

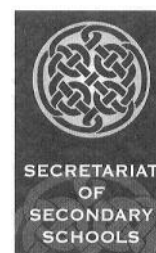
1st September, 2000

PROCEDURES FOR VOLUNTARY SECONDARY SCHOOLS
WITH BOARDS OF MANAGEMENT

GRIEVANCE PROCEDURE



ASSOCIATION OF SECONDARY TEACHERS, IRELAND
WINETAVERN STREET
DUBLIN 8



JOINT MANAGERIAL BODY
EMMET HOUSE, MILLTOWN
DUBLIN 14

PREAMBLE

- (a) The purpose of the procedure is to promote co-operation and orderly and harmonious relationships between the school management and the teaching staff members with a view to facilitating the effective operation of the school.
- (b) This procedure is agreed on the understanding that all of the parties involved are committed to the resolution of the grievance at the earliest stage possible through discussion and the application of fair procedures. The agreed procedures should be known and observed in the interests of good industrial relations and harmony in the school work environment.
- (c) Before the grievance procedure is invoked, every effort should be made to resolve the difficulties through discussions between the Principal and the teaching staff concerned.
- (d) In each school the management and teachers should agree structures for consultations through which any proposals for changes in working conditions or work practices affecting the terms of employment of the teachers may be discussed prior to their proposed implementation. In the absence of agreement about such proposals both parties should maintain the status quo. In the event of a dispute about the proposals the teacher or teachers concerned may process and determine the issue through the grievance procedure.
- (e) The grievance procedure will be reviewed jointly from time to time by the JMB and the ASTI. Disputes about the interpretation of the procedure should be referred to the JMB and to the ASTI.

SCOPE OF PROCEDURE

- (a) The procedure may be invoked by any teacher for the resolution of any grievance against the Manager or the Board of Management of the school in respect of the exercise of any of their responsibilities for the government of the school or against the Principal, Deputy Principal or teachers with delegated responsibility, in respect of their duties and responsibilities for the organisation and conduct of the day to day activities in the school.
- (b) If a grievance, which concerns a matter covered by legislation is referred to the Labour Court, this procedure shall not be used.
- (c) School Managerial Authorities should inform staff members, when appointed, of the provisions of this agreement.

PROCEDURES

Stage 1

- 1.1 The teacher shall discuss the grievance with the Principal teacher with a view to resolving it. The teacher may be accompanied by the ASTI School Steward or by a colleague nominated by the teacher at this meeting.
- 1.2 If the complaint is unresolved, the teacher should be advised that, within a further ten school days, stage two may be invoked with a view to resolving the matter.

Stage 2

- 2.1 The teacher and/or the ASTI School Steward shall give notice in writing to the Principal and Manager or Chairperson of the Board of Management that Stage 2 of the Grievance Procedure is being invoked.

- 2.2 The teacher shall discuss the grievance with the Manager or Chairperson of the Board with a view to resolving it. The teacher may be accompanied by the ASTI School Steward or by the nominated colleague at this meeting.
- 2.3 The Manager or Chairperson shall immediately take such steps as he/she considers appropriate to have the grievance resolved informally.
- 2.4 If the grievance is not resolved within ten school days the teacher shall be entitled to invoke Stage 3, within a further ten school days.

Stage 3

- 3.1 The teacher and/or the ASTI School Steward shall give notice in writing to the Chairperson of the Board of Management that Stage 3 of the Grievance Procedure is being invoked. In the case of a Manager, the teacher and/or School Steward may proceed to Stage 4.
- 3.2 The teacher and/or the ASTI School Steward shall make a written submission to the Chairperson for consideration formally by the Board of Management.
- 3.3 If the grievance involves the Principal, he/she shall be provided with a copy of the written submission and shall be requested by the Chairperson to prepare a written response to the submission.
- 3.4 The Chairperson shall invite the aggrieved teacher and the ASTI School Steward or the nominated colleague to be in attendance at a formal Board meeting which shall be held within ten school days of receipt of the submission. The Board shall give a hearing to the aggrieved teacher.
- 3.5 The Board shall try to resolve the grievance by conciliation and if the grievance is resolved the matter is concluded.
- 3.6 If the Board is unable to resolve the grievance by conciliation it shall give a decision on the grievance.
- 3.7 The Chairperson shall convey the decision in writing to the aggrieved teacher and/or the School Steward and to any other party or parties concerned within five school days of the hearing specified at 3.4.
- 3.8 The teacher shall have the right to invoke Stage 4 of the procedure:
 - (a) if the Chairperson fails to convey the decision within the specified period;
 - (b) if the Board fails to give a hearing to the aggrieved teacher within the time specified in 3.4;
 - (c) if the teacher is unwilling to accept the decision.

