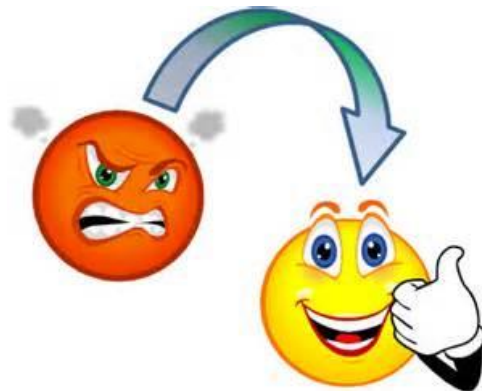




# EMPLOYEE Grievance Policy and Procedure



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# GRIEVANCE POLICY AND PROCEDURE

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## 1. Introduction

Guahan Academy Charter School promotes a positive working environment and develops policies and procedures to support this. However, it is recognized that from time to time, employees will have concerns, problems or complaints about an aspect of their employment. A grievance could, for example, include concerns about the work the employee is doing or a problem in their working environment. This policy and procedure is developed to support employees who feel that they have a grievance.

The procedure provides employees with a clear and specific mechanism for resolving their grievances quickly, fairly and consistently, to help to maintain effective working relationships. Employees will not be treated any less favorably or suffer any detriment in their employment, as a result of raising a grievance under this procedure.

The policy, procedure and accompanying guidance provides advice on the informal resolution of grievance issues and in situations where informal resolution is deemed inappropriate, or has been unsuccessful, provides advice for managers and employees regarding the formal grievance procedure.

A Grievance Policy and Procedure for the school Administrator(s) and counselors will be developed to accompany this policy and procedure, to provide further guidance and support to assist them when dealing with grievances.

## 2. What is a Grievance?

**Definition: A grievance is a concern, problem or complaint that an employee raises with their employer. Grievances, for example, may be about an employee's work, terms and conditions of employment, work relationships, working environment, etc.**

## 3. Policy Statement

The purpose of this Policy is to:

- Support Trustees, Administrator(s) and Faculty to resolve grievance matters promptly and effectively.
- Encourage open communication between Trustees, Administrator(s), Faculty and employees to aid the early, and where possible, informal resolution of grievance matters.

- To ensure a fair, reasonable and consistent procedure is adopted for all grievances.

The Grievance Policy and Procedure for Guahan Academy Charter School is not intended to be used to raise issues in respect of pay and grading. Employees should utilize the personal application for regarding process. If an issue has been raised and exhausted under another policy, including disciplinary matters, whistle blowing matters and redundancy matters, it is not permissible to utilize the grievance procedure to raise the same issues.

All of the documents mentioned in this section are available in GACS' website or can be provided by the Human Resource Department., or the Principal.

#### **4. Policy and Procedure Scope**

The Grievance Policy and Procedure applies to all employees of the school.

If an employee wishes to raise a grievance it may be more appropriate to raise it under the Harassment at Work Policy. Where an employee does not have a grievance but wishes to raise a concern, it may be more appropriate to raise it under the Whistleblowing Policy and Anti-Fraud and Corruption Policy.

The Grievance Policy and Procedure for Guahan Academy Charter School is not intended to be used to raise issues in respect of pay and grading. Employees should utilize the personal application for regarding process. If an issue has been raised and exhausted under another policy, including disciplinary matters, whistleblowing matters and redundancy matters, it is not permissible to utilize the grievance procedure to raise the same issues.

All of the documents mentioned in this section are available in GACS' website or can be provided by the Human Resource Department, or the Principal.

#### **5. Roles and Responsibilities**

The Governing Body: **The Board of Trustees**

- The Governing Body of Guahan Academy Charter School is its Board of Trustees which is responsible for approving this employment policy for the Charter School.
- The appropriate committee of the Governing Body is also responsible for hearing grievances and grievance appeals as necessary or appropriate under the procedure.
- The Governing Body is responsible for ensuring the fair and consistent application of policy and ensuring that local procedures are in place to manage grievance matters.

The Administrator(s): **Principal and Assistant Principal**

- The Administrator(s) are responsible for ensuring the fair and consistent application of policy and ensuring that local procedures are in place to manage grievance matters.

- Encourage open and effective communication with employees, thereby enabling Employees to voice any concerns or problems which may impact on work.
- Ensure all employees are aware of and understand the Grievance Policy and Procedure.
- Address issues informally, in the first instance, wherever possible.
- Maintain written records of any grievances matters/cases and ensure confidentiality is maintained.

#### **Employees:**

- Communicate any concerns or problems which may impact on work to their supervisor or the Assistant Principal.
- Ensure that they are aware of and understand the Grievance Policy and Procedure.
- Actively participate in the grievance process.

#### **Human Resources Advisers:**

- Develop and maintain appropriate policies and procedures, conduct ongoing research and identify best practice.
- Ensure effective communication of the Grievance Policy and Procedure and that the Policy and Procedure is applied consistently and fairly by Administrator(s).
- Provide support and guidance to the Governing Body, Administrator(s) and employees regarding grievance matters.

