

GRIEVANCE PROCEDURE FOR TEACHERS, INCLUDING PRINCIPALS AND VICE-PRINCIPALS, IN GRANT AIDED SCHOOLS WITH FULLY DELEGATED BUDGETS

1. PURPOSE AND PRINCIPLES

- 1.1 The purpose of this procedure is to set out clearly the procedure, including time limits, which should be followed where a teacher raises a matter of grievance as defined in 1.4 below. It should not detract from both parties endeavouring to resolve perceived problems initially through informal means.

The main features of the procedure are:

- 1.2 The establishment of an approach which recognises the different employment arrangements existing in grant aided schools and also recognises the responsibilities now placed on Boards of Governors.
- 1.3 The emphasising of the line management responsibility within a school, especially the role of the principal.
- 1.4 The offering of a formal opportunity to a teacher to resolve any individual grievance which arises from the contract of employment and / or conditions of service of the teacher with the Board of Governors and the employing authority.
- 1.5 The opportunity for a teacher to have a grievance examined quickly and effectively and to have it resolved at the earliest stage possible.
- 1.6 The right of a teacher / principal to be accompanied at each stage of the procedure, if he / she so desires, by the union representative or a teacher colleague. In the application of this procedure, "teaching colleague" means a teacher from the same school or, in the case of a principal, a colleague or peer from the same or another school.

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- 1.7 The right for the principal to be accompanied by a senior member of staff or a representative of the employing authority when dealing with grievance raised by a teacher.
- 1.8 Time limits which will apply to each stage of the procedure, unless altered by agreement.
- 1.9 This procedure shall not be used to examine concerns teachers may have regarding the application of the School Salary Policy and the award of responsibility points, permanent or temporary.
- 1.10 This procedure does not apply in circumstances where a teacher is dissatisfied by a decision taken under the Disciplinary Procedure.
- 1.11 Reference to the Labour Relations Agency in this procedure is not construed in any way as creating a contractual relationship between the Labour Relations Agency and any person or organisation.

Such references are merely indicative of the role of the Agency in:

- (a) providing an independent conciliation service;
- (b) providing an independent administrative service for appeals;
- (c) nominating independent chairpersons for Appeal Committees;

- 1.12 The operation of the procedure shall comply with the provisions of the Equality of Opportunity statement for teachers.

2. GRIEVANCE PROCEDURE: TEACHER

Stage I

- 2.1 A teacher who considers a grievance exists in a matter relating to her / his contract of employment and / or conditions of service shall initiate the procedure by requesting a meeting with the principal, clearly indicating in writing that he / she is initiating Stage I of the Grievance Procedure, the nature of the Grievance he / she considers exists, and the redress sought.

The principal shall arrange for this meeting to take place normally within 2 working days of the matter being formally raised.

Following the meeting the principal shall respond within 7 working days from the date on which the meeting took place.

Stage II

- 2.2 If the matter is not resolved at 2.1, or a reply has not been received the teacher shall, within 15 working days of the date of the grievance interview with the principal, state in writing the grievance he / she considers exists and the redress sought to the Chairperson of the Board of Governors.

On receipt of the written statement of the grievance the Chairperson shall arrange for a sub-committee of the Board of Governors, to meet the teacher,

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reminding him / her of the right to representation. Such a meeting shall normally take place within 10 working days of receipt, by the Chairperson of the Board of Governors, of the grievance in writing. No teacher governor is eligible to sit on this sub-committee.

The sub-committee, having considered the grievance, shall refer its findings to the Board of Governors whose decision shall be given in writing to the teacher normally within 15 working days of the grievance interview with the sub-committee.

- 2.3 Where it is considered appropriate by the sub-committee it may request the attendance of a representative of the employing authority. The role of the representative will be advisory in nature and she / he will not be party to the decision-making process.

