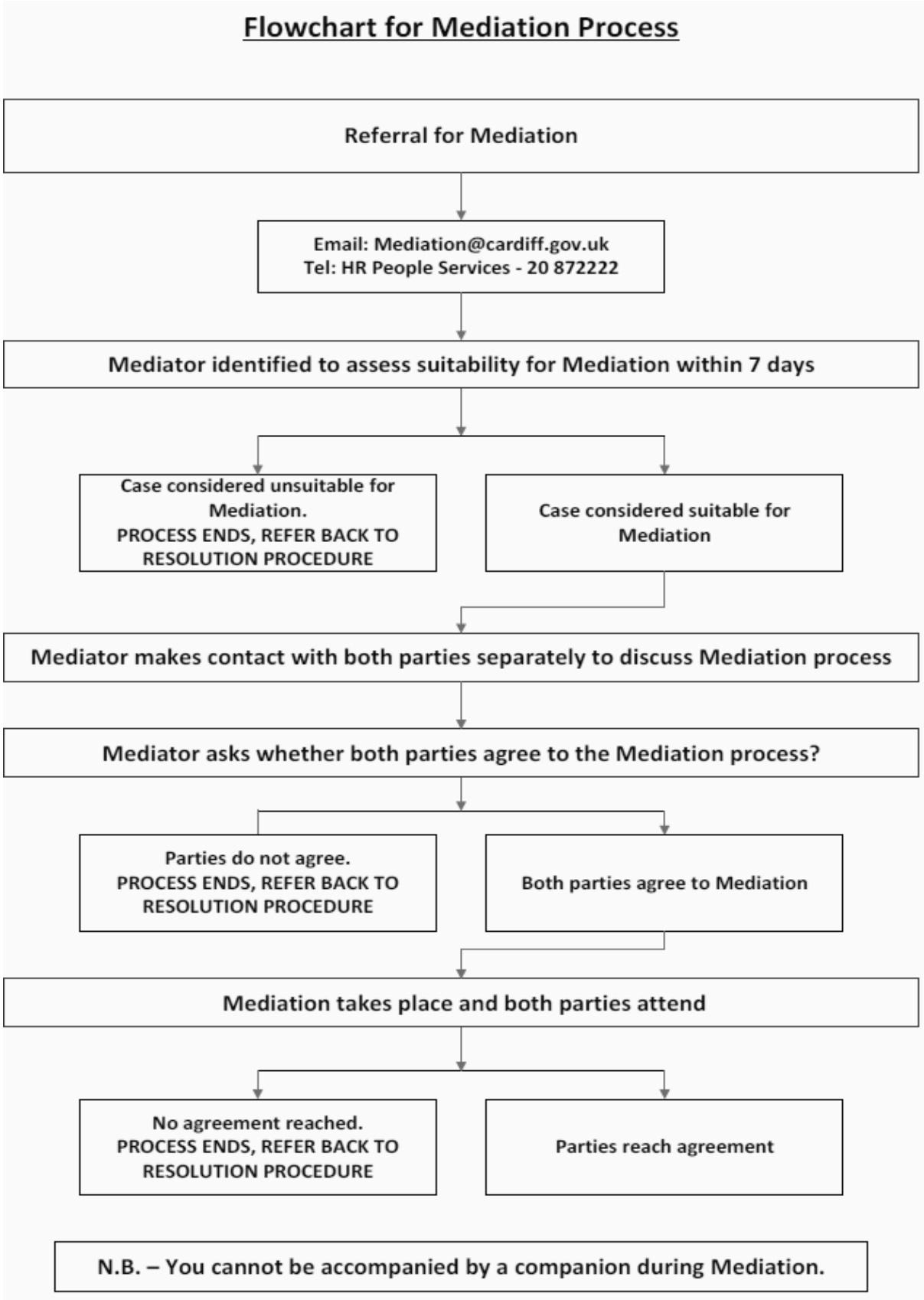
4.15 Managers should also refer to the applicability of other relevant policies (refer to the Additional Guidance at **Section 6**).

4.16 If the manager needs to explore the concern(s) further by speaking to the party against whom the concern was raised or other employees (e.g. witnesses), gathering more information or seeking advice from HR People Services, this should be done within **7 calendar days**(excluding school holidays) of the initial meeting**.**

4.17 The manager should meet with the employee to explain the findings and agree the appropriate course of action. A written note of the agreed actions should be recorded, where appropriate, in DigiGov and a copy given to the employee.

4.18 Where the employee is dissatisfied with the outcome of the informal stage they can initiate the formal process in DigiGov or by completing the Formal Resolution Application (RS1-Sch) (**Appendix 2)** or by telephoning HR People services on (029) 20872222.

Flowchart for Mediation Process



N.B. – You cannot be accompanied by a companion during Mediation.

MEDIATION

THE VALUE OF MEDIATION

4.19 A protocol to help encourage and support Local Authorities in the use of mediation has been developed by the HR Directors network and endorsed by the Welsh Local Government Association (WLGA) (refer to **Section 6**). It demonstrates the commitment of Local Government in Wales to supporting the concept of workplace mediation, and encourages organisations to resolve more workplace disputes quickly and effectively without recourse to costly formal processes.

4.20 The Council recognises the value of mediation to resolve workplace disagreements. With the assistance of the WLGA, an internal pool of qualified and accredited mediators has been developed to ensure a consistent approach to the mediation process across the Council and in Schools.