## **6. General Principles**

The following principles should be maintained throughout the grievance process.

- Trustees, Administrator(s), faculty and employees should always seek to resolve grievance issues in the workplace, and all attempts should be made to resolve a grievance *informally* prior to invoking the formal Grievance Procedure.
- It is imperative that basic principles of *fairness* are followed when dealing with grievance cases and that they are dealt with in a *reasonable* manner.
- Trustees, Administrator(s), faculty and employees should act *consistently* throughout the grievance process.
- Trustees, Administrator(s), faculty and employees should raise and deal with grievance issues *promptly* and should *not unreasonably delay* meetings, decisions or confirmation of decisions.
- Employees should be allowed to be *accompanied by a 'companion'* at any formal grievance meeting. The chosen companion may be a fellow worker.
- *All meetings should be held in PRIVATE and at a time and place that is reasonable*

*for the employee and any person accompanying them.* If either the employee or their ‘companion’ has any special requirements, they should inform the Administrator prior to the meeting and, where appropriate, reasonable adjustments will be made.

- The purpose of each meeting throughout the grievance process is to try to resolve the grievance satisfactorily. Everyone involved in dealing with the grievance should ensure that *discussions are open and constructive.*
- Any necessary *investigations* should be carried out to establish the facts of the case.
- An employee should be allowed to *appeal* against any formal decision made.
- Trustees and Administrator(s) should *keep a written record* of any grievance cases they deal with. Such records should be treated as confidential and retained in accordance with GACS Records Retention Policy.

Where a specific grievance has been dealt with under the formal Grievance Procedure, the same grievance cannot be raised again at a later date. This provision stands even where an employee feels the grievance has not been resolved to their satisfaction.

## **7. Using Mediation**

Trustees, Administrator(s) and Employees should always seek to resolve grievance issues in the workplace. Where this is not possible, they should consider using an independent third party to help resolve the problem, and it may be helpful to consider mediation at any stage during the grievance process.

**Mediation** is a voluntary process where the mediator or pair of mediators helps two or more people in dispute to attempt to reach an agreement. Any agreement comes from those in dispute, not from the mediator. The mediator is not there to judge, to say one person is right and the other wrong, or to tell those involved in the mediation what they should do. The mediator is in charge of the process of seeking to resolve the problem but not the outcome.

The third party could be an internal mediator, so long as they are not involved in the grievance issue, and GACS currently offers an internal mediation service which is open to all who feel that mediation may help. In some cases, however, an external mediator may be appropriate.

## **8. Grievance Procedure**

When raising a grievance, employees should follow the procedure detailed below:

### **A. Informal Stage**

Grievances should always be raised informally at the earliest opportunity with an employee’s direct supervisor, where appropriate. A quiet word is often all that is needed and concerns,

problems and complaints can often be easily resolved at this stage, enabling effective working relationships to be maintained. If the supervisor is unavailable (e.g. due to holiday, sickness, etc.), or is not the most appropriate person to report the matter to, the employee should contact the Principal, or the next most senior person. In the event that the grievance is against the Administrator(s), the employee should work with the Chairperson of the Board of Trustees to find an informal resolution where appropriate and possible.

Administrator(s) should encourage effective communication and open discussion with employees to enable employees to feel able to voice any concerns they may have and to ensure that grievance matters are resolved quickly and effectively at the informal stage.

## **B. Formal Procedure**

When it is not possible or appropriate to resolve a grievance informally, employees should raise the matter formally and the formal Grievance Procedure detailed below should be followed:

### **► 1. Raising a Grievance – Stage 1**

- 1.1 To raise a formal grievance, an employee must submit a **written statement** to their supervisor without unreasonable delay, (as long as their supervisor is not the subject of the grievance – a grievance against the administrator is set forth in Sections 2.1 and 2.2). Wherever possible, the grievance should be made using the form attached as **Appendix 1** within the Grievance Policy and Procedure. The **written statement** must set out the nature of the grievance and detail how the employee would like the grievance to be resolved.
- 1.2 Where it is unclear if the written statement received is intended to be treated as a grievance, the recipient of the written statement shall seek to clarify this without unreasonable delay.
- 1.3 The Administrator should arrange for a formal grievance meeting to be held without unreasonable delay, after a grievance has been received.
- 1.4 Employees should be notified of their right to be accompanied by a ‘companion’ at the formal grievance meeting. The chosen companion may be a fellow worker. To exercise the right to be accompanied, a worker must first make a reasonable request. What is reasonable will depend on the circumstances of each individual case.
- 1.5 Administrator(s) and employees and their companions should make every effort to attend the grievance meeting.
- 1.6 During the grievance meeting, employees should be allowed to explain their grievance and how they think it should be resolved. The companion should be allowed to address the grievance 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.



- 1.7 Consideration should be given to adjourning the grievance meeting for any investigation that may be necessary, and the investigation should be carried out without unreasonable delay. The meeting should then be rearranged without unreasonable delay and within a timescale agreed with the employee.
- 1.8 Following the grievance meeting, the Administrator(s) should decide on what action to take, if any.
- 1.9 The Administrator(s) should notify the employee of the decision, in writing, without unreasonable delay. The letter, where appropriate, should set out what action the Administrator(s) intend to take to resolve the grievance. Where an employee's grievance is not upheld the reasons for not upholding the grievance should be carefully explained in the letter. The employee should also be informed that they *can appeal* if they are *not content with the decision and any action taken*.

