

Grievance Procedure Policy

Kingfisher Kindergarten Ltd is committed to providing a positive, respectful and supportive working environment in which employees can raise concerns about their employment and have those concerns considered fairly, consistently and without unnecessary delay.

We recognise that workplace concerns can arise for a variety of reasons. Wherever possible, Kingfisher encourages employees to raise concerns at an early stage so that they can be addressed informally before they develop into a formal grievance. Where a formal grievance is necessary, it will be dealt with fairly, consistently and in accordance with the principles of the Acas Code of Practice on disciplinary and grievance procedures.

The current Acas statutory Code was published in 2015 and remains the applicable Code at the date of this policy. Acas consulted during 2026 on a proposed replacement Code; Kingfisher will review this policy when any new Code comes into force.

The purpose of this policy is to ensure that:

- employees know how to raise a workplace grievance
- concerns are taken seriously and dealt with fairly
- grievances are investigated where necessary
- employees have an opportunity to explain their concerns
- employees receive a clear decision and reasons for that decision
- employees have an opportunity to appeal
- grievances are dealt with by an appropriate and impartial person wherever reasonably possible
- employees can be accompanied at qualifying grievance meetings
- reasonable adjustments are considered
- confidentiality is respected as far as reasonably possible
- grievances do not unnecessarily disrupt the care, safeguarding or wellbeing of children
- employment grievances are kept separate from safeguarding, whistleblowing and other statutory reporting processes where those processes are more appropriate.

Kingfisher will have regard to:

- the Acas Code of Practice on disciplinary and grievance procedures
- the Employment Relations Act 1999 provisions relating to the right to be accompanied
- relevant employment legislation
- Equality Act 2010 requirements, including the duty to consider reasonable adjustments where applicable
- UK data protection legislation
- the current Early Years Foundation Stage (EYFS) statutory framework
- relevant safeguarding requirements
- other applicable employment and workplace legislation

The Acas Code is not itself legislation and does not automatically create a right to bring a claim. However, employment tribunals can take the Code into account in relevant cases and may adjust compensation by up to 25% where there has been an unreasonable failure to comply with the Code.

This procedure applies to all Kingfisher employees regardless of length of service.

Where appropriate, Kingfisher may also apply the principles of this procedure to workers, agency workers, students or other individuals working within the setting, although the statutory employment rights applicable to those individuals may differ. Nothing in this policy removes or limits any statutory right an employee or worker may have.

What is a grievance?

A grievance is a concern, problem or complaint that an employee raises with their employer. A grievance should normally relate to the employee's employment or working environment.

Examples may include concerns about:

- working conditions
- workload
- working relationships
- management decisions
- communication

- workplace treatment
- working practices
- bullying or harassment
- discrimination
- contractual matters
- allocation of duties
- working hours
- health and safety
- unfair treatment
- other matters relating to employment

Grievance, safeguarding and whistleblowing – important distinction

Because Kingfisher is an early years setting, employees must understand that not every workplace concern should be dealt with through the grievance procedure.

Safeguarding concerns

If an employee is concerned that:

- a child may be suffering or at risk of harm
- a child's welfare is being compromised
- a member of staff or other adult may pose a safeguarding risk
- safeguarding procedures are not being followed
- an allegation of harm or abuse has been made

the employee must follow the setting's Safeguarding and Child Protection Policy immediately. A safeguarding concern must not be delayed while waiting for a grievance process.

Whistleblowing

If an employee is concerned about serious wrongdoing, unsafe practice, malpractice, criminal activity, serious safeguarding failures, concealment of wrongdoing or another matter that falls within the setting's Whistleblowing Policy, the employee should use the Whistleblowing Policy. An employee does not need to use the grievance procedure simply because the concern relates to something that has happened at work.

Grievances

A grievance procedure is normally appropriate for an employee's personal employment concern or workplace complaint that does not need to be dealt with through another specific procedure. Where there is uncertainty about which procedure applies, the employee should speak to the Manager, Owner or another appropriate person.

Informal resolution

Kingfisher encourages employees to raise concerns informally wherever this is appropriate.

Many workplace concerns can be resolved quickly through:

- a conversation with the individual concerned
- discussion with the line manager
- clarification of expectations
- additional support or supervision
- mediation
- an agreed change in working arrangements
- another reasonable workplace solution

An employee is not required to raise a matter informally if they do not feel able to do so.

