



# The White Hills Park Trust

*Better Together*

## Grievance and Resolution Policy

### Version control

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## **1. Introduction**

- 1.1 At the White Hills Park Trust, we wish to promote and actively encourage positive and constructive behaviour in the workplace. When conflicts do arise, we will foster a culture where all parties can engage with each other constructively. We aim to support staff and managers to work together to resolve any disputes and conflicts productively and speedily. This grievance and resolution policy promotes and encourages positive workplace relationships and positive dialogue, designed to enable our managers, employees and trade unions to work collaboratively to achieve constructive resolutions, rather than becoming entrenched in a dispute.
- 1.2 The Trust will support and embed this resolution approach by supporting our managers to develop the skills and confidence to recognise issues and to do all that is reasonable and possible to help employees reach an appropriate resolution. Mediation will be utilised where practical. The resolution policy is concerned with restoring and protecting working relationships. It is values-based and it seeks to support employees, managers and others at all stages of the conflict “life cycle”.
- 1.3 There is recourse to the Formal Resolution Process and Meeting where an informal process is either not appropriate or has not been successful.

## **2. Equalities**

- 2.1 This policy will ensure equality and fairness regardless of race, sex (gender), sexual orientation, religion or belief, gender re-assignment, pregnancy and maternity, marriage and civil partnership, disability or age. All decisions will be taken in accordance with relevant equalities legislation, the Equality Act 2010, the Employment Relations Act 1999, the Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000 and the Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002.
- 2.2 The policy meets the requirements of the Employment Rights Act 1996 and the ACAS Code on Discipline and Grievance.

## **3. Aims**

- 3.1 The aim of this policy is to facilitate the resolution of grievances made by employees, with fairness, at an appropriate level and with minimum delay. The overriding aim is to achieve a resolution at the earliest opportunity and at the lowest possible management level. We believe that a resolution that is secured by the parties themselves is more likely to be mutually acceptable and to endure over the longer term than one that is imposed. We recognise that this is not possible in all cases, but believe that in many cases, this will be achievable.

3.2 This policy outlines the framework by which grievances may be addressed in order to successfully reach a resolution.

#### **4. Scope**

4.1 This policy applies to all employees of the Trust (excluding temporary agency staff). This policy does not apply to ex-members of staff. Since the repeal of the statutory dispute resolution procedure, there is no provision for grievances to be dealt with under a formal grievance procedure where the employee has left. However, in some cases it is recognised that an employee leaving the Trust may raise an issue that would require further investigation and time may not allow it to take place before they leave. If a complaint is received from an ex-member of staff within 2 weeks of their departure, the Trust may consider that a written or other response is appropriate, depending on the circumstances. Advice should always be taken from the HR Director.

4.2 The Grievance & Resolution procedure must not be used vexatiously or by an employee to frustrate other action already being taken under other procedures e.g. disciplinary (conduct or capability), attendance management or reductions in staffing.

4.3 There is no legal requirement to postpone a disciplinary process, in order to deal with a grievance raised by the employee.

4.4 Where a grievance is raised regarding a disciplinary procedure, or about the lead up to a disciplinary procedure, the employer can consider if it is appropriate to deal with the grievance as part of the disciplinary process.

4.5 Where the grievance is unrelated to the disciplinary action, an employer can run the two procedures in parallel.

4.6 Some conditions of service are derived from a variety of national and local agreements and are not always capable of redress by managers or the Governing Body. Issues that are the subject of collective negotiation or consultation with Trade Unions will not be considered under the grievance and resolution procedure. Some issues are more appropriately addressed under other policies, for example Pay grading determinations should be dealt with under the Pay appeal procedure outlined in the Trust's Pay Policy.

4.7 Complaints regarding governors made by a member of staff can be addressed under this procedure. A complaint regarding one governor against another governor should be considered under the Code of Conduct for governors. If a complaint is received from a parent regarding a governor, it should be addressed under the Schools Complaints procedure.

4.8 This procedure is not designed to apply to a protected disclosure. Where an employee considers some wrongdoing may be taking place at work for example fraud, theft or negligence they should access the Trust's Whistleblowing procedure.