► **Appealing a Grievance Decision – Stage 2**

- 1.10 Following receipt of the Administrator's notification of their decision, where an employee feels that their grievance has not been satisfactorily resolved, they may decide to *submit an appeal*.
- 1.11 In order to appeal, an employee should submit a *written statement within 10 working days* of receiving the notification of the decision. Should an appeal not be received within this timescale, it will be considered that the grievance has been resolved. Where ever possible, the *appeal* should be made using the *form* attached as *Appendix 2*. The written statement should *clearly state the grounds* for the employee's appeal. All appeals at this stage should be submitted to the Appeals Committee of the Governing Body through the Administrative officer.
- 1.12 Appeals should be heard by the Appeals Committee of the Governing Body of the school. The appeal should be heard without unreasonable delay and at a time and place which should be notified to the employee in advance. The appeal should be dealt with impartially and wherever possible by someone who has not previously been involved in the case.
- 1.13 Employees have the right to be accompanied at any such hearing.
- 1.14 The outcome of the appeal should be communicated to the employee, in writing, without unreasonable delay. The decision of the Appeals Committee will be final.

► **2. Raising a Grievance Against the Administrator(s) – Stage 1**

- 2.1 In the event that the Administrator(s) are the subject of the grievance, the written statement should be submitted to the Chairperson of the Governing Body. The Chairperson of the Governing Body will investigate the grievance and present a report to



the H.R. Committee of the Governing Body who will consider the grievance.

▶ **Appealing a Decision of a Grievance Raised Against the Administrator(s) – Stage 2**

2.2 In the event that the Administrator(s) are the subject of the grievance, the written statement should be submitted to the Appeals Committee of the Governing Body and the decision of the Appeals Committee of the Governing Body will be final.

▶ **3. Raising a Grievance Against a Committee of the Governing Body – Stage 1**

3.1 If the grievance is against a committee of the Governing Body, the employee should submit his/her grievance in writing to the Chairperson of the Governing Body via the administrative officer of the Governing Body (or the Governing Body's nominated independent representative) who will arrange for the matter to be investigated without unreasonable delay. Should the Chairperson of the Governing Body be a member of the committee which is the subject of the grievance, they should nominate an alternative Governing Body representative to handle the grievance.

3.2 The hearing should be heard without unreasonable delay and at a time and place which should be notified to the employee in advance.

3.3 Employees have the right to be accompanied at any grievance hearing.

3.4 The outcome of the hearing should be communicated to the employee, in writing, without unreasonable delay. This letter should also inform the employee of their *right of appeal*.

3.5 If the employee wishes to appeal the decision, he/she must submit a written statement within 10 working days of receiving the notification of the decision.

▶ **Appealing the DECISION of the CHAIRPERSON of the Governing Body (Where the Grievance was Submitted Against a Committee of the Governing Body) - Stage 2**

3.6 To appeal the decision of the Chairperson of the Governing Body (in cases where the grievance was submitted against a committee of the Governing Body), the employee should submit the appeal to the Appeals Committee of the Governing Body via the administrative officer of the Governing Body within *10 working days* of receiving the written outcome of the grievance hearing.

3.7 A meeting with the Appeals Committee will take place without unreasonable delay.

3.8 Employees have the right to be accompanied at any appeal hearing.

3.9 The outcome of the hearing should be communicated to the employee, in writing, without unreasonable delay. *The decision of the Appeals Committee is final.*

► **4. Raising a Grievance Against the Full Governing Body / Chair of the Governing Body – Stage 1**

4.1 Should a grievance be received against the Full Governing Body of GACS or against a Chairperson of a Governing Body, GACS in conjunction with the H.R. Team will look at the appropriate method of hearing the grievance according to the individual circumstances of the case.

► **Appealing the Decision of a Grievance Raised Against the Full Governing Body / Chair of the Governing Body – Stage 2**

4.2 The appeal mechanism will also be considered according to the circumstances of each grievance at the time of submission.

► **5. Raising a Grievance BY an ADMINISTRATOR – Stage 1**

5.1 To raise a formal grievance, an Administrator must submit a written statement to the Chairperson of the Governing Body without unreasonable delay, (as long as the Chairperson of the Governing Body is not the subject of the grievance). Wherever possible, the grievance should be made using the form within the Grievance Policy and Procedure. The written statement must set out the nature of the grievance and detail how the grievance can be resolved.

5.2 In the event that the Chairperson of the Governing Body is the subject of the grievance, the written statement should be submitted to the Vice-Chairperson of the Governing Body or an alternative independent Trustee.

5.3 The Chair of the Governing Body should arrange for the grievance to be investigated without unreasonable delay, after a grievance has been received. A meeting of the H.R. Committee will be convened to consider the grievance. At this meeting, the Chairperson of the Governing Body will present the report of the investigation.