WHAT IS MEDIATION?

4.21 Mediation is a confidential voluntary process that helps two or more individuals in a disagreement attempt to resolve the concern and to reach an agreement themselves. They are taken through the 'mediation' process by a trained mediator who is responsible for the process of seeking to resolve the problem, but not for determining the outcome as this is arrived at, agreed upon and owned, by the individuals involved.

4.22 The mediation process provides an opportunity for the parties to take responsibility for discussing situations in a supportive, constructive and empathetic forum and agree the way forward in a safe and confidential environment away from the usual workplace.

4.23 The focus for mediation is to agree what will happen in the future, rather than what has happened in the past. The emphasis is on making a forward looking agreement, outlining mutually acceptable future behaviour between the parties.

4.24 Mediation is different because it is about collaborating rather than blaming. Any agreement made during mediation comes from those involved and not the mediator. The mediator is not there to judge, to say one person is right and the other is wrong, or to tell those involved in mediation what they should do. Mediation is:

- Less formal
- Flexible
- Voluntary
- Morally binding but normally has no legal status
- Confidential
- Unaccompanied
- Owned by the parties involved

4.25 Due to the voluntary and informal nature of mediation there are some limits to what can be resolved through mediation. Mediation is most effective if it is used early on to enable relationships to be rebuilt. However, **mediation may be requested or recommended at any stage of this policy.**

4.26 Mediation can also be effectively used following the conclusion of a disciplinary investigation, where relationships within a team/service have been adversely affected.

WHEN IS MEDIATION APPROPRIATE?

4.27 The following is not intended to be an exhaustive list, but to act as a guide for employees who wish to refer a case for mediation. The more of the following points that apply, the more likely that mediation is appropriate:

- The parties both voluntarily want to use mediation to resolve their concern
- The parties are committed to maintaining a working relationship
- The parties have the willingness to be open, honest and respectful
- The parties cannot work through their concerns alone
- One or both parties wish to avoid formal procedures
- The concerns are affecting other employees and/or service delivery

WHEN IS MEDIATION NOT APPROPRIATE?

4.28 As a guide, mediation is not deemed appropriate where one or both parties are not voluntarily committed to resolving their disagreement. Other situations for which mediation may not be an appropriate option are:

- As a first resort to abdicate managerial responsibilities
- Criminal activity (e.g. physical assault)
- Domestic abuse (including emotional/ financial)
- An alternative to a formal disciplinary process – allegations of gross misconduct
- Formal negotiations concerning employment rights
- There is a risk to health and wellbeing
- Where one party wants an apology rather than agreement
- Previous attempts at mediation on the same concern have not been successful.

SUPPORT DURING MEDIATION (**Reasonable Adjustments**)

4.29 Mediation is most successful when no companion is present, as an open and frank discussion controlled by the mediator to ensure fairness and appropriate behaviour is key. However, the exception to this is where a companion may be needed for reasonable adjustments, for example:

- Hearing impaired employee
- A non-English speaker, (or a person who does not have sufficient command of the language to express their feelings) who may need an interpreter

HOW TO MAKE A REFERRAL FOR MEDIATION

4.30 Any employee of the School can request mediation support personally or on behalf of other employees, providing they have discussed the referral with the individual(s) involved.

4.31 The referral can be made by emailing the HR People Services Mediation Service mediation@cardiff.gov.uk or calling them on (029) 2087 2222, confirming the names and contact details of the individuals to be involved in the mediation process. The mediation service will assess the suitability of each case for mediation and this may involve a discussion with the manager to establish what steps have already been taken to address the concern. The assessment will be made within **7 calendar days** of receiving the initial enquiry.

N.B. Refer to the School's Service Level Agreement regarding access to the HR People Services mediation service.

STAGES OF MEDIATION

4.32 If mediation is to proceed, HR People Services will assign an impartial qualified mediator to the case. The stages of mediation are as follows:

Before mediation:

- **Individual contact by the Mediator with the parties involved**
  Mediator explains the mediation process and role of the mediator
- **Agreement from both parties to proceed with mediation**

During mediation:

- **Individual meeting with mediator**

Parties involved explore their individual concerns with the Mediator and set ground rules for joint meeting

- **Joint meeting with mediator and parties involved**

Each to have uninterrupted time to explain, hear and explore concerns

- **Written agreement between the parties**

Parties generate options for resolution

- **Closure of mediation**

Parties ensure/adhere to confidentiality on return to workplace

- **Review of written agreement**

Organised by both parties and does not involve the mediator

4.33 Mediation will generally last for 1 full day. However, in more complex cases or cases involving more than 2 parties, it may last for up to 2 or 3 days. Managers must release employees during working hours to attend mediation on full pay. Special arrangements should be made for shift workers, by agreement.

4.34 Any party, **including the mediator**, can end mediation at any time during the process if they feel it is appropriate to do so e.g. information may emerge which results in the mediator concluding that mediation is no longer a suitable option (see paragraph 4.37).

WHAT HAPPENS AFTER MEDIATION?

4.35 Any notes taken by the mediator will be destroyed once the mediation process is complete. The only documentation to be retained will be the written agreement if one is reached, and this will be held by the parties engaged in the mediation process. Only with the express consent of the parties may the agreement be shared with the manager.

4.36 Part of the written agreement will involve a review period, agreed and organised by both parties, who own the process. Generally the mediator does not become involved with the review period.

