

**Policy Name:** Problem Solving/Grievance

<b>Policy Title:</b>	Problem Solving/Grievance Policy
<b>Description:</b>	Policy to enable members of staff to deal with problems or express concerns they may have in relation to their conditions of employment or on matters relevant to their employment with MIE, and to have them resolved quickly and satisfactorily.
<b>Author (Position):</b>	Human Resources Manager
<b>Version:</b>	1
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<b>Date of Next Policy Review:</b>	April 2023 (or as necessary)

## **Problem Solving/Grievance Policy**

### **1. Context**

This policy is designed to ensure that each member of staff is treated equally and fairly, and that consistency can be exercised in the treatment of individual problems or grievances. The guidelines contained in the [Code of Practice on Grievance and Disciplinary Procedures](#) issued by the Labour Relations Commission (now the [Workplace Relations Commission](#)) has been incorporated into this policy and procedure.

### **2. Purpose**

The purpose of this policy is to enable members of staff to deal with problems or express concerns they may have in relation to their conditions of employment or on matters relevant to their employment with Marino Institute of Education (MIE), and to have them resolved quickly and satisfactorily.

### **3. Benefits**

Members of staff are treated equally and fairly, and that consistency can be exercised in the treatment of individual problems or grievances.

### **4. Principles**

- 4.1. An individual grievance or a problem will be examined as quickly as possible by the immediate supervisor. Where the immediate supervisor is the subject of the grievance, the matter will be considered by the next highest, or a higher level of management, as appropriate.
- 4.2. Both parties should endeavour to reach agreement at as early a stage in the procedure as possible. Any remedies or recommendations for future action will be clearly stated.
- 4.3. At all stages of the procedure the employee will be given the opportunity to state their case and have the right to be accompanied by a work colleague or union/staff representative. A Head of Department hearing a grievance may be accompanied at all formal meetings by a representative of the Human Resources Office or a person of appropriate seniority.

- 4.4. Upon receipt of a grievance or notification of a problem arising, the appropriate person should promptly carry out an examination to establish the facts. A clear written agreed record should be made of the issues raised/discussed. Furthermore, an accurate record of any matter(s) remaining unresolved should be compiled for the next stage of the procedure.
- 4.5. Anyone who is responsible for handling/hearing a grievance should receive appropriate training, including training in equality of opportunity, as issues relating to discrimination may be identified under this procedure.
- 4.6. MIE will strive to ensure that all members of staff have the opportunity, and that the procedures are in place, to discuss any problems or concerns that they may have about their employment. Supervisors and managers are responsible for listening and responding efficiently and effectively to all staff concerns which will be dealt with in a confidential manner at all times.
- 4.7. A grievance hearing cannot be used as an opportunity to address shortcomings in an employee's work standards, conduct or attendance. Any such shortcomings must be dealt with through informal counselling or under the progressive stages of the [disciplinary procedure](#).
- 4.8. While every effort will be made to adhere to prescribed time limits these may be extended at any stage in exceptional circumstances or to ensure completeness of the process.
- 4.9. All stages of the grievance procedure must be exhausted before any other action is taken by an employee.
- 4.10. An employee will not be penalised in any way for making a complaint in good faith regardless of whether or not the complaint is upheld.
- 4.11. MIE will take all reasonable steps to protect the parties involved in these procedures from intimidation, victimisation or discrimination resulting from raising a grievance under this procedure.

## **5. Definitions**

- 5.1. The Problem Solving/Grievance Procedure is designed to provide a mechanism to solve problems, and no member of staff shall suffer any form of victimisation as a result of raising an issue, a problem or a grievance, under this procedure.
- 5.2. Nothing in this procedure may be construed as diminishing in any way an employee's rights in law.

## **6. Responsibility**

- 6.1. It is the responsibility of all employees to seek to resolve grievances, complaints and concerns in as constructive a manner as possible, informally if appropriate or by invoking relevant formal procedures if necessary. All employees are required to comply with the provisions of this Policy and Procedures.
- 6.2. It is the responsibility of each Head of Department to deal promptly and fairly with complaints raised by employees under this Policy and in accordance with the procedures set out in this document. Where a complaint is not upheld it is the responsibility of the manager considering the grievance to provide the employee with a clear explanation as to how the decision was reached. Heads of Departments are expected to handle complaints in a manner that respects the right of the employee to air their grievances and to seek redress without fear of reprisal. Heads of Departments must respect the employee's right to exercise their statutory entitlement to seek redress by cooperating fully with proceedings and maintaining normal working relationships. Line managers and Heads of Department have a duty to ensure that no employee suffers detrimental treatment as a result of making a complaint either internally or to a third party.
- 6.3. It is the responsibility of the Human Resources Manager to promote awareness of the Problem Solving/Grievance Policy as a mechanism for addressing concerns and resolving disputes and to make training and advice available to staff with responsibility for processing and investigating grievances.
- 6.4. It is the responsibility of the MIE Leadership Team to oversee the implementation of this Policy and Procedures.