5.4 The Administrator(s) should be notified of their right to be accompanied by a ‘companion’ at the formal grievance meeting. The chosen companion may be a fellow employee.

5.5 All parties should make every effort to attend the grievance meeting.

5.6 Consideration should be given to adjourning the grievance meeting for any investigation that may be necessary, and the investigation should be carried out without unreasonable delay. The meeting should then be re-arranged without unreasonable delay and with the agreement of the employee.

5.7 Following the grievance meeting, the H.R. Committee should decide on what action to take, if any.

5.8 The H.R. Committee via the administrative officer of the Governing Body should notify the Administrator(s) of the decision, in writing, without unreasonable delay. The letter, where appropriate, should set out what action the H.R. Committee intends to take to resolve the grievance. The Administrator(s) should also be informed that he/she is not content with the decision and any action taken.

5.9 If the Administrator(s) wishes to appeal the decision, he/she must submit a written statement within 10 working days of receiving the notification of the decision.

► **Appealing a Decision of a Grievance BY an ADMINISTRATOR –Stage 2**

5.10 To appeal the decision of the H.R. Committee, the Administrator(s) should submit the appeal to the Appeals Committee of the Governing Body via the administrative officer of the Governing Body within **10 working days** of receiving the written outcome of the grievance hearing.

5.11 A meeting with the Appeals Committee will take place without unreasonable delay.

5.12 Employees have the right to be accompanied at any appeal hearing.

5.13 The outcome of the hearing should be communicated to the employee, in writing, without unreasonable delay. ***The decision of the Appeals Committee is final.***

In exceptional cases where no Trustee is able to give an objective view, the policy allows for a formal collaboration to be made with another Governing Body to hear the grievance.

## **9. Hearings**

► **What should a grievance hearing entail?**

A grievance hearing need not be rigidly structured as discussion and dialogue may lead to a successful outcome. A Trustee, Administrator or Supervisor should:

- Welcome attendees to the hearing, briefly reiterate the reason for the hearing (i.e. to consider issues raised by the aggrieved individual under the schools grievance procedure) and make introductions as necessary.
- Invite the employee (or his/her representative) to state his/her case and how his/her Case and how he/she would like to see the grievance resolved.
- Sum up the main points of the employee's statement of case.
- Consider adjourning the meeting if it is necessary to investigate any new facts that arise.
- Advise the employee of the expected timescale for response.

If investigation is necessary and the grievance hearing is adjourned, it is the responsibility of the Hearing Officer to arrange for the hearing to be reconvened in order that the aggrieved person may be verbally informed of the findings of the Hearing Officer.

## **10. Investigations**

### **▶ Who should investigate?**

If an investigation is required into matters raised during the grievance process, the Hearing Officer should take forward the investigation. In some instances, however, it may not be possible for the Hearing Officer to investigate. In these cases, the Hearing Officer should commission an investigation and appoint an Investigation Officer.

### **▶ The role of the Investigating Officer**

The role of an Investigating Officer in a grievance case is to conduct an investigation into the Issues raised in the grievance. The Investigating Officer would make recommendations regarding appropriate action to resolve the grievance (if any are appropriate), based on his/her findings and supported by the available evidence. The Investigating Officer must produce a report of his/her findings and recommendations for the Hearing Officer. A summary of the investigative report may be provided to the aggrieved person or the findings of the grievance may simply be communicated to the aggrieved person in writing. There is no requirement in law for the aggrieved person to be given a summary of the investigative report; however, the aggrieved person does have the right to have the findings of their grievance communicated to them in writing.

## **11. Outcome**

Following completion of any investigation and once the Hearing Officer has had an opportunity to carefully reflect on the grievance as a whole, a decision will need to be taken on what action, if any, to take. The decision of the Hearing Officer should be communicated to the employee, in writing, (either in the form of a letter or a summary report), without unreasonable delay and should set out what action the Hearing Officer recommends is taken in order to resolve the grievance. Please note that where the grievance is in relation to another member of staff, the aggrieved party will not be informed of any action that may/may not be taken against the subject of the grievance.

The written outcome should also outline the employee's right of appeal (at Stage 1 only). Where an employee's grievance is not upheld, the Hearing Officer should carefully and sensitively explain the reasons to the employee.

## **12. Follow Up Responsibilities and Actions**

The Appeals Committee of the Governing Body or the Personnel Committee of the Governing Body (where the Committee has heard the case) is responsible for ensuring the Supervisor, the Administrator, the Chair of the Governing Body and the individual bringing the grievance receive a reasoned written outcome of the Committee's decisions and actions relating to the grievance.

The Trustee, Administrator or Supervisor (where they heard the case) is responsible for ensuring that the individual is properly notified of the outcome of any grievance, in writing;

and is responsible for ensuring that any individual against whom a grievance lies is made ware of the outcome of the grievance process, (including action points).

**The Administrator or Supervisor** is responsible for ensuring that appropriate for ensuring that appropriate follow-up action is taken and other procedures are initiated (where appropriate). The Administrator or Supervisor is also responsible for ensuring that the on-going situation is monitored appropriately.