4.37 If mediation does not end in agreement, or has been stopped, HR People Services will provide information to the individuals involved on alternative options available which may help settle the concern.

4.38 The manager is informed whether resolution through mediation has been reached, or not.

4.39 Agreement to mediation does not prevent the employee from submitting a formal resolution procedure application subsequently, bearing in mind the responsibility to raise their concern within a reasonable amount of time.

SECTION 5 – FORMAL RESOLUTION PROCEDURE

5.1 A requirement of this policy is that there must be evidence that actions have been taken to resolve concern(s) informally, before proceeding to any formal part of the procedure.

5.2 Where the informal process has failed to resolve the concern, the employee can initiate the formal resolution procedure, where appropriate, in DigiGov, or by fully completing the **Formal Resolution form** (RS1- Sch), or by telephoning HR People Services on (029) 2087 2222, detailing the action they have taken to try and resolve the matter.

5.3 On completion, the RS1-Sch should be forwarded to the Clerk of Governors and will be dealt with by the Resolution Committee of the Governing Body.

5.4 The nature of the concern should be detailed and reference made to specific occurrence(s) with dates if possible. The names of any individuals who are willing to act as witnesses should also be included.

FORMAL RESOLUTION MEETING

5.5 Management and the Governing body have a responsibility to act promptly, and the Committee with whom the formal resolution application has been lodged must meet with the employee as soon as possible but not later than **14 calendar days** (excluding school holidays), after receiving the request. Every effort should be made to meet within this timescale of 14 calendar days, however, if it cannot be met, the Clerk must inform all parties and provide an alternative date. Employees can choose to have companions with them during formal resolution meetings.

5.6 The Clerk to the Committee will make arrangements (e.g., date/venue) to convene Formal Resolution Meetings with both parties individually (refer to **Appendix 4** for standard letters). The meetings will also include HR People Services, if possible, and a clerk.

FORMAT OF RESOLUTION MEETING

5.7 The Committee in receipt of the RS1-Sch will usually meet the relevant parties separately and produce a formal response. In some circumstances it may be appropriate to meet the parties jointly, subject to the agreement of all parties involved.
(Refer to **Appendix 5** for guidance on the Committee procedures)

5.8 The Committee may also interview witnesses, the Headteacher and any managers for the parties to establish the background and context of the issues.

OUTCOME

5.9 The Committee, having gathered and considered all information will make a determination:

EITHER

a) To take no further action because the facts suggest the concern raised is unsubstantiated, felt to be unjustified or the evidence is inconclusive

OR

b) That the concern is substantiated and will recommend appropriate remedial action. Applicable remedial action could include:-

- Counselling or training or any other applicable remedial action for the employee against whom the concern raised, where it is felt to be sufficient to correct the behaviour or resolve the situation

- Mediation if not previously undertaken or where it is considered that a conciliatory meeting between the two parties, accompanied by appropriate members of management and companions, will be sufficient

- Modification or reassignment of staff responsibilities

- Instigation of disciplinary procedures- where the facts of the case suggest that the complaint is substantiated **and** that disciplinary action may be appropriate based on the information shared at the meeting. In this circumstance the Manager should proceed under the School Staff Discipline procedure by undertaking a preliminary assessment to consider appropriateness of instigating a disciplinary investigation. The information gathered during the Resolution process must be made available to the Manager to assist in the preliminary assessment, and the Investigation process if necessary *(*Refer to the School Staff: A Manager's guide).

5.10 The Committee will communicate their decision, and provide the rationale in writing to the employee (and their companion, if applicable) and the employee against whom the concern was raised, using the outcome template letter (Appendix 4). This should be done within **14 calendar days** (excluding school holidays) of the meeting. The Committee should ensure a copy of the minutes of the meeting that each employee attends is given to them. A copy of the decision letter should also be provided to the Headteacher.

5.11 Failure to take appropriate action could lead to claims of discrimination being taken against the School and/or the Council at an Employment Tribunal.

5.12 Depending on the nature and severity of the complaint, consideration should be given to the need to temporarily transfer or suspend the employee who is being complained about. Normally this would be in cases where the incident has caused an intolerable working situation.

5.13 Where suspension from duty is being considered, Headteachers/Chair of Governors must undertake a "Preliminary Assessment to consider the appropriateness of the suspension" to see if other realistic and reasonable options are available, in accordance with the School Staff Discipline procedure.

5.14 It must be clear to all parties however, that disciplinary procedures will only be invoked when a management assessment finds this to be the appropriate cause of action i.e. disciplinary action is not an automatic outcome of using the formal procedure.

5.15 Where the decision is to uphold the concern and instigate disciplinary proceedings, the complainant may experience mixed feelings, and it is important to be aware of this and to continue to offer counselling and support.

(Please refer to Guidance on Providing Employment References for information on how the record of outcomes of the Resolution Committee meeting are treated, should the employee request an employment reference in the future).

APPEAL

5.16 If the employee is dissatisfied with the decision communicated to them, they have a right of Appeal. Where appropriate, employees with access to DigiGov can lodge an appeal using the system. Employees not on DigiGov will need to complete and return the **Resolution Appeal Form** (RSA-Sch) (**Appendix 3**) which will be included with the decision letter, and forwarded to the Clerk to the Governors. Assistance with completing the form, if required, can be obtained by telephoning HR People Services on (029) 20872222. This must be initiated within **14 calendar days** (excluding school holidays) of the decision being communicated. Employees will need to identify the grounds on which they are appealing and provide details to support those grounds. The completed form must justify the grounds for the appeal in that there was either:

a) **A PROCEDURAL FLAW** clearly indicating what the flaw was and how the policy was not correctly followed / applied; and / or
b) The **FINDINGS** were inconsistent with the evidence presented, providing written reasons for this; and / or
c) **NEW EVIDENCE** has come to light either since, or not considered at the formal resolution meeting, providing written reasons how this could have a bearing on the case.

