

MODEL GRIEVANCE PROCEDURE FOR NON-TEACHING STAFF EMPLOYED IN SCHOOLS WITH FULLY DELEGATED BUDGETS

GENERAL

This procedure is designed to deal with issues, which constitute, or are liable to constitute, a source of grievance to an individual officer.

The procedure can be invoked only in relation to matters of grievance, which arise directly from a Board of Governor's exercise of its powers

- (a) under the Education Reform (NI) Order 1989, or
- (b) when it is acting as the local manager of the School

The procedure excludes : -

- (a) questions of grading
- (b) issues of a collective nature, including agreements made by the Administrative, Executive, Clerical, Professional and Technical Staff's Functional Council and the Ancillary and General Staff's Negotiating Committee, and
- (c) appeals against disciplinary action.

Grievances, for the purpose of this procedure, shall include: -

- differences between an officer and the Board of Governors of the school at which he/she is employed on a matter relating to the officer's conditions of employment in regard to which the Governors have discretion to act.

Explanatory Note: The Education and Library Boards are the legal employers of officers employed at schools and are responsible for determining the conditions of employment of such staff. Boards of Governors acting as local managers have discretion in some areas of these conditions of employment. Grievances relating to matters in regard to which the Governors do not have discretion should be referred to the employing Education and Library Board. Advice on these matters should be sought from the board's human resources section.

- alleged infringements of legislation such as the Health and Safety at Work (NI) Order 1978; the Fair Employment Act (NI) 1989 - which makes religious and political discrimination in employment unlawful; and the Sex Discrimination (NI) Orders of 1976 and 1988 - which include sexual harassment; the Disability Discrimination Act 1995; the Race Relations (NI) Order 1997; the Protection from Harassment (NI) Order 1997.

An officer who has a grievance should exhaust each stage of the procedure before proceeding to the next stage. However, there may be occasions when it would be appropriate to invoke the procedure a level beyond the first stage.

Management should respond to grievances promptly and efficiently and within the time limits specified for each stage and between each stage unless altered by mutual agreement between the parties.

The aggrieved officer's status quo position shall be maintained, subject to the exigencies of the service, and discussion between the parties, until the procedure has been exhausted.

Nothing in the procedure shall diminish an officer's rights in law.

INFORMAL PROCEDURE

An officer who feels aggrieved on any matter within scope of this procedure should discuss the matter initially and informally with his/her supervisory officer with the objective of resolving the issue. The supervisory officer should give a reply within 2 working days.

FORMAL PROCEDURE

1. Stage 1: Reference to Principal

- 1.1 If the officer is not satisfied with the response given by the supervisory officer, or if there is no reply within 2 working days, the officer may, together with the local trade union representative, or another officer, request a meeting with the Principal. Such a meeting should be arranged by the Principal within 3 working days of receipt of the officer's request. The Principal should reply in writing within 5 working days of the meeting.

Note: At some schools the supervisory officer referred to under the informal procedure may be the Principal. This does not affect in any way the Principal's responsibility to act under Stage 1 of the formal procedure.

2. Stage 2: Reference to Staffing Sub-Committee of Board of Governors

- 2.1 If the officer is not satisfied with the response given under Stage 1, or if there is no reply within 5 working days of the meeting, the officer may make a written request to the Principal to have the matter referred to the Staffing Sub-Committee of the Board of Governors. Such a request should be made to the principal within 10 working days of the meeting held under stage 1.
- 2.2 The Staffing Sub-Committee shall arrange a meeting with the officer and the principal. The officer, may if he/she so wishes be accompanied by the local trade union representative or another officer. The meeting should be held by Staffing Sub-Committee within 10 working days of the Principal's receipt of the officer's request and a written reply should be given to the officer by the Staffing Sub-Committee within 5 working days of the meeting.

3 Stage 3: Reference to the Board of Governors

- 3.1 If the officer is not satisfied with the response given under Stage 2 or if there is no reply within 5 days of the meeting the officer may make a written request to the Principal to have the matter referred to the Board of Governors. Such a request should be made to the Principal within 10 working days of the meeting held under Stage 2.
- 3.2 A Governor who was involved as a member of the Staffing Sub-Committee, in the decision taking at Stage 2 shall not be included among the Governors to hear the case at Stage 3.
- 3.3 The Board of Governors shall arrange a meeting with the officer and the Staffing Sub-Committee. The officer may if he/she so wishes be accompanied by the local trade union representative or another officer. The local trade union representative shall have the right to request the attendance of a full time union official. The meeting should be held by the Board of Governors within 15 working days of the Principal's receipt of the officer's request and a written reply should be given to the officer by the Board of Governors within 5 working days of the meeting.

4 Stage 4: Reference to an Independent Appeals Committee

- 4.1 If the officer is not satisfied with the response given under Stage 3 or if there is no reply within 5 working days of the meeting the officer may make a written request to the Principal to have the grievance referred to an Independent Appeals Committee.
- 4.2 The appeal must be lodged with the Principal within 15 working days of the meeting held under Stage 3. It must be in writing and must set out the grounds on which it is made. The Principal shall refer the request to the Labour Relations Agency within 5 days of receipt of the officer's request.
- 4.3 The Agency shall appoint a Secretary to the Appeals Committee who shall be responsible for the setting up of the Committee and for the provision of administration services.
- 4.4 The Appeals Committee shall consist of an Independent Chairperson appointed by the Labour Relations Agency and two panel members, one drawn from a list supplied by the recognised unions and the other drawn from a list supplied by the employing authorities (ie the boards). The management member shall not be from the local office which is a party to the appeal. The trade union member may be from the union representing the appellant provided he/she is not an employee of, or a trade union representative for, the Education and Library Service.
- 4.5 The secretary in conjunction with the Chairperson shall fix a date for the Committee's hearing of the appeal and shall advise the parties accordingly and shall invite nominations to the Committee.
- 4.6 The secretary shall also invite the parties to make written submissions to the Committee, such submissions to be received not later than 10 days before the date of the hearing. The secretary shall distribute copies of the submissions to the Committee members and to the other party not later than 5 days before the date of the hearing.

- 4.7 The Committee shall meet the parties to hear the appeal within 20 working days of the matter being referred to the Labour Relations Agency. The Chairperson shall determine the order of the oral presentations to the Committee.
- 4.8 The decision of the Appeals Committee shall be given in writing to both parties within 10 working days of the hearing.
- 4.9 The decision of the Appeals Committee shall not be invalidated by the absence of one or other of the parties.
- 4.10 The decision of the Appeals Committee shall be final and binding on both parties.