**HR** is responsible for ensuring that the individual raising the grievance and the persona against whom the grievance is raised are properly notified by the Administrator or Supervisor of the outcome. In accordance with the procedure, responsible for advising Trustees, Administrators and Supervisors throughout the procedure on the range of possible responses/actions and on their follow-up responsibilities; and responsible for ensuring ongoing fairness and consistency in relation to the facts of the case.

**The individual** is responsible for taking any follow-up action agreed between themselves and the Trustee, Administrator or Supervisor; responsible for cooperating appropriately with any action taken under other procedures in response to the grievance; responsible for ensuring that the Administrator or Supervisor is provided with any information relevant to any ongoing concerns.

### **13. Keeping Written Records**

A written record should be kept of any grievance case that is dealt with. Records should include:

- Details of the nature of the grievance;
- What was decided and actions taken;
- The reason for the actions;
- Whether an appeal was lodged;
- The outcome of the appeal; and
- Any subsequent developments.

Records should be treated as **CONFIDENTIAL** and be kept no longer than necessary in accordance with GACS Records Policy on Retention and the Data Protection Act of 1998. The Data Protection Act gives individuals the right to request and have access to certain personal data.

Copies of meeting records should be given to the employee including copies of any formal minutes that may have been taken. In exceptional circumstances (perhaps in cases where there has been agreement on witness anonymity), it may be possible to withhold copies of meeting records. When possible, one should seek guidance from the designated H.R. contact prior to making the decision to withhold.

## **14. Overlapping of Grievance and Disciplinary Cases**

Where an employee raises a grievance during a disciplinary process, the Disciplinary Procedure may be temporarily suspended in order to deal with the grievance.

If a grievance is raised before the disciplinary procedure has commenced, then the grievance should be dealt with first; however, the disciplinary investigation need not be stopped, only the disciplinary hearing.

If a grievance is raised after the disciplinary procedure has commenced or at any time before a disciplinary appeal hearing, then consider the nature of the grievance. If it is raised to the issues of the disciplinary case (for example alleged bias or discrimination or that the procedure is unfair), then the grievance can be dealt with within the disciplinary process provided that this is made clear to the employee.

If the grievance has no direct bearing on the disciplinary case, then consider proceeding with a separate grievance running parallel to the disciplinary in order to not unduly delay the disciplinary procedure. Where possible, consideration should be given to hearing the grievance before the disciplinary hearing or appeal unless this would result in an unnecessary delay to the discipline case. A *different investigative officer* should be used for each.

If the grievance and the disciplinary are around the same issues, it may be appropriate to deal with them both together.

If a grievance is raised during or after a disciplinary appeal hearing, as it has not been Investigated , it should be dealt with as a separate grievance. Consideration should be given as to whether the appeal should be adjourned or if it is still safe to proceed with a decision whilst the grievance is being investigated.

The administering authority should, however, consult with H.R. in considering grievances raised during a disciplinary matter.

## **15. “Grievances” Raised by Ex-Employees**

An employer is not required to deal with a “grievance” raised by an ex-employee, as the Grievance Procedure focuses on resolving disputes with employees. However, although not required, issues raised by ex-employees will *receive a written response from GACS*. There will be no right of appeal available to ex-employees, as any issue raised by an ex-employee will be managed outside of the grievance procedure.

## **16. Malicious Grievance Raising**

If an issue is investigated and it is believed that the grievance was brought maliciously and without foundation, this should be discussed with your designated H.R. contact. A malicious grievance is one brought in bad faith, i.e., where the complainant knew at the outset that the grievance

was not founded. Complaints made in good faith but subsequently discovered to be unfounded are not malicious. Action under the disciplinary procedure may be brought against anyone found to have lodged a grievance maliciously.

### **17. Collective Grievances**

The provisions of this Policy and Procedure do not apply to grievances raised on behalf of two or more employees by a representative of a recognized trade union or other appropriate workplace representative.

### **12. Review of the Policy and Procedure**

The Guahan Academy Charter School Grievance Policy and Procedure will be reviewed on a periodic basis.

### **13. Adoption of the Policy and Procedure**

IN WITNESS WHEREOF, on this \_\_\_ day of April, 2015, we, the undersigned members of this Board of Trustees of Guahan Academy Charter School , attest and affix our signatures to GACS Resolution 04-2015-080, and that said resolution adopting GACS GRIEVANCE POLICY AND PROCEDURE are now in full force and effect without modification or rescission.

\_\_\_\_\_  
FE VALENCIA-OVALLES

\_\_\_\_\_  
MARGARET J. DENNEY

\_\_\_\_\_  
ROWENA ZACARIAS

\_\_\_\_\_  
VICTOR A. PEREZ

\_\_\_\_\_  
TERRY DEBOLD

\_\_\_\_\_  
ROBERT RUECHO



**APPENDIX 1 – Grievance Statement**





*To be prepared on letterhead of Investigating Officer*

**CONFIDENTIAL**

Dear \_\_\_\_\_ (insert name)

I am currently conducting an investigation into issues that have been raised under the School's Grievance Procedure.

