

INDIVIDUAL GRIEVANCE PROCEDURE FOR TEACHERS IN INSTITUTIONS OF FURTHER EDUCATION

GENERAL

This procedure applies to all teachers employed in institutions of further education. The Chairman of the Governing Body will nominate a member of the governing body if appropriate, to participate in place of a principal, vice-principal or head of department where the involvement of one or more of these would prevent the implementation of the procedure set out below.

A teacher who has a grievance must exhaust each relevant stage in the procedure before proceeding to the next stage. After each stage the reasons for any decision shall be given.

Where a principal, a vice-principal or a head of department, has an individual grievance the principles enshrined in this procedure will apply. In the case of principals, the particular arrangements set out in Appendix I shall apply. This procedure shall not handle promotion grievances.

PROCEDURE

1. STAGE 1

1.1 A teacher who has a grievance should first of all endeavour to resolve the matter by a direct approach to the member of staff involved.

1.2 If the matter remains unresolved the teacher may request a personal interview with the head of department or other appropriate senior member of staff designated for this purpose. The interview shall be arranged within 5 working days of the submission of the request, and the teacher may, if so desired, be accompanied by his teachers' union representative or a colleague. A reply shall be given within 2 working days.

2. STAGE 2 - REFERENCE TO PRINCIPAL

2.1 If the matter is not resolved at Stage 1, or if a reply has not been received within 2 working days, the teacher may within a period of one month request a personal interview with the principal. The interview shall be arranged within 10 working days of the submission of the request, and the teacher may, if so desired, be accompanied by his teachers' union representative or a colleague. A reply shall be given within 2 working days.

3. STAGE 3 - REFERENCE TO GOVERNING BODY

3.1 If the matter is not resolved at Stage 2 the teacher may within a period of one month submit a written notice of the grievance to the Chairman of the Governing Body. A copy of this notice shall at the same time be submitted to the other person concerned and to the principal.

3.2 Within 10 working days of the submission of written notice the other person concerned shall have the opportunity of submitting written observations. Unless he is that person, the principal shall within the same period submit to the governing body a full written report, together with any relevant documents. Not less than 5, and not more than 10, working days after the receipt of such submissions a special meeting of the Governing Body or committee appointed for that purpose shall be held to consider the matter. Each of the parties concerned shall be entitled to be present and the teacher may, if so desired, be accompanied by his teachers' union representative or a colleague. Refusal of either party to attend shall not invalidate the proceedings.

3.3 The decision of the Governing Body or committee appointed for that purpose shall be given to the teacher within 2 working days.

4. STAGE 4 - REFERENCE TO INDEPENDENT APPEAL BODY

4.1 If the teacher is not content with the decision given under Stage 3 he shall have a right of appeal to an independent Appeal Body. The constitution and administrative arrangements for this body are contained in Appendix II.

4.2 Where a teacher wishes to exercise his right of appeal he shall so advise the Chairman of the Governing Body within 10 working days of being given a decision under stage 3 and the Chairman of the Governing Body shall thereupon give notice of such appeal to the Arbitration Secretary of the Labour Relations Agency for consideration by the Appeal Body.

4.3 All relevant documents shall be submitted to the Appeal Body for the purpose of hearing the appeal within 10 working days of the receipt by the Labour Relations Agency of the notice of appeal. The parties concerned, if they so wish, may make additional submissions, and shall be entitled to be present at the hearing.

The appeal shall be heard not more than 30 working days after the receipt of the notice. Refusal of either party to attend shall not invalidate the proceedings.

4.4 The findings of the Appeal Body shall be referred to the governing body and to the teacher involved in the grievance in the form of a written recommendation as soon as possible after the issue has been considered.

APPENDIX I

INDIVIDUAL GRIEVANCE PROCEDURE FOR PRINCIPALS

1. A principal who has a grievance shall first of all endeavour to resolve the matter by direct appeal to the other party concerned, if necessary with the assistance of the governing body.
2. Where the grievance is with the governing body, the following arrangements shall apply.
 - 2.1. The principal may submit a formal written notice of the grievance to the Chairperson of the Governing Body.
 - 2.2. On receipt of the notice the Chairperson shall take whatever action he considers appropriate, if necessary in consultation with other interested parties.
 - 2.3. The principal shall be kept fully informed of the action being taken at this stage and shall be given a decision within 10 working days of receipt of the notice.
 - 2.4. If the matter still remains unresolved the principal may invoke Stage 4 of the Procedure.
 - 2.5. The Principal shall have the option of invoking Stage 4 of the procedure as an alternative to the process described in 2.1 to 2.4 above.

APPENDIX II

INDEPENDENT APPEAL BODY: ADMINISTRATION AND CONSTITUTION

1. The administration and setting up of the Appeal Body shall be under the auspices of the Labour Relations Agency.
2. The Appeal Body shall consist of a Chairman appointed by the Labour Relations Agency and two other members, one representing management side and the other representing teachers' side.
3. In any particular case, each side shall select its own member. The Chairman shall be appointed with the agreement of both sides.
4. To facilitate the establishment of an Appeal Body the Lecturers' Negotiating Committee and the Directors' Negotiating Committee shall each establish and maintain a panel consisting of 10 persons, 5 nominated by management side and 5 by teachers' side from which each side can select its member of the Appeal Body. Such a panel shall be established at the first meeting each academic year. No person who has been a member of a committee which has already considered the matter or who has any direct involvement in the case shall be a member of the Appeal Body.
5. The expenses of the Chairman other than those met by the LRA shall be met by the employer. The appellant and management shall bear their own expenses and those of their respective sides of the Appeal Body.