For example, formal action may be more appropriate where:

- the concern is serious
- the employee feels unable to speak directly to the person concerned
- the concern involves bullying, harassment or discrimination
- the concern involves the employee's line manager
- informal resolution has already been attempted
- there is a safeguarding issue
- there is a risk of victimisation or retaliation
- the employee specifically wishes to raise a formal grievance

Mediation

Where appropriate, Kingfisher may consider mediation as a way of resolving workplace conflict. Mediation is voluntary and involves an impartial person helping those involved to discuss the problem and identify an acceptable way forward.

Mediation may be appropriate for:

- relationship difficulties
- communication problems
- misunderstandings
- workplace conflict
- other concerns where the parties are willing to participate

Mediation will not normally be appropriate where the matter involves serious safeguarding concerns, serious misconduct, criminal allegations or circumstances where a formal investigation is required. Kingfisher may seek advice from Acas or another appropriate mediation provider.

Raising a formal grievance

An employee who wishes to raise a formal grievance should normally do so in writing. The grievance should be sent to the employee's line manager or another person identified by the setting.

The written grievance should, where possible, include:

- the nature of the concern
- what happened
- relevant dates
- names of people involved
- any relevant evidence or documents
- the effect the issue has had
- any steps already taken to resolve the matter
- what outcome the employee would like

The employee does not need to use legal terminology or a particular form of words. If the grievance is unclear, the setting may ask the employee for further information so that the concern can be properly understood.

If the grievance concerns the line manager

Where the grievance concerns the employee's immediate line manager, the grievance should be submitted to the Owner/Registered Provider, La-Ryne van der Westhuizen. The person who is the subject of the grievance should not normally be responsible for deciding the outcome of that grievance.

If the grievance concerns the Owner / Registered Provider

Where the grievance concerns the Owner / Registered Provider, the employee should raise the matter with another appropriate person who has sufficient independence and authority to deal with it. Where there is no suitable internal person, Kingfisher may consider using an external adviser or investigator. The employee may also seek independent employment advice or contact Acas.

Acknowledgement of the grievance

Kingfisher will acknowledge receipt of a formal grievance as soon as reasonably practicable. The setting will seek to deal with grievances promptly, but the time required will depend on the nature and complexity of the matter.

The employee will normally be informed:

- who will deal with the grievance
- whether an investigation is required
- the proposed next steps
- when a meeting is likely to take place
- whether any further information is required

Investigation

It may be necessary to investigate the grievance before or after the grievance meeting. The person investigating should be impartial and should not have an inappropriate personal interest in the outcome. Where possible, the person who investigates should not be the person who is the subject of the grievance. An investigation should be proportionate to the seriousness and complexity of the grievance.

An investigation may involve:

- reviewing documents
- considering emails or other communications
- speaking to relevant employees
- speaking to witnesses
- reviewing relevant policies
- examining workplace records
- obtaining specialist or external advice where appropriate

Evidence and confidentiality

Relevant evidence will normally be shared with the employee sufficiently in advance of the grievance meeting to allow them a reasonable opportunity to consider and respond to it. Where information cannot reasonably be disclosed in full, Kingfisher will consider whether an appropriate summary can be provided. Employees must respect the confidentiality of grievance proceedings and must not discuss confidential information unnecessarily with colleagues or on social media.

There may be circumstances where information cannot be disclosed in full, for example where disclosure could:

- identify a confidential witness
- create a safeguarding concern
- breach another person's privacy
- compromise an investigation
- create a risk to an individual
- breach a legal obligation

Grievance meeting

The employee will normally be invited to a grievance meeting once sufficient information is available. The person conducting the meeting may ask reasonable questions to clarify the issues. The meeting may be adjourned where further investigation is necessary.

The meeting will provide the employee with an opportunity to:

- explain their grievance
- provide relevant information
- explain the effect of the issue
- identify any supporting evidence
- respond to information gathered during the investigation
- explain what outcome they are seeking
- raise any relevant matters they believe should be considered

Right to be accompanied

Where the statutory right applies, an employee or worker who reasonably requests it may be accompanied at a grievance hearing by a workplace colleague or an appropriate trade union representative. The employee should tell Kingfisher in advance if they wish to be accompanied and provide the name of their chosen companion.

The companion may put forward the employee's case, respond to points made during the meeting, sum up the employee's case, take notes and confer privately with the employee. The companion cannot answer questions on behalf of the employee or prevent other people from explaining their position. Kingfisher will consider reasonable requests relating to the availability of a companion in accordance with the law.

Reasonable adjustments

Kingfisher will consider whether reasonable adjustments are needed to enable an employee to participate fairly in the grievance process. An employee should tell the Manager or person handling the grievance if they require an adjustment. Where appropriate, Kingfisher may seek advice to identify suitable adjustments.