4.9 Where a grievance is raised by the Head Teacher, this procedure can be followed. However, the usual role of the Head Teacher will need to be taken by an appropriate person, usually the Chair of Governors or the CEO. Advice should be sought from the HR Director.

4.10 Where a grievance is raised against the Head Teacher, this will usually be received by the CEO or Chair of Governors. Either the CEO or Chair of Governors will contact the HR Director for advice on how to proceed. The CEO or Chair of Governors will inform the Head Teacher that a complaint has been made, giving brief details at this stage. The Head Teacher should be advised to contact their trade union for advice and support and may also speak to the HR Team for information and support as appropriate. All parties must be advised to maintain confidentiality throughout the process of resolving the issue.

## **5. The Procedure**

5.1 It is recognised that there may be times when an employee or group of staff may have a grievance about work, working conditions or relationships with colleagues.

Issues which may cause grievances include:

- Working relationships with colleagues
- Bullying and harassment (please use the Trust Anti-Harassment & Bullying Policy)
- New working practices
- Working environment
- Organisational change
- Discrimination on grounds of a protected characteristic (please use the Trust Anti-Harassment & Bullying Policy)
- Terms and conditions of employment
- Health and safety

5.2 Any complaint should be raised by the employee immediately when an issue occurs and at the latest, within 3 months of the event, so that issues can be dealt with in a timely manner.

## **6. Informal Process**

6.1 Many potential grievance issues can be resolved informally. The first step towards doing so is usually to discuss the issue, either with the person concerned or through the employee's line manager. In many cases, an informal conversation will enable a resolution to be reached. It is important that the employee is clear about what the issue is and how they would like the matter to be resolved.

6.2 If it is appropriate to have a face-to-face conversation with the individual, this can take place in a variety of ways, including a facilitated round table conversation, which a

suitable third party can attend to facilitate. Advice should be sought from the HR Director regarding this, who can assist as required.

6.3 If the concern is about the employee's line manager, the employee should direct the issue or concern to the next level of management or to the HR Director.

6.4 Everyone is expected to:

- Show respect for others in the way they communicate.
- Work together to resolve the issue.
- Feel confident that by raising an issue it will not impact negatively on them or their career, when raised in good faith (anyone raising a false allegation with a view to victimising another employee may be subject to disciplinary action).
- Maintain confidentiality at all times.

6.4 The aim at this stage, where appropriate, is to have an informal conversation with the person causing a concern and to try to find an acceptable outcome to both parties.

6.5 Where the concern cannot be resolved in this way, (there may be circumstances when it is deemed appropriate and necessary to move straight to the formal process) the employee should discuss with their manager and seek advice from the HR Director.

6.6 Mediation will also be considered before proceeding to the formal stage. This can only happen if all parties are in agreement. Mediation is a voluntary and confidential process and is a non-adversarial way of resolving difficult situations (See Appendix 3). It is undertaken with a view to finding a mutually acceptable outcome and if this is the case, the mediator will encourage parties to draw up an agreement. Management will not receive feedback regarding the details of the mediation process but, with the employees' agreement, they may receive a copy of any agreement reached.

## 7. Formal Process

7.1 Where an issue hasn't been resolved informally or the nature of it makes it inappropriate to deal with informally, the employee can move to the Formal Resolution process.

7.2 To do this, the employee should put in writing their complaint or issue outlining the nature of the concerns, what the desired outcome might look like, the impact of the situation on them and what has been done so far to resolve the issue.

7.3 Depending on the circumstances, if the employee has not already tried to resolve the issue informally, the next step may be to facilitate a conversation and the HR Director will be able to advise on who is best placed to do this.

#### 7.4 Formal Grievance & Resolution Process

If the issue cannot be resolved using the methods described above, a formal process may take place, which will take the form of a Formal Grievance & Resolution Meeting.