5.17 The requirement for indicating the grounds of appeal on the form is to ensure that the appeal can focus on the principle concern(s), thus speeding up the process for **all** parties.

APPEAL RESOLUTION MEETING

5.18 The appeal will be heard by the Resolution Appeals Committee of the Governing body. The clerk will make initial contact with the employee (and their companion, if applicable) as soon as is possible but not later than **14 calendar days** (excluding school holidays) after receiving the request. If the timescale of 14 calendar days cannot be met, the Clerk must inform all parties and provide an alternative date. Also present at this meeting will be HR People Services and a Clerk.

FORMAT OF MEETING

5.19 The purpose of the meeting is to enable the Appeal Committee to consider the employee's presentation only on the points raised for the appeal, including any relevant documentation. Generally the Appeal Resolution Committee meeting will follow the same format as the formal Resolution meeting (refer to **Appendix 5**).

OUTCOME

5.20 The Resolution Appeals Committee, having gathered and considered all information will make a determination :

EITHER

a) Uphold the decision of the Resolution Committee and reject the appeal

OR

b) Overturn the decision of the Resolution Committee

5.21 If the Resolution Appeals Committee overturns the decision of the Resolution Committee, and this has the effect of concluding that the concern brought by the employee is valid, remedial action is required in respect of the individual against whom the concern has been raised. Applicable remedial action could include:-

- Counselling or training or any other applicable remedial action for the employee against whom the concern raised, where it is felt to be sufficient to correct the behaviour or resolve the situation

- Mediation, if not previously undertaken, or where it is considered that a conciliatory meeting between the two parties, accompanied by appropriate members of management and companions, will be sufficient

- Modification or reassignment of staff responsibilities

- Instigation of disciplinary procedures- where the facts of the case suggest that the complaint is substantiated **and** that disciplinary action may be appropriate based on the information shared at the meeting. In this circumstance the Manager should proceed under the School Staff Discipline procedure by undertaking a preliminary assessment to consider appropriateness of instigating a disciplinary investigation. The information gathered during the Resolution process must be made available to the Manager to assist in the preliminary assessment, and the Investigation process if necessary. *(*Refer to School Staff Discipline Procedure: A Manager's guide).

COMMUNICATION OF APPEAL DECISION

5.22 The Appeal Committee, after due consideration of the concern will communicate their decision and provide the rationale in writing to the employee (and their companion, if applicable) and the employee against whom the concern was raised, using the appeal outcome template letter **(Appendix 4).** This should be done within **14 calendar days** (excluding school holidays) of the meeting. This decision will be final and there are no other appeal rights within the School and/or the Council.

(Please refer to Guidance on Providing Employment References for information on how the record of outcomes of the Resolution Appeal Committee are treated, should the employee request an employment reference in the future.)

ALN Statement

St Peter's RC Primary School is committed to providing an inclusive learning environment in line with the Additional Learning Needs and Education Tribunal (Wales) Act 2018 and the ALN Code for Wales 2021. We are dedicated to identifying, assessing, and making provision for Additional Learning Needs at the earliest opportunity, working in collaboration with pupils, parents, and relevant professionals. Our approach is based on promoting equity, respecting diversity, and ensuring that all pupils are provided with opportunities to meet success.

UNCRC statement

St Peter's RC Primary School is committed to creating a community where children's rights are respected, upheld, and fulfilled. We aim to foster a rights respecting environment that empowers pupils to become active and responsible citizens. Through collaboration with pupils, staff, parents/carers and governors, we aim to embed the United Nations Convention on the Rights of the Child (UNCRC) into our policies and practice.

SECTION 6 – ADDITIONAL GUIDANCE

Related Policies and documents

Document
Code of Professional Conduct & Practice for Registrants with the Education Workforce Council
Domestic Violence and Abuse Policy
Redeployment Policy
School Attendance and Wellbeing Policy
School Complaints Policy
School Equal Opportunities Policy
School Pay policy
School Staff Discipline procedure
Social Media and Online Participation Policy
Stress Management Policy
Violence at Work Policy
Whistleblowing Policy

Additional Guidance and Support Within Cardiff Council

- Black and Minority Ethnic Employees (BME network)
- Disabled Employees (Disability network)
- LGBT Employees Group (LGBT network group)
- Women in Cardiff Council (Womens' network)
- Employee Assistance Programme
- Employee Counselling Service
- Employees who are Carers
- School Staff Discipline procedure: A Manager's guide

External

- Discipline & Grievances at Work: An ACAS guide
- Education Support Partnership
- Education Workforce Council
- Equality and Human Rights Commission
- Hate Crime Reporting Service (Safer Wales)
- Live Fear Free
- Managing conflict at Work (ACAS)
- Mediation: A guide for Trade Union representatives TUC/ACAS
- Mediation: A protocol for the use of Internal workplace mediation in Local Government in Wales
- MIND

APPENDIX 1 **DEFINITIONS**

1.0 **Unacceptable behaviour** can range from violence and bullying to more subtle behaviour such as ignoring an individual at work. It can subject an individual or a group to unwelcome attention, intimidation, ridicule, offence or loss of privacy. It is unwanted by the recipient and continues after an objection is made, although a single incident may be serious enough to constitute harassment and justify a concern being raised. There are certain forms of unacceptable behaviour, which, in the interest of clarity, are explained below.