This may include adjustments relating to:

- disability
- communication
- hearing or visual impairment
- neurodivergence
- mental health or other disability-related needs
- physical access

- timing or duration of meetings
- breaks
- communication format
- location
- other individual circumstances

Attendance at meetings

Employees are expected to make reasonable efforts to attend grievance meetings. If an employee cannot attend because of circumstances beyond their control, they should inform Kingfisher as soon as possible. The setting will consider whether the meeting should be rearranged or whether another reasonable method of participation is appropriate. If an employee repeatedly fails to attend without reasonable explanation, Kingfisher may need to make a decision based on the available information. Any decision to proceed in an employee's absence will be made carefully and fairly.

Grievance outcome

After considering the grievance, investigation findings and information provided by the employee, the person responsible for the grievance will decide the outcome. The grievance may be upheld, partially upheld or not upheld. The outcome will be based on the information available and what is considered fair and reasonable. The employee will normally receive the outcome in writing as soon as reasonably practicable.

The outcome letter will explain the decision, the reasons for the decision, any action that will be taken as a result, any relevant recommendations and the employee's right to appeal. Kingfisher will avoid unnecessary delay, while recognising that complex grievances may take longer to investigate. If there is a delay, the employee will be informed of the reason and, where possible, when the outcome is expected.

Actions following a grievance

Where a grievance is upheld or partially upheld, Kingfisher may take appropriate action. This could include changes to working arrangements, clarification of responsibilities, additional supervision or support, mediation, management action, training, review of workplace practices, changes to policies or procedures or disciplinary action where appropriate. Where a grievance identifies a possible disciplinary matter involving another employee, this may be considered under the separate disciplinary procedure. A grievance outcome will not normally disclose confidential disciplinary information relating to another employee.

Appeal

An employee has the right to appeal against the outcome of a formal grievance. An appeal should normally be submitted in writing within 5 working days of the date the grievance outcome was provided, unless there is a good reason for a longer period.

The appeal should explain:

- why the employee believes the outcome was incorrect or unfair
- any procedural concern
- any relevant new evidence
- the outcome the employee is seeking

Examples of grounds for appeal may include:

- relevant evidence was not considered
- the procedure was not followed fairly
- the investigation was inadequate
- the decision was unreasonable based on the evidence available
- significant new evidence has become available

Appeal hearing

The appeal will normally be dealt with by a person who has not previously been involved in deciding the grievance. The appeal manager should have sufficient authority to make the final decision. Where this is not reasonably possible because of the size or structure of the setting, Kingfisher will take reasonable steps to ensure that the appeal is dealt with as impartially as possible. This may include using an appropriately qualified external person. The employee will have the right to be accompanied where the statutory right applies. An appeal is normally the final stage of the internal grievance procedure.

The appeal may involve:

- reviewing the original decision
- reviewing the procedure followed
- considering new evidence
- conducting further investigation where necessary
- considering whether a different outcome is appropriate

Appeal outcome

The appeal outcome will normally be provided in writing as soon as reasonably practicable after the appeal hearing. The outcome will explain the decision, the reasons, any action required and whether the internal grievance procedure is now concluded. There is normally no further internal right of appeal.

Grievances raised during disciplinary proceedings

An employee may raise a grievance while they are involved in disciplinary proceedings. Kingfisher will consider whether the grievance and disciplinary matters are connected. Where the grievance directly relates to the disciplinary proceedings, it may be appropriate to consider both matters together. Kingfisher will decide the most appropriate approach based on the circumstances and will seek to ensure that both processes remain fair. Depending on the circumstances, the setting may deal with the grievance separately, deal with the grievance before the disciplinary process, deal with the grievance alongside the disciplinary process or address the grievance as part of the disciplinary process or appeal.

Grievances relating to disciplinary action

Where an employee is dissatisfied with disciplinary action taken against them, the appropriate route will normally be an appeal under the Disciplinary Policy, rather than a separate grievance. Where the employee raises concerns about the fairness of the disciplinary process itself, these should normally be addressed through the disciplinary appeal.

Grievances involving bullying, harassment or discrimination

Kingfisher does not tolerate bullying, harassment, victimisation or unlawful discrimination. Where a grievance alleges to bullying, harassment, sexual harassment, discrimination, victimisation or other inappropriate workplace behaviour, Kingfisher will consider the seriousness of the allegations and whether a separate investigation or procedure is appropriate. Employees should not feel obliged to confront the person they are complaining about. Where the concern may also constitute a safeguarding issue involving children or an adult working with children, the setting's safeguarding and managing allegations procedures will take priority as appropriate.