- 7.5 There may be a need to undertake an investigation prior to the meeting, depending on what the issues are. If an investigation is required, then an investigation officer will be identified by the school/Trust as appropriate. This may be a senior leader who has not been involved in the matter, or a governor with suitable skills. In some cases, it may be deemed appropriate for an external person to undertake the investigation and if this is deemed necessary, advice should be sought from the HR Director. Any investigation will be undertaken in line with the Trust's disciplinary procedure investigation process.
- 7.6 If an investigation is required, the investigating officer will contact the employee to introduce themselves as investigating officer and to arrange a suitable time to discuss their complaint. At this meeting, the employee may be accompanied by a trade union representative or a work colleague. Timescales for the investigation to be completed will be discussed, which should take place within a reasonable timescale. The investigating officer should keep the employee informed, if an agreed timescale needs to be extended.
- 7.7 The investigating officer will also contact any other parties to the complaint (e.g. the person who the complaint is regarding and any witnesses). All parties will be required to sign the notes from investigation interviews and should be made aware that these will be used in any formal proceedings going forward. Witnesses will not always be required to attend a formal meeting, however, where they are, they will be released after answering questions pertaining to their witness statement.

#### 7.8 Formal Grievance & Resolution Meeting

- The aggrieved employee will be invited in writing to the Formal Grievance & Resolution Meeting, along with their Trade Union representative or work colleague. All written submissions will be circulated to all parties no later than 5 working days before the meeting.
- The person accompanying (TU rep or work colleague) the employee can address the meeting to put their case, sum up the case, answer on the employee's behalf to any views put forward but cannot respond to any questions asked directly of the employee or prevent anyone else making their views heard.
- If the complaint is against another member of staff, in most cases, the member of staff will not always be required to attend the formal meeting as the witness statement and investigation report will be sufficient. Alternatively, the chair may wish to meet with the other party separately, if any area of their statement requires clarification. It should be noted that this meeting is not a disciplinary hearing and should not be converted into one. The Chair should seek advice from the HR Director regarding the conduct of the meeting. Either party may bring a trade union representative or work colleague to any formal meeting.

- The meeting is an opportunity for the aggrieved employee to talk about their concerns and to explain how they would like them to be resolved. All parties should be aware that a grievance resolution hearing is not the same as a disciplinary hearing, and is an occasion when discussion and dialogue may lead to an amicable solution.
- If there has been an investigation, the investigating officer will attend the meeting to present their investigation report.
- A copy of the Grievance & Resolution Policy will be made available to all parties before the meeting.
- A note-taker will attend the meeting. Notes will be sent following the meeting and without unreasonable delay. No unauthorised recordings of meetings will be allowed. If there is a requirement or need to record a meeting, all parties will be made aware prior to the meeting taking place.
- Where possible, meeting times will be agreed with all parties. If the employee or their representative can't attend, another date, which must be within 5 working days of the original date, can be agreed (this timescale may be extended with agreement of the chair).
- Arrangements and timescales may be varied by the chair in consultation with the HR Director to deal with any practicalities, sensitivities or equality considerations.

The chair will:

- Clarify points which aren't clear to ensure a common understanding and to establish the facts.
- Ask what attempts have been made to resolve the issue informally.
- Use open questions (what, how, why) to encourage more information to be shared.
- Allow the employee to ask questions and present evidence.
- Clarify the resolution being sought by the aggrieved employee.
- At any point during the meeting, allow those present to ask for a short break, e.g. if the employee would like to speak to their representative.
- In exceptional circumstances the chair may need to make further enquiries (in these circumstances it would normally be better to break at the end of the meeting and continue at a later date).
- Summarise the main points of the case and let the employee know when they will make their decision.

## **8. Deciding the outcome**

- 8.1 Following the meeting, the chair will review the facts and decide the outcome and recommendations for resolution. The chair will write to the employee/s to inform them of the decision without unreasonable delay. This will usually be within 3 working days.
- 8.2 Where appropriate, the chair will set out what action the school intend to take to resolve the issue, which may in some cases include a recommendation for mediation.
- 8.3 The employee will be informed of their right of appeal against the decision if they are not content with the action taken.