2.0 **Harassment** – The School will regard harassment as being any of the following:

- Unwanted conduct, whether verbal or not, which affects the dignity of the individual at work; or
- Any form of verbal or non-verbal conduct which could be regarded as bullying or intimidating behaviour.
- Unwanted conduct or behaviour witnessed by others- the "*third party*" effect.

Harassment can take many forms and can exist where any of the circumstances outlined above apply. It can be visual (including electronic transmission), verbal or physical and may be focussed on an individual's sex, race, ethnic group, religion, personal beliefs, nationality, sexual exclusion, and/or physical contact.

The Equality Act 2010 (Section 26) uses a single definition of harassment to cover the relevant protected characteristic as '*unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating and intimidating, hostile, degrading, humiliating or offensive environment for that individual*'.

The relevant protected characteristics are age, disability, gender reassignment, race, religion or belief, sex and sexual orientation.

The most commonly experienced forms of harassment are:

3.0 **Bullying** - is a psychological form of persecution, which is present behind all forms of harassment and discrimination. Where it has a focus such as race or gender it becomes racial or sexual discrimination or harassment. Where it has no such focus, it is bullying. It may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

Examples of bullying / harassing behaviour include:

- Spreading malicious rumours, or insulting someone by word or behaviour
- Copying memos that are critical about someone to others who do not need to know

- Ridiculing or demeaning someone – picking on them or setting them up to fail
- Exclusion or victimisation
- Unfair treatment
- Overbearing supervision or other misuse of power or position
- Unwelcome sexual advances – touching, standing too close, and the display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected
- Making threats or comments about job security without foundation
- Deliberating undermining a competent worker by overloading and constant criticism
- Preventing individuals progressing by intentionally blocking promotion or training opportunities

Bullying and harassment are not necessarily face to face. They may also occur in written communications, email, phone and automatic supervision methods such as computer recording of downtime from work or the number of calls handled if these are not applied to all workers (refer to the Social Media and Online Participation Policy)

Bullying and harassment can make someone feel anxious and humiliated. Feelings of anger and frustration at being unable to cope may be triggered. Some people may try to retaliate in some way. Others may become frightened and de-motivated. Stress, loss of self-confidence and self-esteem caused by harassment or bullying can lead to job insecurity, illness, absence from work, and even resignation. Almost always job performance is affected and relations in the workplace suffer.

4.0 **Other forms of unacceptable behaviour** - the following are further examples of specific types of harassment or bullying:

- Any derogatory or offensive behaviour or language which relates directly to political beliefs or membership of a trade union, and real or suspected infection with HIV

- Any derogatory or offensive behaviour or language which relates directly to any medical condition e.g. real or suspected infection with HIV

- Inappropriate reference to a person's appearance or character traits, invasion of privacy or practical jokes which cause physical or psychological distress

- Conduct that is derogatory, patronising, belittling or humiliating to others and is therefore, inappropriate in an environment which is committed to encouraging opportunity for personal and intellectual development

- Any pattern of behaviour or verbal and non verbal communication that unjustifiably causes distress, patronises, offends, unfairly excludes or insults an individual, directly or indirectly

5.0 Victimisation

The School undertakes to support and protect anyone seeking advice, making a concern of unacceptable behaviour, or assisting in an investigation, from the threat of victimisation. Retaliation against an individual involved in such proceedings is a disciplinary offence and will not be tolerated. Where appropriate either this policy **or** consideration to invoking the School's Whistleblowing policy will apply.

APPENDIX 2

SCHOOLS FORMAL RESOLUTION FORM (RS1- Sch)

EMPLOYEE INFORMATION:

Full Name:	Employee No.:
Job Title:	
School:	
Manager:	Headteacher/Chair of Governors:

WHAT STEPS HAVE YOU TAKEN TO RESOLVE THE MATTER INFORMALLY ?
(include dates of meeting with manager and/ or other relevant persons)

HAVE YOU TRIED MEDIATION?	Yes ☐ No ☐ If No, why?

LINK TO OTHER PROCESSES:

Is this concern related to any other process?	Yes ☐ No ☐ If Yes, which process
Please provide details:	

TYPE OF CONCERN:

Individual concern: Yes ☐ No ☐	Collective concern: Yes ☐ No ☐ Please attach a page listing all the names, employee number, job titles and signatures of the other people who are party to this application.

CONCERN AGAINST:

An employee(s): Yes ☐ No ☐ (please provide names and job titles)	

NATURE OF PERCEIVED CONCERN:

- Please list using bullet points:

Please supply full details of your concern on a separate sheet and attach it to this form. Copies of any relevant documents that relate to this concern should also be attached to the form.

PLEASE NOTE:

(1) The Resolution Meeting will only relate to concerns raised on the RS1- Sch form.
(2) Where your concern is against another individual or individual(s) then they will be provided with a copy of this form to enable them to respond to the allegations.

WITNESSES

Can you supply the names of any individuals who are willing to act as witnesses?

- Please list using bullet points:

WHAT OUTCOME ARE YOU SEEKING IN RELATION TO EACH SPECIFIC CONCERN AS OUTLINED ABOVE?