My role is to collect information from a variety of sources and report my findings. As part of the investigation, I would like to interview you in your capacity as \_\_\_\_\_ (insert capacity, e.g. witness).

I would like to schedule a meeting with you as follows:

Date:

Time:

Place:

You are entitled to be accompanied during the interview by a companion. The companion may be a fellow worker or someone else approved by the School.

If for any reason you are not able to confirm the proposed date, please contact me immediately in order that an alternative date can be arranged.

If you have any questions or wish to discuss the content of this letter, please contact me.

Respectfully,

(Insert Name)  
Investigating Officer  
Telephone Number:  
Email Address:

*To be prepared on letterhead.*

**CONFIDENTIAL**

Dear \_\_\_\_\_:(insert name)

I write following our recent meeting and I have prepared a copy of the interview notes.

I would be grateful if you could read these notes carefully and make any amendments that you feel necessary. Having read the notes, and amended them appropriately, please initial each amendment and add your full signature and date at the end of the final page. The notes should be returned to me in the enclosed envelope by \_\_\_\_\_(insert return date).

On receipt of the amended notes, I will check them against the handwritten notes of interview. If there are any significant discrepancies, I will contact you to discuss them further.

The second of the two copies enclosed is for your own personal retention. If the signed notes are not returned, with amendments where required, by the above date, it will be assumed that they are accepted as a true record of the interview and the investigation will proceed on that basis.

I would like to remind you again that you must not discuss information regarding this case with any of your fellow co-workers.

If you have any questions or want to discuss the content of this letter further, please contact me.

Respectfully,

(Insert Name)  
Investigating Officer  
Telephone Number:  
Email Address:

Enclosure: Two copies of interview notes  
Return addressed envelope

*To be prepared on letterhead*

**CONFIDENTIAL**

Dear \_\_\_\_\_ (insert name)

**GRIEVANCE PROCEDURE (Stage 1)**

Thank you for attending the Stage 1 Grievance Hearing held \_\_\_\_\_ (insert date).

● You were accompanied at the hearing by \_\_\_\_\_ (insert name and position, if applicable) or ● You chose not to be accompanied at the hearing. \_\_\_\_\_ (insert name) attended the hearing from Human Resources and \_\_\_\_\_ (insert name) attended the hearing in the capacity of note-taker. I chaired the hearing.

I have given careful consideration to all submissions made, including those made by you and your companion. As we discussed, the purpose of the hearing was to consider issues raised in your grievance statement submitted on \_\_\_\_\_ (insert date).

It was noted that all parties present agreed to the procedure to be followed at the hearing and that you confirmed that you had had a full and fair opportunity to present your grievance at the hearing.

The hearing was held to consider the following issues:

- 1)
- 2)
- 3)

I will advise you of my findings by taking each point in turn:

1) Summary of Specific Concern

- Brief details of concern to be entered here.
- Details of reasoning leading to finding to be entered here.
- Decision regarding either the upholding or dismissal of the element of grievance to be entered here.

You have the right of appeal to the Appeals Committee of the Governing Body. If you would like to do so, you must contact the Clerk of the Governing Body within 10 working days of receipt of this letter.

Respectfully,

(Insert Name)  
Hearing Officer  
Telephone:

Email Address:

*To be prepared on letterhead*

**CONFIDENTIAL**

Dear \_\_\_\_\_ (insert name)

**Grievance Appeal (Stage 2)**

Thank you for attending the Stage 2 Grievance Appeal hearing held on \_\_\_\_\_ (insert date). ● You were accompanied at the hearing by \_\_\_\_\_ (insert name and position, if applicable) or ● You chose not to be accompanied at the hearing. \_\_\_\_\_ (insert name) attended the appeal hearing from Human Resources. \_\_\_\_\_ (insert name) attended the appeal hearing in the capacity of note-taker. I chaired the hearing.

I have given careful consideration to all submissions made, including those made by you (and your companion). As we discussed, the purpose of the appeal hearing was to consider issues raised in your grievance appeal statement submitted on \_\_\_\_\_ (insert date).

It was noted that all parties present agreed to the procedure to be followed at the hearing and that you confirmed that you had had a full and fair opportunity to present your appeal.

The elements of your appeal were as follows:

- 1.
- 2.
- 3.

I will advise you of my findings by taking each point in turn.

Summary of specific appeal element:

- Brief details of appeal to be entered here.
- Details of reasoning leading to finding to be entered here.
- Decision regarding either the upholding or dismissal of the element of appeal to be entered here.

You have no further right of appeal against this decision as this represents the final stage of the grievance procedure.

Respectfully,

(Insert Name)  
Hearing Officer  
Telephone:



Email Address:

### **Guidance for Investigating Officers within the Grievance Procedure**

In order for an investigation to be commissioned by the Hearing Officer, he/she will have decided that there are issues within the grievance worthy of investigation. Investigation may not be appropriate in every circumstance. The Hearing Officer will appoint an Investigating Officer and will advise the Investigating Officer of the reasons for the investigation.

Thought will need to be given by the Hearing Officer and the Investigating Officer as to the nature, scope and depth of the investigation required.

