

2.08 Grievance Procedure

If an employee is dissatisfied they must have the opportunity for prompt discussion with their immediate Manager or Deputy Manager. For the Preschool Supervisor and administrator this would normally be the committee Chair. For other Preschool staff it would normally be the Preschool Manager, or Deputy Manager. If the grievance persists:

A management panel should be set up for the purpose of further discussion. The employee may, if they wish, be accompanied by a work colleague or PLA representative at all stages of the grievance procedure. The employee should make the employer aware ahead of their meeting, chosen colleague to attend meeting, to allow employer enough time to prepare for all attendees at the meeting. If the employee's chosen companion will not be available at the time proposed for the hearing by the employer, the employer must postpone the hearing to a time proposed by the worker provided that the alternative time is both reasonable and not more than five working days after the date originally proposed. The chosen companion should be allowed to address the hearing to put and sum up the worker's case, respond on behalf of the worker to any views expressed at the meeting and confer with the worker during the hearing. The companion does not, however, have the right to answer questions on the worker's behalf, address the hearing if the worker does not wish it or prevent the employer from explaining their case.

The employee has the right to appeal at any stage to the full committee

The aim of the procedure is to settle the grievance fairly and as near as possible to the point of origin. It is intended to be simple and rapid in operation.

Standard statutory minimum procedure

The Preschool committee must ensure that the following statutory minimum procedure is always followed when grievances have been raised by employees. The procedure consists of the following three steps.

Statement of Grievance

The employee must set out the grievance in writing, and the basis for it, and send the statement or a copy of it to the Preschool.

The Meeting

- The Preschool must invite the employee to attend a meeting to discuss the grievance.
- The meeting must not take place unless the employee has informed the Preschool about the basis for the grievance when they made the statement under the above steps and the Preschool has had a reasonable opportunity to consider a response.
- The employee must take all reasonable steps to attend the meeting.
- Following the meeting, the Preschool must inform the employee of its decision in response to the grievance in writing **and, where appropriate, should set out what action the employer intends to take to resolve the grievance. The employee should be informed that they can appeal if they are not content with the action taken.** Any appeal must be submitted within 5 days of the date of the decision letter.

The Appeal

- If the employee does wish to appeal, they should inform the Preschool in writing.
- If the employee informs the Preschool of their decision to appeal, the Preschool will invite him/her to attend a further meeting.
- **The appeal should be dealt with impartially and wherever possible by a manager who has not previously been involved in the employee's case.**
- The employee must take all reasonable steps to attend this meeting.
- Following the appeal meeting, the Preschool must inform the employee of its final decision.

Hearing the Appeal

The appeal hearing should be heard, if possible, within 15 days of receipt of the appeal. In a community group, two or three committee members – if not possible, those involved in the initial disciplinary procedures – will serve as an appeals committee. If this is not possible, the appeal group may consist of the same people as the original panel and they must make every effort to hear the appeal as impartially as possible.

A written record of the meeting will be kept.

Modified statutory procedure

A modified procedure will apply in the following cases:

- The (former) employee is no longer employed by the Preschool.
- The standard grievance procedure had not commenced or been completed before the last day of the employee's employment.
- The parties have agreed in writing, after the Preschool became aware of the grievance that the modified grievance procedure should apply in relation to that grievance.

In such circumstances the following procedure will apply:

Statement of Grievance

The employee must set out in writing the grievance and its basis, and send a copy to the Preschool. If the employee wishes the modified procedure to be followed after the employment has ended, then they must include this in their statement at Step 1 of the process. The Preschool can decide to accede to the employee's request to have the employer respond in writing or to insist that a meeting takes place in line with the standard grievance procedure.

Response

The Preschool must set out its response in writing and send the statement, or a copy of it, to the former employee.

Time Scales

Each step and action under the grievance procedure must be taken without unreasonable delay. Early meetings to resolve grievances will help to facilitate resolution of issues. Consideration should be given to timings and locations of meetings to ensure that the employee and their representative are able to attend. Two reasonable attempts by the

Preschool to arrange a meeting would normally be sufficient, should the employee not attend. If an employee is not able to attend the first disciplinary meeting arranged then they will be required to provide an alternative date to take place within 5 days of the original date given by the Preschool. Failure to do so will normally result in the grievance processes being aborted.

Collective grievances

This written procedure does not apply to grievances raised on behalf of two or more employees by a representative of a recognised trade union or other appropriate workplace representative. These grievances should be handled in accordance with the pre-schools collective grievance process.

Date to be reviewed – by end March 2023