Please note that an outcome of disciplinary action may not be necessary or appropriate.

IS IT YOUR INTENTION TO BE ACCOMPANIED?: YES ☐ NO ☐

(If "Yes", please supply below the name, address and status of your Companion* (a work colleague at the school, a trade union representative or an official employed by a trade union). Please provide their contact details below.

***Companion's name and status:**	**Contact Details:** Telephone No: _____ Work Location: _____

Signed: _____Date: _____

PLEASE FORWARD THE COMPLETED FORM TO THE CLERK OF THE GOVERNING BODY C/O THE SCHOOL

APPENDIX 3

SCHOOLS FORMAL RESOLUTION APPEAL FORM (RSA -Sch)

Employee's Name		**Employee Number**	
Job Title			
School			
Location			
Date of Formal Resolution meeting			

Is it your intention to be accompanied at the appeal? If yes, please provide their contact details below. Name & status: …….. Telephone No: ……..….. Work Location:……..…..	**Yes** ☁	**No** ☁

I wish to lodge an appeal against the outcome of the Formal Resolution Meeting held under the Schools Resolution Policy and Procedure. The details of my appeal are shown below.

The reason(s) for my appeal is (please tick those which apply)

□ **Procedural Flaw**

□ **Findings inconsistent with evidence**

□ **New Evidence that has come to light/not previously considered**

Please provide information and detailed reasons as to why you are not satisfied with the original decision.

Please continue on a separate sheet, if required

Signature:		Date:	

PLEASE FORWARD THE COMPLETED FORM TO THE CLERK OF THE GOVERNING BODY C/O

THE SCHOOL.

FOR SCHOOL USE ONLY	
Date received	
HR People Services Representative Allocated To Advise at Appeal:	
Resolution Appeals Committee :	
Appeal Meeting Date:	
Outcome of Appeal:	

APPENDIX 4 **STANDARD LETTERS**

My Ref: 4.C.452-Sch/1 *INVITE TO EMPLOYEE RAISING CONCERN*

Date:

PRIVATE AND CONFIDENTIAL
Name Address

Dear

RESOLUTION COMMITTEE MEETING

In response to your Formal Resolution form (RS1-Sch) submitted (date), the Resolution Committee would like to meet with you to discuss your concern. (Name) from HR People Services will attend and (Name) will also attend to take the minutes.

The committee will meet you separately from the employee you have raised a concern against, and the Committee will also meet any witnesses as appropriate.

The details of the meeting are as follows:

Date:
Time:
Location:

The Resolution Committee members are:

Your concern is being considered in accordance with the formal procedure of the Schools Resolution Policy, a copy of which is enclosed for your attention.

You have the right to be accompanied by a companion (a work colleague at the school, a trade union representative or an official employed by a trade union). Please note that if you are being accompanied by an employee of the Council/School they will need to obtain permission from their line manager for time off to attend.

Could you please confirm that you will be able to attend the meeting by (DATE). Please do not hesitate to contact me if you require any further information.

Yours sincerely

My Ref: 4.C.453-Sch/1 *INVITE TO EMPLOYEE CONCERN RAISED AGAINST*

Date:

PRIVATE AND CONFIDENTIAL
Name Address

Dear

RESOLUTION COMMITTEE MEETING

A concern has been submitted against you by (name). A copy of the RS1-Sch form is enclosed. The Resolution Committee would like to meet with you to discuss the concern. (Name) from HR People Services and (Name) will also attend to take the minutes.

The Resolution Committee will meet with you separately from the employee who has raised the concern against you.

The details of the meeting are as follows:

Date:
Time:
Location:

The Resolution Committee members are:

The concern is being considered in accordance with the formal procedure of the Schools Resolution Policy, a copy of which is enclosed for your attention.

You have the right to be accompanied by a companion (a work colleague at the school, a trade union representative or an official employed by a trade union). Please note that if you are being accompanied by an employee of the School/Council they will need to obtain permission from their line manager for time off to attend.

Could you please confirm that you will be able to attend the meeting by (DATE). Please do not hesitate to contact me if you require any further information.

Yours sincerely

My Ref: 4.C.454-Sch/1 *INVITE TO WITNESS TO ATTEND A RESOLUTION MEETING*

Date:

PRIVATE AND CONFIDENTIAL
Name Address

Dear

RESOLUTION – REQUEST TO ATTEND A RESOLUTION MEETING AS A WITNESS

A concern has been raised by (name). Within their submission you have been identified as a relevant witness. The Resolution Committee would like to meet with you to discuss the concern and to ascertain any information that you have that may be relevant. (Name) from HR People Services and (Name) will also attend to take the minutes.

The Resolution Committee will arrange to meet with you separate from other parties. The

details of the meeting are as follows:

Date:
Time:
Location:

The Resolution Committee members are:

The concern is being considered in accordance with the Schools Resolution Policy, a copy of which is enclosed for your attention.

You have the right to be accompanied by a companion (a work colleague at the school, a trade union representative or an official employed by a trade union). Please note that if you are being accompanied by an employee of the School/Council they will need to obtain permission from their line manager for time off to attend.

Could you please confirm that you will be able to attend the meeting by (DATE). Please do not hesitate to contact me if you require any further information.