## **7. Policy**

7.1. The various stages in this procedure are firmly based on the principles of fair procedure, due process, and natural justice. It is intended that any problems or issues which arise should be, and are best and mostly satisfactorily resolved, at a procedural stage closest to the point at which the issue first arose. Further that consistency of treatment in similar circumstances should apply. Thus, ensuring the ongoing usefulness and the regard in which these procedures are held generally in aiding and guiding relationships in MIE.

### 7.2. Informal Discussions and Consultations

Many complaints are capable of being resolved on an informal basis without recourse to the formal grievance procedure. Before invoking the grievance procedure, the employee may raise the matter informally with their Head of Department. If the complaint relates to the employee's Head of Department, the employee may discuss the matter informally with the next appropriate level of management. If the matter has not been resolved satisfactorily through informal discussions or where the employee does not wish to use the informal procedure, they may raise a formal grievance under the grievance procedure.

## **8. Formal Grievance Procedure**

### 8.1. Stage 1

An employee who wishes to invoke the formal Grievance Procedure should refer their grievance in writing to their own Head of Department in the first instance. The Head of Department will meet with the employee to discuss the matter not later than five working days following receipt of the written complaint. The employee will be advised in advance of their right to be accompanied by a work colleague or trade union representative.

The person hearing the grievance may also meet with any other person whom they consider relevant to the grievance and request and consider any and all relevant documentation and information. All relevant information gathered during this

process will be made available to the complainant and to other directly involved parties as necessary.

The person hearing the grievance will communicate their decision within five working days of the initial grievance meeting or in the event that investigation of the grievance necessitates further meetings with the complainant or parties relevant to the complaint, within five working days of the final meeting.

### 8.2. Stage 2

In the event of a grievance not being resolved at Stage 1, the employee may refer the matter in writing to a more senior person in MIE.

The more senior person will meet with the employee to discuss the matter not later than five working days following receipt of the written complaint. The employee will be advised in advance of their right to be accompanied by a work colleague or trade union representative.

The senior person hearing the grievance may also meet with any other person whom they consider relevant to the grievance and request and consider any and all relevant documentation. All relevant information gathered during this process will be made available to the complainant and to other directly involved parties as necessary.

The senior person hearing the grievance will communicate their decision within 5 working days of the initial grievance meeting or, in the event that investigation of the grievance necessitates further meetings with the complainant or parties relevant to the complaint, within five working days of the final meeting.

### 8.3. Stage 3

If the matter remains unsolved, the member of staff may formally report the problem or grievance in writing to the Human Resources Manager, who will make arrangements for the problem/grievance to be formally examined. Such a requested meeting will normally be held within seven working days of the grievance being submitted in writing to the Human Resources Manager. A

‘decision’ will be notified in writing normally within five working days of the meeting being held to discuss the complaint with the Human Resources Manager.

8.4. Stage 4 – Internal Appeal.

Should the staff member remain unsatisfied with the response made at Stage 3 of this procedure they may formally apply to have the decision appealed to the Governing Body<sup>1</sup> of MIE. The Governing Body<sup>1</sup> will determine its own procedures for having the appeal heard, but it will be heard in a timely fashion.

8.5. Stage 5 – External Reference

Should the matter not be resolved, following the appeal to the Governing Body<sup>1</sup>, the staff member may refer the issue to the [Workplace Relations Commission](#) or [Labour Court](#) as appropriate.

8.6. No action other than that set out in the procedure should be initiated by the member of staff until all stages of this procedure have been fully utilised and exhausted.

## 9. Conflicts of Interest

9.1. Where a grievance being submitted at Stage 1 relates to a member of staff who is not in the reporting line of the person lodging the grievance, then the person considering the grievance must be in a position of equal or greater seniority to that member of staff.

9.2. In the event that an employee’s own Head of Department is the subject of a grievance or is otherwise conflicted, then the grievance will be referred to the next most senior person in the reporting line who is not a party to the complaint or otherwise conflicted.

9.3. In the event that a senior person responsible for hearing a grievance at Stage 2 of the grievance procedure has already, due to the nature of reporting relationships, considered the grievance at Stage 1 or is a party to the grievance or is otherwise conflicted at either Stage 1 or Stage 2, then the President will appoint another

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<sup>1</sup> See [Code of Governance](#) and [Matters Reserved for the Governing Body of MIE](#)

person of equal or greater seniority, who is not a party to the grievance or otherwise conflicted, to consider the grievance.

- 9.4. In the event that the President wishes to use the grievance procedure, or due to conflict of interest there is no appropriate person available to consider a grievance at either Stage 1 or Stage 2, then the President may request the Chair of the Governing Body<sup>2</sup> to appoint an independent chair to consider the grievance.

## **10. False or Malicious Complaints**

MIE will not tolerate vexatious or malicious complaints and will address any complaints of this nature through appropriate procedures including the disciplinary procedure.

## **11. Related Documents**

- 11.1. [Code of Practice on Grievance and Disciplinary Procedures](#)
- 11.2. Contract of Employment
- 11.3. [Disciplinary Policy](#)
- 11.4. [Dignity and Respect Policy](#)
- 11.5. [Code of Governance](#)
- 11.6. [Matters Reserved for the Governing Body of MIE](#)

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<sup>2</sup> See [Code of Governance](#) and [Matters Reserved for the Governing Body of MIE](#)