## **9. Referral to an alternative policy/procedure**

- 9.1 In some cases, the issue may relate to another policy or procedure. For example, where behaviour is clearly misconduct, the issue would be considered via the disciplinary procedure. Investigation evidence from the grievance and resolution investigation will be used in the disciplinary investigation.
- 9.2 The employee who raised the complaint will be notified of this outcome and see the resolution investigation report, including witness statements, where appropriate. The employee can also share these with the companion who supported them at the meeting.
- 9.3 Decision makers taking forward the disciplinary investigation or disciplinary meeting will also see the reports.
- 9.4 However, if there is a further investigation under the disciplinary procedure, the employee who raised the original complaint will not be given details of the process. They will not see the discipline investigation report or know the decision - this is personal and confidential to the person undergoing the disciplinary process.

## **10. Appeals Process**

- 10.1 The employee has the right of appeal against the outcome of the Formal Resolution Meeting within 5 working days from the date they are notified of the outcome.
- 10.2 The employee should write to the chair and confirm which of the following grounds their appeal is based on:
  - procedural errors where there is evidence the process was incorrectly followed.
  - new evidence has come to light that may change the outcome of the original decision.
  - fairness and reasonableness of the outcome.
- 10.3 The written appeal must:
  - make clear the grounds for the appeal and include all relevant new information or supporting evidence.

- outline which of the issues the employee feels has not been properly considered and why.
- clearly state the desired outcome from the appeal.

10.4 All written submissions will be circulated to all parties no later than 5 working days before the date of the appeal. This will include, where applicable, the investigation report, witness statements and written conclusion of the formal meeting.

10.4 The appeal will be heard without unreasonable delay, (usually within 15 working days) where possible, by an appropriate level of manager, who has not been involved previously. Where the Head Teacher (or Chair of Governors) has heard the case at the formal stage, this will usually be a panel of three Governors.

10.5 The appeal will not re-hear all the original issues, unless they were not properly considered. They will focus on the appeal points.

10.6 At the appeal meeting, the appeal manager or Governor will clarify their understanding of the basis of the appeal and ask relevant questions. Through discussion, they will explore solutions with the employee and attempt to resolve the issue. The HR Director will be present to provide advice.

10.7 The appeal manager or Governor will write to the employee to let them know the decision, within 3 working days. This will be the final stage of the process.

## **11. Wellbeing Considerations**

11.1 It is recognised that it can be difficult for employees to raise issues and a difficult process for all parties involved in a complaint. Employees should be directed to the support available via their Trade Union, the HR Team and where the school purchases Staff Absence Insurance, the Wellbeing services available, including confidential counselling.

## **12. Case and Records Management**

12.1 Records will be kept detailing the nature of issues raised, managers' responses, the action taken and reason for the action. Records will be kept confidentially and in accordance with the Trust's policy on retention of records and data protection legislation.

## **Appendix 1**

### **Letter re Formal Resolution Meeting**

Private and confidential

Name

Address

Dear

#### **Re: School's Grievance & Resolution Procedure – Invitation to Formal Resolution Meeting**

I wish to invite you to formal meeting to discuss your grievance complaint. The meeting will take place on [date] at [time] in [location].

Your grievance will be heard by [name]. The HR Director will also be in attendance. Please be aware that notes will be taken at this meeting and that a copy of these notes will be made available to you.

The meeting will be held in accordance with the Formal Resolution Meeting stage as per the School's Grievance & Resolution procedure. The purpose of the meeting is to provide a forum for a full discussion of the issues, with a view to resolving the complaint at this stage of the process. You will be given the opportunity to state your grievance and the remedy you are seeking. If you wish to present witnesses at the meeting, please let me know at least 5 working days prior to the meeting. If you wish to rely on any written documents, please also submit these to me at least 5 working days prior to the meeting, so that they may be circulated.

You have the right to be accompanied at the meeting by your trade union representative or work colleague.

Unless further time is required, I will make a decision regarding the outcome and a recommendation for the resolution of your grievance. The decision will then be confirmed to you in writing within 3 working days.

Please confirm by [date] that you and anyone accompanying you are able to attend this meeting on the date and time given above.