Yours sincerely

Clerk on behalf of Chair Resolution Committee

My Ref: 4.C.455-Sch/1 *OUTCOME OF FORMAL RESOLUTION MEETING EMPLOYEE RAISING CONCERN*

Date:

PRIVATE AND CONFIDENTIAL
Name Address

Dear

OUTCOME OF RESOLUTION MEETING

I refer to the Resolution meeting that you attended on (Date) at which you were accompanied by (Name). Also present at the meeting was (Name) of HR People Services and (Name) to take minutes. The minutes of the meeting are enclosed / the minutes of the meeting will be available from (date) and will be forwarded to you.

We have considered all of the written documentation that has been presented along with your presentation of the concerns at the meeting. It was also necessary for us to gather information from relevant people/witnesses who were able to provide information regarding your concern. The people/witnesses whom we have gathered information from are (list):

After careful consideration of all of the evidence, documentation and your verbal presentation to us, I have to advise you that we uphold/ cannot uphold the concern(s) that you have raised.

I have addressed the concerns as you raised them in your RS1-Sch form which was received by the Council on the (date).

The rationale for our decision is as follows:

List each concern individually and give conclusions reached for each with the full rationale for the decision and for any recommendations made.

Should you be dissatisfied with this outcome, the Schools Resolution Policy (a copy of which you will have previously received) allows an appeal. Please find enclosed an appeal form (RSA-Sch). You must fully complete this form (in DigiGov if you have access) including the grounds for your appeal, and return it to (Name). You have **14 days calendar** (excluding school holidays) from the decision being communicated to you to lodge an appeal.

Yours sincerely

My Ref: 4.C.459-Sch/1 *OUTCOME OF FORMAL RESOLUTION MEETING*

EMPLOYEE AGAINST WHOM CONCERN WAS RAISED

Date:

PRIVATE AND CONFIDENTIAL
Name Address

Dear

OUTCOME OF RESOLUTION MEETING

I refer to the Resolution meeting that you attended on (Date) at which you were accompanied by (Name)/were not accompanied. Also present at the meeting was (Name) of HR People Services and (Name) to take minutes. The minutes of the meeting are enclosed / the minutes of the meeting will be available from (date) and will be forwarded to you.

We have considered all of the written documentation that has been presented along with the presentation of the concerns at the meeting. It was also necessary for us to gather information from relevant people/witnesses who were able to provide information regarding your concern. The people/witnesses whom we have gathered information from are (list):

After careful consideration of all of the evidence, documentation and your verbal presentation to us, I have to advise you that we uphold/ cannot uphold the concern(s) that (Name) has raised.

The rationale for our decision is as follows:

List each concern individually and give conclusions reached for each with the full rationale for the decision relevant to this individual and for any recommendations made.

Should (name) be dissatisfied with this outcome, the Schools Resolution Policy allows an appeal and they have **14 days calendar** (excluding school holidays) from the decision being communicated to them to lodge an appeal.

Yours sincerely

My Ref: 4.C.456-Sch/1 *INVITE TO EMPLOYEE SUBMITTING RESOLUTION APPEAL*

Date:

PRIVATE AND CONFIDENTIAL
Name Address

Dear

RESOLUTION APPEAL MEETING

In response to your Formal Resolution Appeal form (RSA-Sch) dated (date), the Resolution Appeal Committee would like to meet with you to discuss your concern. (Name) from HR People Services and (Name) will also attend to take the minutes.

We will meet with yourself and the employee whom you have a concern against separately

The details of the meeting are as follows:

Date:
Time:
Location:

The Resolution Appeal Committee members are:

Your concern is being considered in accordance with Appeal procedure of the Schools Resolution Policy, a copy of which you will have been provided with previously.

You have the right to be accompanied by a companion (a work colleague at the school, a trade union representative or an official employed by a trade union). Please note that if you are being accompanied by an employee of the School/Council they will need to obtain permission from their line manager for time off to attend.

Could you please confirm that you will be able to attend the meeting by (Date). Please do not hesitate to contact me if you require any further information.

Yours sincerely

My Ref: 4.C.457-Sch/1 *INVITE TO EMPLOYEE CONCERN SUBMITTED*

AGAINST – RESOLUTION APPEAL

Your Ref:

Date:

PRIVATE AND CONFIDENTIAL
Name Address

Dear

RESOLUTION APPEAL MEETING

Further to the meeting that you attended on (date) regarding a concern submitted by (name), I am writing to inform you that he/she/they have appealed against the Resolution Committee's decision. A copy of the appeal letter is enclosed. The Resolution Appeal Committee of the Governing Body would like to meet with you to discuss the issues raised. The Appeal Committee will consist of (Names of Governors). Also in attendance will be (Name) from HR People Services and (Name) to take the minutes.

The Resolution Appeal Committee will arrange to meet with you separate from other parties.

The details of the meeting are as follows:

Date:
Time:
Location:

The concern is being considered in accordance with the School's Resolution Policy and Procedure, a copy of which you will have been provided with previously.

You have the right to be accompanied by a Trade Union Representative or a work colleague. Please note that if you are being accompanied by a work colleague they will need to obtain permission from their line manager for time off to attend.

Could you please confirm that you will be able to attend the meeting by (Date). Please do not hesitate to contact me if you require any further information.