In order to carry out the role of the Investigating Officer effectively, the Investigating Officer needs to avoid:

- Pre-conceived ideas regarding an issue to which the investigation relates;
- Becoming emotionally involved or allowing feelings/preconceptions to determine the conduct of the investigation;
- Feeling sympathy for one of the parties;
- Stereotyping;
- Responding to “gut feelings” or making snap judgments that are not based on the evidence.

### **Clarifying the Parameters of the Investigation**

It is important that the Investigating Officer has clear instructions from the Hearing Officer who commissioned the investigation regarding:

- The issues that are to be investigated;
- The identities of relevant parties (e.g. aggrieved person, witnesses);
- Confirmation of the procedure under which the investigation is taking place.

### **Interviews**

The first interview undertaken by the Investigating Officer will usually be with respect to the aggrieved person. This interview should be used to establish:

- Background information and any relevant history;
- Alleged incidents of grievance issues;
- Details of who those involved are;
- For each of the concerns, details of what, where, who and any effects;
- Availability of any documentation – has the aggrieved person kept records or has hard copy information that may be useful?
- Action ready taken to deal with the issues or resolve informally;
- What an acceptable resolution would be for the aggrieved person.

During the early stages of the investigation, it is important that the Investigating Officer gathers

specific details and issues. Using appropriate questions to establish details rather than accepting general responses from interviewees can achieve this. For instance, in response to the statement: *“I kept asking for my workload to be look at, but no one took it seriously and no one ever did anything about it.”* The Investigating Officer should ask: *“Who did you speak to about your workload? When was this? What happened?”*

The following questions may be useful in establishing specific details:

- What happened?
- Who did this?
- When did this happen?
- Where were you?
- Who else might have seen/heard what happened?
- What records are available?
- What did you do?
- How did you feel?
- What happened next?

### **Do Interviews Have to be Conducted in any Specific Order?**

Interviews do not have to be conducted in any specific order; however, it is usual for the aggrieved person to be interviewed first as this provides subject and context. It may then be logical to interview witnesses in order to gather specific facts and then any person who is the subject of the grievance. This may then lead to further witness interviews, then a final interview with the aggrieved person to raise any issues or inconsistencies. If an individual is the subject of the grievance, it may be useful to conduct a final interview with that individual in order to allow them a final opportunity to respond to issues.

It is important to remember that any individual can be interviewed more than once – as an investigation progresses new information may emerge which necessitates further interviews with an individual. At the end of the interview stage of an investigation, the Investigating Officer should be in a position to analyze evidence and make recommendations.

### **Conducting an Investigative Interview**

There are key points that should be included in each investigative interview.

**Introduction:** The Investigating Officer should explain who he/she is; that he/she is the Investigation Officer in a matter raised under the grievance procedure and should state that his/her purpose is to conduct an impartial investigation in order to ascertain facts.



**Purpose of Interview:** The Investigating Officer should state what the purpose of the Interview is, (for example to allow the interviewee to provide full details of their Complaint.



**Format of Interview:** The Investigating Officer should explain that he/she has prepared a list of questions covering background, context and specifics. The Investigating Officer should advise that the interviewee will be provided with opportunity to add anything not covered by the prepared questions.



**Note Taking Arrangement (if a note taker is being used):** The Investigating Officer should introduce the note taker. Explain that notes will be taken during the interview and that a copy will be prepared for the interviewee to check and sign. If there is no note taker, explain that the Investigating Officer will be taking his/her own notes and therefore might have to ask the interviewee to pause or speak more slowly in order to enable the Investigating Officer to capture points.



**Confidentiality:** Remind the interviewee that he/she must not discuss the interview of the case with any work colleagues and that proven breaches of confidentiality can lead to disciplinary action.



**Confidential to Process:** The Investigating Officer should be aware that, if notes are taken, the employee raising the grievance will receive a copy.



**The Aggrieved Person's Right to be Accompanied:** If the interviewee is not accompanied, the Investigating Officer should remind him/her of this opportunity and confirm that he/she is content to proceed alone. If he/she is accompanied, explain that the Investigating Officer expects the interviewee to personally answer questions but that the accompanying person will be given opportunities to contribute. It is important to include this as it helps to avoid a situation arising where the accompanying person hijacks the proceedings. No one else within the procedure has the right to be accompanied.



**Reminder:** The Investigating Officer should advise the interviewee that the interview is his/her opportunity to disclose anything that is relevant to the investigation and remind him/her that it is important that he/she is open and honest.



**Timescales:** The Investigating Officer should outline timescales.



**Close the Introduction:** The Investigating Officer should advise that if the interviewee finds questions to be unclear then he/she should ask for clarification. The Investigating Officer should also advise the interviewee that he/she may request a break from the interview, should he/she find this necessary. The interviewee should be asked if he/she have any questions before the start of the interview.



**Notes:** The notes that the Investigating Officer produces from each interview will be the key documentary evidence that is used in decision-making. It is, therefore, essential that good notes be taken during an interview. Planning an interview can assist with the production of good notes as the notes themselves can follow the clear structure of the interview plan. If an Investigating Officer is using the services of a note taker, the note taker should be briefed as to the way in which the Investigating Officer wishes the notes to be presented.