Safeguarding takes priority where relevant

Because Kingfisher provides early years childcare, an employee grievance may sometimes raise information relevant to the safety or welfare of children.

Where this occurs:

1. the safeguarding concern will be considered immediately
2. the DSL will be informed where appropriate
3. the relevant safeguarding procedures will be followed
4. external safeguarding agencies will be contacted where required
5. any required Ofsted notification will be considered
6. the grievance process will not be used to delay safeguarding action

The fact that information arises during a grievance does not prevent Kingfisher from taking immediate safeguarding action.

Grievances and whistleblowing

Some matters raised as a grievance may also amount to whistleblowing. Where appropriate, Kingfisher may transfer the matter to the Whistleblowing Policy or manage the concerns under both procedures. An employee will not be disadvantaged simply because they have raised a genuine concern. Employees should refer to the Whistleblowing Policy for further information.

Examples include concerns about:

- serious safeguarding failures
- criminal activity
- fraud
- serious breaches of legal obligations
- serious health and safety risks

- deliberate concealment of wrongdoing
- other qualifying disclosures

Confidentiality

Kingfisher will handle grievance information sensitively and confidentially. Information will be shared only with people who need it for legitimate reasons, subject to legal and safeguarding requirements. Absolute confidentiality cannot always be guaranteed.

For example, information may need to be shared where:

- safeguarding requires it
- a legal obligation applies
- an investigation requires disclosure
- another employee needs to respond to an allegation
- information is required by an appropriate authority

Employees should also maintain confidentiality and should not discuss grievance matters unnecessarily with colleagues or on social media.

Protection from retaliation

Kingfisher expects all employees involved in a grievance to be treated respectfully. Employees should not be subjected to detrimental treatment simply because they have raised a genuine grievance or participated appropriately in a grievance investigation. Concerns about retaliation, victimisation or intimidation should be reported to the Manager or Owner. Where appropriate, such conduct may be dealt with under the disciplinary procedure.

Record keeping

Kingfisher will maintain appropriate records of grievance matters. Records may include, the written grievance, correspondence, investigation notes, evidence, meeting notes, outcome letters, appeal documentation, agreed actions and records demonstrating how the matter was dealt with. Records will be stored securely and retained in accordance with Kingfisher's data protection and document retention arrangements. Personal information will be handled in accordance with applicable data protection requirements.

Protection of children and continuity of care

Grievance meetings, investigations and hearings will be arranged so far as reasonably practicable to avoid compromising children's safety, staffing ratios, supervision, key-person arrangements, safeguarding, children's routines or the effective operation of the setting. Where a grievance concerns a member of staff's conduct towards children, the setting's safeguarding and managing allegations procedures will be followed rather than allowing the grievance process to delay protective action.

External advice

Employees may seek independent advice about employment concerns. Kingfisher may also seek advice from Acas or an appropriately qualified employment adviser when handling complex matters.

Sources of information may include:

- Acas
- a trade union
- an employment adviser
- a solicitor
- Citizens Advice
- another appropriate professional organisation

No contractual status

This grievance procedure does not form part of an employee's contract of employment. Kingfisher may amend this policy when appropriate to reflect changes in legislation, guidance, organisational arrangements or best practice. Kingfisher may also adapt the procedure where this is necessary and reasonable because of the particular circumstances of an individual case. Any adaptation will be made with regard to fairness, the Acas Code and applicable legal requirements.

Key principles for employees

Employees should remember:

SPEAK UP

Raise concerns early wherever possible.

BE CLEAR

Explain what has happened, when it happened and what outcome you are seeking.

ASK FOR SUPPORT

You can seek appropriate support and, where the statutory right applies, be accompanied at a grievance hearing.

SAFEGUARDING COMES FIRST

If your concern relates to a child's safety or welfare, follow safeguarding procedures immediately.

WHISTLEBLOWING IS DIFFERENT

Serious wrongdoing or safeguarding failures may need to be raised under the Whistleblowing Policy.

FAIRNESS

Both the employee raising the grievance and anyone named in the grievance should be treated fairly.

CONFIDENTIALITY

Grievance information should only be shared with people who have a legitimate reason to receive it.

APPEAL

If you believe the grievance outcome was wrong or the process was unfair, you can appeal.

This policy was adopted by Kingfisher Kindergarten Ltd

Date to be reviewed

Annually

Signed on behalf of the provider

La-Ryne van der Westhuizen

Role of signatory

Owner