Yours sincerely

My Ref: 4.C.461-Sch/1 *INVITE TO WITNESS RESOLUTION APPEAL MEETING*

Your Ref:

Date:

PRIVATE AND CONFIDENTIAL
Name Address

Dear

RESOLUTION APPEAL MEETING

Further to the meeting that you attended on (date) regarding a concern submitted by (name), I am writing to inform you that he/she/they have appealed against the Resolution Committee's decision. The Resolution Appeal Committee of the Governing Body would like to meet with you as a witness, to discuss the concern and ascertain any information that you have that may be relevant. The Appeal Committee will consist of (Names of Governors). Also in attendance will be (Name) from HR People Services and (Name) to take the minutes.

The Resolution Appeal Committee will arrange to meet with you separate from other parties.

The details of the meeting are as follows:

Date:
Time:
Location:

The concern is being considered in accordance with the School's Resolution Policy and Procedure, a copy of which you will have been provided with previously.

You have the right to be accompanied by a Trade Union Representative or a work colleague. Please note that if you are being accompanied by a work colleague they will need to obtain permission from their line manager for time off to attend.

Could you please confirm that you will be able to attend the meeting by (Date). Please do not hesitate to contact me if you require any further information.

Yours sincerely

My Ref: 4.C.458-Sch/1 *OUTCOME OF RESOLUTION APPEAL EMPLOYEE RAISING CONCERN*

Date:

PRIVATE AND CONFIDENTIAL
Name Address

Dear

OUTCOME OF RESOLUTION APPEAL

I refer to the appeal meeting that you attended on (date) at which you were accompanied by (name)/ were not accompanied. Also present at the meeting was (Name) of HR People Services and (Name) to take minutes. The minutes of the meeting are enclosed / the minutes of the meeting will be available from (date) and will be forwarded to you.

We have considered all of the written documentation that has been presented along with your presentation of the concerns at the meeting. It was also necessary for us to gather information from relevant people who were able to provide information regarding your concern. The people whom we have gathered information from are (list).

After careful consideration of all of the evidence, documentation and your verbal presentation to me, I have to advise you that we uphold/ cannot uphold your appeal.

I have addressed the concerns as you raised them in your RSA- Sch form which was received by the School on the (date).

The rationale for our decision is as follows:

List each concern individually and give conclusions reached for each with the full rationale for the decision and for any recommendations made.

I wish to advise you that this decision is final under the School's Resolution Policy and there is no further right of appeal.

Yours sincerely

My Ref: 4.C.460-Sch/1 *OUTCOME OF RESOLUTION APPEAL TO EMPLOYEE CONCERN RAISED AGAINST*

Date:

PRIVATE AND CONFIDENTIAL
Name Address

Dear

OUTCOME OF RESOLUTION APPEAL

I refer to the appeal meeting that you attended on (date) at which you were accompanied by (name)/ were not accompanied. Also present at the meeting was (Name) of HR People Services and (Name) to take minutes. The minutes of the meeting are enclosed / the minutes of the meeting will be available from (date) and will be forwarded to you.

We have considered all of the written documentation that has been presented, along with the presentation of the concerns at the meeting. It was also necessary for us to gather information from relevant people/witnesses who were able to provide information regarding the concerns raised by (Name). The people/witnesses whom we have gathered information from are (list).

After careful consideration of all of the evidence, documentation and your verbal presentation to us, I have to advise you that we uphold/ cannot uphold the appeal.

The rationale for our decision is as follows:

List each concern individually and give conclusions reached for each with the rationale for the decision relevant to this individual and for any recommendations made.

I wish to advise that this decision is final under the School's Resolution Policy and there is no further right of appeal.

Yours sincerely

Chair Resolution Appeals Committee

Appendix 5

Procedure for Resolution Committee meeting and Resolution Appeal Committee meeting

This guidance provides practical advice for the consideration of a concern (formerly known as a grievance) raised by a school based employee which may involve a number of separate meetings with parties concerned. Separate meetings allow for open discussion but on occasions, with the agreement of the parties concerned it may be appropriate to hold combined meetings, and in such circumstances the advice of HR People Services should be sought.

Meeting with Employee

1. Chair of Resolution Committee/ Resolution Appeal Committee to introduce people present at the meeting:

- Committee members
- HR People Services Officer
- Clerk to the Governing Body/Committee
- Invite employee and representative to introduce themselves

2. Chair will outline the process that will be followed:

a) Committee to discuss the concern(s) with the employee and seek any clarification on the substance of the concern(s) and the desired outcome.
b) Employee will be invited to speak openly
c) Committee will ask questions
d) Notes will be taken and shared with the parties present to check for accuracy and to be a formal record of the meeting.

2. Employee to leave the meeting and Committee to identify if any other parties need to be interviewed.

Meeting with Other Employees

1. Chair of Resolution Committee/ Resolution Appeal Committee to introduce people present at the meeting.

- Committee members
- HR People Services Officer
- Clerk to the Governing Body/Committee
- Invite employee and representative to introduce themselves

2. Chair will outline the process that will be followed:

a) Committee to discuss the concern(s) with the employee and seek a response to the issues raised and the outcome that the employee who raised the concern(s) desires.
b) Employee will be invited to speak openly
c) Committee will ask questions
d) Notes will be taken and shared with the parties present to check for accuracy and to be a formal record of the meeting.

3. Employee to leave the meeting and Committee to identify if any other parties need to be interviewed.

Decision

1. Resolution Committee to reach conclusion in private but can ask parties to return for further questions. Resolution Committee can also ask HR People Services officer for advice or discuss points for clarification on policy, terms and conditions issues.

2. Decision to be communicated in writing with opportunity for appeal.

3. Appeal Process to follow format as above.