Additionally, it is important that both the Investigating Officer and the note taker feel confident and enabled to ask for time to “catch up” when making handwritten notes, as it is vital that a full note of discussions be taken. The handwritten notes are the contemporaneous notes of the interview.



**Agreeing on the Content of Notes:** As soon as possible after the interview, a typewritten record of the interview should be prepared, using the contemporaneous notes as an aide memoir. The typewritten notes are the draft notes of the interview.

The draft notes should be sent to the interviewee with a request to check them, amend them (if necessary), sign and date them. Ensure that a timescale is given for return.

When the notes are returned, the Investigating Officer should check that they have been signed and dated, and any amendments or additions should be checked against the contemporaneous notes of interview to ensure that the amendment reflects what was actually said.

If the Investigating Officer agrees the amendments, the amended notes are regarded as the final agreed interview notes.

If the Investigating Officer does not agree with an amendment or addition, he/she should first consider whether the point at issue is a material point. A material point is one that goes to the heart of the issue or concern. If it is not, the Investigating Officer might be prepared to accept the amendment or addition as it does not affect the evidence overall. If the point is material, the Investigating Officer can state:

*“I have checked your proposed amendments against the handwritten notes of interview.*

*I do not accept that the statement you refer to in your amendment on page \_\_\_\_, paragraph \_\_\_\_ was actually made and I have therefore discounted it for the purposes of the investigation.”*

This means that for every interview conducted, the Investigating Officer should have the following identifiable notes:

- Handwritten contemporaneous notes;
- Draft typewritten notes (the first copy sent to the interviewee);
- Final amended typewritten notes.

In addition any copies of correspondence (emails or letters) that relate to the agreement of the notes of interview should be retained. All versions of interview notes should be kept.



**Off the Record Statements:** Off-the-record statements are not acceptable as there is no such thing as “off the record” for the purposes of an investigation. Any information given develops part of the investigative process and must be recorded. If someone suggests that he/she want to talk “off the record”, the Investigating Officer must advise that this is not possible. No “off the record” information can be used by the Investigating Officer.



**Requests for Witness Anonymity:** Requests for anonymity should NOT be agreed to as a matter of course. If the Investigating Officer receives a request for anonymity and he/she is satisfied that there is reasonable justification for the witness’s desire to give his/her statement anonymously, the Investigating Officer should discuss this with Human Resources.

It is important to remember that balance needs to be achieved between the need to protect the identity of the witness and the need to ensure a fair investigation. This usually requires that the information provided should be written down and that the facts should be provided to any individual affected by the concern in order to give him/her an opportunity to respond. The Investigating Officer needs to be satisfied that the individual requesting anonymity does not hold a personal grudge against any other involved individual and also that his/her information is not fabricated.

## Report Writing

The investigation report is the key documentary output arising from the investigation. It should contain details of the process and progress of the investigation, analysis of the information uncovered, conclusions drawn and recommendations based upon conclusions. It is essential that the Report be:

- Comprehensive;
- Clear and easy to follow;
- Well presented;
- Written in simple, un-emotive and impartial language.

All reports should be written with an expectation that any individual named as a cause of the grievance might have sight of the report. This approach can help avoid emotive language.

**Outline Contents of Report:** A report is usually written for the consideration of the Hearing Officer. Regardless of the nature of the grievance that is being investigated, a full report should contain the following information:

- **Introduction:** Brief introduction to the circumstances leading to the commissioning of the Report, e.g. *“This Report was compiled following an investigation into a grievance raise by \_\_\_\_\_ (insert name), \_\_\_\_\_ (insert position) in relation to \_\_\_\_\_”*. The investigation was carried out in accordance with the relevant provisions of GACS Grievance Procedure, in order to determine the facts of the grievance.

- **Executive Summary:** Summarize the conclusion, e.g. *“This case concerned Grievances relating to \_\_\_\_\_ were investigated and the following recommendations were made:*

- 1.
- 2.

- **Outline of Timescales:** Presented as a summary, e.g. *“\_\_\_\_\_ (insert date) investigation commenced.”*

- **List of Interviewees:**
  - Name
  - Job Title
  - Date of Interview

- **Elements of Grievance:** Outline of each separate element of the grievance, e.g. *“Perceived preferential treatment of \_\_\_\_\_ (insert name) by \_\_\_\_\_ (insert name) with particular reference to workload.”*

● **Findings for Each Element of Grievance:** Balance of evidence and summary of analysis and finding for each, e.g. *“Following analysis of workload monitoring information submitted by \_\_\_\_\_(insert name), it is found that the workload of \_\_\_\_\_(insert name) and \_\_\_\_\_(insert name) were comparable and commensurate with that of other team members.”*

● **Conclusion:** Presentation of information pertaining to each allegation, e.g. *“With reference to \_\_\_\_\_(insert name) perception that \_\_\_\_\_(insert name) received preferential treatment with respect to workload from \_\_\_\_\_(insert name), it would appear that such a perception is not supported by workload monitoring statistics.”*