Yours sincerely

[Name]

[Post title] Head Teacher/Senior Leader/Chair of Governors

c.c.      HR Director  
            Trade Union Representative/work colleague

## **Appendix 2**

### **Outcome of Formal Resolution Meeting**

Private and confidential

Name

Address

Dear

#### **Re: School's Grievance & Resolution Procedure – Outcome of Formal Grievance & Resolution Meeting**

I refer to the Formal Grievance & Resolution meeting that was held on [date] at [time] in [location] to discuss the grievance that you raised in your letter dated [date of initial grievance submission].

In response to your grievance, I have decided that [details of the decision]

If you are not satisfied with my decision, you have the right to refer the grievance and remedy sought to the *Head Teacher / Chair of Governors, (delete as appropriate)* for an appeal. You should do so in writing within 5 working days of receiving this letter.

If you have any queries, please do not hesitate to contact me.

Yours sincerely

[Name]

[Post title] Headteacher/Chair of Governors

c.c.      HR Director  
            Trade Union Representative/work colleague

## **Appendix 3**

### **Mediation**

#### **Purpose**

- 1.0 Mediation is a process which enables assistance to be given to help resolve grievances, normally at the informal stage, although it can happen at any stage. It does not replace established procedures but enhances the probability of resolution.
- 1.1 Mediation is undertaken by an independent person, the mediator, facilitating communication between the parties involved in the grievance. The mediator can be internal or external but must have undertaken an accredited mediation skills qualification.
- 1.2 The mediator's task is to help promote a resolution agreement to the grievance, acceptable to both parties. If this cannot be achieved there may be at least a better understanding of the issues and viewpoints of each of the participants.
- 1.3 The mediator's role is not to make a judgement or apportion blame. The mediator does not have the authority to decide any issue for the parties but will attempt to facilitate the informal voluntary resolution of the dispute by the parties concerned. The mediator may suggest ways of resolving the dispute but will not impose these on the parties.

#### **Process**

- 1.4 In order to help resolve the grievance the mediator will initially offer to meet both parties separately to discuss methods of achieving a resolution. If necessary, the mediator may also obtain additional expert advice, concerning contractual, technical, professional and organisational aspects of the dispute. Once it appears that an agreed settlement may be achievable then it may be possible for all parties to meet together.
- 1.5 The time and location of any meetings and the issues to be discussed will be agreed with the mediator. Time within the school day should be allowed to facilitate this. It will also be helpful to the mediator if both parties set out their views for them and provide copies of any relevant documents.
- 1.6 Mediation sessions are private only involving each of the parties and their representatives. Other persons may attend with the permission of the parties involved and with the consent of the mediator.
- 1.7 While neither party is asked to commit to resolve their case in the mediation process, all parties commit to participate in the proceedings in good faith with the intention to resolve, if possible.
- 1.8 It is important that the parties engaged in the process should have the necessary authority to reach an agreement, accepting that the individual will wish to seek their own advice and management representatives may need to seek formal approval to any proposals.
- 1.9 Confidential information disclosed to a mediator by the parties, during the mediation process, is not divulged to other parties without agreement. For the mediation process to be effective,

the mediator should not be required to divulge any of the information disclosed in internal or external proceedings without the prior agreement of the parties involved.

1.10 Similarly the parties should not introduce as evidence in any subsequent internal proceedings:

- views expressed or suggestions made by another party with respect to a possible settlement of the grievance.
- admissions made by another party during the mediation proceedings.
- proposals made or views expressed by the mediator or
- the fact that another party had or had not indicated willingness to an agreement proposed by the mediator.

1.11 The mediation process is normally finished when:

- there is an agreement by the parties concerned with the outcome formally recorded; or
- the mediator or either party feels that further efforts at mediation are no longer worthwhile and the matter should proceed to the formal stage of the Grievance & Resolution Procedure. The Head Teacher/Chair of Governors would need to be informed that this stage had been reached.
- Agreements are not legally binding but are based on good faith and commitment.

## **Appendix 4**

### **Investigation Report/Statement of Case – Formal Resolution Hearing**

**CONFIDENTIAL**

**SCHOOL NAME.....**

#### **Background / Introduction**

- Name / job title
- Employed since
- Relevant history
- How the grievance came to your attention / what you or others observed

#### **The Grievance**

- Points of grievance

#### **Informal Stage – Outcome**

- Details of the attempts to resolve the grievance at the informal stage.
- As a result of the grievance, I met with the following people to establish the facts (attached minutes if appropriate):
  - List of interviewees
- Options presented for resolution at the informal stage.
  - 
  - 
  -
- Outcome reached.