Stage III

- 2.4 If the teacher is not satisfied with the decision delivered at Stage II, or has not received a decision within 15 working days of the grievance interview at 2.2, the teacher, union representative or teaching colleague shall, within 20 working days from the date of the grievance interview initiate this stage of the procedure by writing to the Conciliation Secretary of the Labour Relations Agency, specifying the nature of the grievance and the redress sought.
- 2.5 The Conciliation Secretary of the Labour Relations Agency shall invite both the individual teacher and the Chairperson of the Board of Governors to submit all papers and make formal arrangements to meet both parties to attempt to obtain a conciliated settlement. Such a conciliation meeting shall normally be arranged within 15 working days of receiving the letter of grievance.

Should the conciliation process fail to resolve the grievance, the aggrieved teacher shall have a right of appeal as set out in paragraph 4 of this procedure.

3. GRIEVANCE PROCEDURE: PRINCIPAL

Stage I

- 3.1 A principal who considers a grievance exists relating to her / his contract of employment and / or conditions of service shall initiate the procedure by writing to the Chairperson of the Board of Governors stating the grievance and the redress sought.

On receipt of the written statement of grievance the Chairperson shall arrange for a sub-committee of the Board of Governors to meet the principal, reminding him / her of the right to be represented. Such a meeting shall normally take place within 10 working days of the grievance being received by the Chairperson.

The sub-committee, having considered the grievance, shall refer its findings to the Board of Governors whose decision shall be given to the principal within 15 working days of the grievance interview with the sub-committee.

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Where it is considered appropriate by the sub-committee it may request the attendance of a representative of the employing authority. The role of the representative will be advisory in nature and she / he will not be party to the decision-making process.

Stage II

- 3.2 If the principal is not satisfied with the decision delivered at Stage I, or has not received a decision within 15 working days of the grievance interview held under 3.1, the principal, union representative or teaching colleague shall within 20 working days from the date of the grievance interview initiate this stage of the procedure by writing to the Conciliation Secretary of the Labour Relations Agency specifying the nature of the grievance and redress sought.
- 3.3 The Conciliation Secretary of the Labour Relations Agency shall invite both the principal and the Chairperson of the Board of Governors to submit all papers and make formal arrangements to meet both parties to obtain a conciliated settlement. Such a conciliation meeting shall normally be arranged within 15 working days of receiving the letter of grievance. Should the conciliation process fail to resolve the grievance, the aggrieved principal shall have a right to appeal as set out at paragraph 4 of this procedure.

4. APPEAL COMMITTEE

- 4.1 If an aggrieved teacher / principal has followed the procedure but a settlement has not been reached, there shall be a right of appeal.
- 4.2 The teacher, principal, or the union representative or teaching colleague, must, within 10 working days of the outcome of the conciliation process having been received, lodge a formal notice of appeal to the Secretary of Arbitration, Labour Relations Agency, and shall simultaneously copy it to the Chairperson of the Board of Governors.

Within 10 working days of the notice of appeal having been lodged with the Secretary of Arbitration both parties shall be contacted to request submissions and to make arrangements for a hearing before an Appeal Committee.

- 4.3 The Appeal Committee shall consist of an independent Chairperson appointed by the Labour Relations agency and two panel members, one nominated by the Management Side, the other nominated by the Teachers' Side of the Teacher's Salaries and Conditions of Service Committee (Schools). Neither panel member should be an employee, representative or official of the employing authority or the teacher's union involved in the case.
- 4.4 The appeal shall normally be heard within 15 working days of receipt of the formal notice of appeal by the Secretary of Arbitration who shall be responsible for the setting up and administration of the Appeal Committee. The teacher / principal may be accompanied by the full-time union official or teacher colleague.

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Written submission and supporting documentation must be lodged with the Arbitration Secretary at least 5 working days before the date of the hearing.

- 4.5 Neither party in the independent appeal is entitled to have legal or professional industrial relations consultants representing the parties at an appeal.
- 4.6 The work of the Appeal Committee shall not be invalidated by the absences of one or other of the parties.
- 4.7 The decision of the Appeal Committee shall be communicated in writing to both parties within 10 working days of the hearing. It shall be final and binding on both parties.