Stage 4 Appeal

- 4.1 The teacher who wishes to appeal or the School Steward at the request of the teacher, shall give notice in writing to the Manager or Chairperson of the Board of Management of the intention to appeal. The notice shall be given within ten school days of receiving the decision, or of the end of the period specified in 3.7 (or 2.4, in the case of a Manager)
- 4.2 The teacher and/or the School Steward shall provide the Manager or Chairperson of the Board with five copies of a submission setting out the grievance and the redress which is sought.
- 4.3 The date on which the Manager or Chairperson receives the submission will be referred to as the "date of appeal".
- 4.4 On receipt of the submission the Manager or Chairperson of the Board of Management shall notify the General Secretary of the JMB and the General Secretary of the ASTI who shall arrange for the establishment of a tribunal to hear the appeal.
 - (a) The tribunal shall consist of:

- (i) an agreed independent Chairperson;
 - (ii) two persons not associated with the school, one of whom shall be nominated by each of the organisations;
 - (b) The Manager or Chairperson of the Board of Management shall be notified within 10 school days of the date of the appeal of the names and addresses of the members of the tribunal.
 - (c) A meeting of the tribunal shall be convened within 20 school days of the date of the appeal.
- 4.5 On receipt of the submission the Manager or Chairperson of the Board shall:
- (a) prepare for the tribunal a report on the proceedings at each of the previous stages including, if available, a copy of a letter stating the decision 3.7 and
 - (b) supply each member of the tribunal within 15 school days of the date of the appeal with a copy of the teacher's submission together with a copy of his/her report.
- 4.6 The tribunal shall be empowered to conciliate with a view to reaching a friendly settlement.
- 4.7 Failing such a settlement the tribunal shall determine the issue by unanimous or majority vote.
- 4.8 The tribunal's decision shall be conveyed in writing by the Chairperson of the tribunal to all parties (including the teacher, the Board and the JMB and ASTI) within ten school days of the hearing.
- 4.9 Without prejudice to the rights of any parties involved to have recourse to litigation, the decision of the tribunal shall be final and binding on all of the parties.

NOTES

- (i) Until such time as the dispute is resolved or determined the teacher shall continue to carry out the instructions of the Principal, Deputy Principal or teachers with delegated responsibility, or the Manager or Board as the case may be.
- (ii) The above procedure shall also apply where two or more teachers share a grievance.
- (iii) Where a Principal has a grievance, or a Principal and one or more teachers share a grievance, Stages 2, 3 and 4 of the procedure shall apply. The Principal shall also have the right to be accompanied or represented by a union representative, or by a colleague of the Principal's own choosing.
- (iv) An aggrieved teacher or teachers may be represented at Stage 3 by the ASTI School Steward or by a teacher colleague, nominated by the teacher.
- (v) An aggrieved teacher or teachers may be represented by a member of the ASTI CEC or by a Branch Officer or Head Office official or by the ASTI school steward or a nominated teacher colleague at Stage 4.
- (vi) Any expenses other than legal expenses arising at Stage 4 shall be shared by the parties involved who nominate the tribunal.
- (vii) A school day is a day on which the school is in operation.
- (viii) Any difficulty arising out of the implementation of this procedure shall be referred for resolution to the parties to this agreement.
- (ix) This Grievance Procedure shall be reviewed after three years or at the request of either party.