#### **Formal Grievance meeting**

- Details of the Formal Grievance
- Details of evidence submitted; interviews conducted.
- Remedy sought by aggrieved employee and reason why not resolved at informal stage.

#### **Findings**

- Include specific details of incidents, documents, interviews and any other relevant material relevant to during the grievance complaint.

#### **Summary**

- Summary of the findings with reference to appendices

## **Conclusion**

- Set out the conclusion of the grievance issues.

Name of Investigating Officer \_\_\_\_\_

Signed \_\_\_\_\_

Date \_\_\_\_\_

### List of all Appendices

Appendix No.	Title of document
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## **Appendix 5**

### **Order of Events - Formal Resolution Meeting**

**(1) Introductions**

The Chair will:

- a. Explain the purpose of the meeting, conducted as part of the School's Grievance & Resolution procedure
- b. Ask those present to introduce themselves and explain their role
- c. Outline the order of events
- d. Explain that notes will be taken to record the key points of the meeting

**(2) The aggrieved employee and/or their representative will:**

- a. state their case, including the reason for the grievance (or appeal) and present their evidence
- b. answer any questions put by the Head Teacher or other senior leader
- c. answer questions put by the Grievance Panel / Appeal Panel.
- d. call any witnesses in support of their case, who will also answer any questions from the Head Teacher or other senior leader and members of the panel.

**(3) The Head Teacher or other senior leader will:**

- a. state their response and present their evidence
- b. answer any questions from the aggrieved employee or their representative
- c. answer questions from the Grievance Panel / Appeal Panel.
- d. call any witnesses in support of their case, who will also answer any questions from the aggrieved employee and/or their representative, and members of the panel

**(4) When the members of the Grievance Panel / Appeal Panel hearing the case are satisfied they have sufficient information about the issues they will invite:**

- a. the aggrieved employee and/or their representative to summarise their case
- b. the Head Teacher or other senior leader to summarise their case

**(5) The grievance hearing will then be adjourned to enable the Grievance Panel/Appeal Panel to:**

- o Consider the issues
- o Take any necessary advice
- o Deliberate and decide whether or not to uphold the grievance
- o Consider an appropriate remedy or follow up actions as appropriate

**(6) All parties reconvene.**

- (7) The Chair of the Panel will normally announce the decision at the end of the hearing. However, in exceptional cases this may be delayed if further time needed by the panel to consider the evidence.
- (8) This decision will be confirmed in writing within 3 working days of the conclusion of the hearing, including where necessary, their right of appeal to a panel of 3 Governors and date of the Appeal.

NOTE

Where the employee or trade union representative/work colleague calls a witness in support of his/her case, the following procedure applies:

- The witness will be asked questions by the employee or trade union representative/work colleague.
- The witness will then be asked questions by the Head Teacher or other senior leader.
- If clarification is required, the witness will be asked further questions by the employee or their trade union representative/work colleague.
- The witness will be asked questions by the panel.

Where the Head Teacher or other senior leader calls a witness in support of his/her case, the following procedure applies:

- The witness will be asked questions by the Head Teacher or other senior leader.
- The witness will then be asked questions by the employee or their trade union representative or work colleague.
- If clarification is required, the witness will be asked further questions by the Head Teacher or other senior leader
- The witness will be asked questions by the panel.

*NB: After completion of the above stages any witnesses will be:*

- *Instructed not to discuss the case in any way until after the hearing/appeal has been determined.*
- *Asked to retire. The Chair of the panel will determine with all parties whether the witness can be released entirely or whether they may be subject to recall.*

## **Appendix 6**

### **FORMAL GRIEVANCE & RESOLUTION PROFORMA**

Name: Job Title:	School:
Summary of complaint:	
Please state what attempts have been made to resolve informally:	
Names of any witnesses (if applicable)	
Please state your desired resolution/outcome:	
Signed:	Date: