



## STAFF GRIEVANCE PROCEDURE POLICY

*This policy was adopted by the  
Governing Body:*

*Spring 2016*

*Next Review: Spring 2019*



CYNGOR SIR  
YNYS MÔN  
ISLE OF ANGLESEY  
COUNTY COUNCIL

**Addysg & Hamdden**

*Education & Leisure*

# **Trefn Gwyno Unigol Staff Ysgolion**

## ***School Staff Grievance Procedure***

**Materion Personél  
*Personnel Matters***

**Tachwedd / November  
2006**

## **POLISI TREFN GWYNO**

1. Gall cwynion staff ysgol ddeillio o sawl man, gan godi ymhlith aelodau o'r staff ategol, athrawon neu'r Pennaeth. Gallant fod yn gwynion cymharol syml eu natur ond, o bryd i'w gilydd, gallant fod o bwys mawr a sylfaenol. Gallant ymwneud â Llywodraethwyr yr ysgol, gweinyddiaeth yr ysgol neu â'r Awdurdod Lleol. O'r herwydd, ymddengys y byddai'n fanteisiol sicrhau:
  - trefn anffurfiol o ateb cwynion a fyddai'n dileu'r angen i gario'r gwyn ymhellach. Dylid ar bob achlysur geisio ateb cwynion yn anffurfiol
  - trefn gwbl ffurfiol pan fo'r drefn gyntaf yn anaddas neu'n fethiant mewn achos arbennig
2. Mae'r drefn gwyno yn hollol ar wahân i drefniadau eraill fel e.e. trefn disgyblu. Ni ddi-rymir hawliau gweithwyr o dan y drefn gwyno gan achosion dan weithdrefnau eraill.
3. Cedwir cofnod o unrhyw gyfarfodydd dan y drefn ffurfiol ar ffeil y gweithiwr, ynghyd â chopïau o'r dystiolaeth ysgrifenedig a'r dogfennau perthnasol.
4. Ymdrinnir â'r drefn o ateb cwynion penaethiaid yn rhinwedd eu perthynas â llywodraethwyr neu'r Awdurdod yn adran 4 y ddogfen hon.
5. Awgrymir y dylai pob Corff Llywodraethu sefydlu Is-banel gydag o leiaf 3 Llywodraethwr arno i weithredu fel Is-bwyllgor, fel bod gan y corff aelodau nad ydynt wedi ymwneud â'r achos yn wreiddiol i wrando apêl.
6. Pan mae'r gwyn yn erbyn aelod o'r staff ar wahan i'r Pennaeth, dylid cyfeirio/trafod y mater gyda aelod hyn o'r staff (uwch swyddog gweinyddol/pennaeth adran/dirprwy bennaeth/ Pennaeth).

Pan mae'r gwyn yn erbyn y Pennaeth, dylid cyfeirio/trafod y mater gyda Chadeirydd y Corff Llywodraethu.

### **Dull Anffurfiol**

1. (i) Pan fo gan weithiwr gwyn yn erbyn yr Awdurdod Lleol neu yn erbyn Llywodraethwyr yr ysgol, heb fod yn ymwneud ag unrhyw aelod arall o staff, dylid mynd yn uniongyrchol at y Pennaeth, fydd yn trafod y mater gyda'r Awdurdod Lleol neu Gadeirydd Corff Llywodraethu yr ysgol fel bo'n briodol.

- (ii) Pan fod gan weithiwr, gan gynnwys y Pennaeth, gwyn sy'n ymwneud ag aelodau eraill o'r staff, yn gyntaf oll dylai geisio datrys y broblem yn uniongyrchol gyda'r aelodau hynny, neu drafod y mater gyda aelod uwch o'r staff, y Pennaeth neu Gadeirydd y Corff Llywodraethu os ydi'r gwyn yn ymwneud a'r Pennaeth.
  
- (iii) Pan fo aelod o'r staff yn gwneud cais am gyfweiliad personol gyda unrhyw aelod priodol o'r staff uwch, neu gyda'r Pennaeth/Cadeirydd y Corff Llywodraethu, dylid caniatáu'r cyfweiliad o fewn 5 diwrnod gwaith i dderbyn y cais.

- (iv) Dylai'r aelod priodol o'r staff uwch/Pennaeth/Cadeirydd y Corff Llywodraethu[fel yn (iii) uchod] geisio datrys unrhyw broblem eu hunain neu drwy gytundeb rhwng y ddwy ochr, gan ymgynghori ag aelod(au) eraill o'r staff os yn briodol.

Gyda chytundeb y ddwy ochr, gall yr aelod o'r staff uwch/Pennaeth ymgynghori â Chadeirydd y Corff Llywodraethu, swyddogion yr AALI neu gyda chynrychiolwyr cymdeithasau proffesiynol/undebau fel y bo'n briodol. Os yw'r gwyn yn erbyn y Pennaeth, gall y Cadeirydd y Corff Llywodraethu ymgynghori a swyddogion yr AALI neu gynrychiolwyr cymdeithasau proffesiynol/undebau fel bo'n briodol.

- (v) Pe datrysir y broblem, ni ddylid cadw cofnod ar ffeil yr athro/awes.

## **Dull Ffurfiol**

2. (i) Pan nad yw'r mater wedi ei ddatrys dan y drefn uchod, dylai'r gweithiwr gyflwyno rhybudd ysgrifenedig ffurfiol o'r gwyn i'r Pennaeth (Cadeirydd y Corff Llywodraethu os ydi'r gwyn yn erbyn y Pennaeth), i'r person dan sylw ac i Glerc y Llywodraethwyr. Dylai'r Pennaeth (Cadeirydd y Corff Llywodraethu os yw'r gwyn yn erbyn y Pennaeth) lunio adroddiad ysgrifenedig ffurfiol ar gyfer Panel y Llywodraethwyr ac anfon copi at y Cyfarwyddwr Corfforaethol (Addysg & Hamdden) yn ddi-oed.
- (ii) Dylai'r adroddiad gynnwys yn fras:
- a) y camau anffurfiol a gymerwyd
- b) bod y Pennaeth/Cadeirydd y Corff Llywodraethu wedi gofyn i'r "cydweithiwr" (sef y person y mae cwyn yn ei erbyn) gyflwyno cyn gynted ag sy'n bosibl, ateb ysgrifenedig i'r gwyn yn ei erbyn, ynghyd a'r holl ddogfennau perthnasol i Glerc y Llywodraethwyr, yr athro/awes sy'n cwyno a'r Pennaeth/Cadeirydd y Corff Llywodraethu
- (iii) Gelwir cyfarfod i'r Is-bwyllgor perthnasol gan Glerc y Llywodraethwyr o fewn 10 diwrnod gwaith i dderbyn adroddiad y Pennaeth/Cadeirydd y Corff Llywodraethu. Dylid cynnal gwrandawriad o fewn 20 diwrnod o dderbyn yr adroddiad gan roi rhybudd o 7 diwrnod gwaith i'r personau perthnasol. Gyda'r rhybudd, dylid anfon datganiad ysgrifenedig o'r gwyn a'r ymateb [a'r holl dystiolaeth] a chopi o'r Drefn Gwyno.

- (iv) Yn y cyfarfod, dylid caniatáu i'r ddwy ochr hawlio presenoldeb cyfaill neu gynrychiolydd o'r undeb neu gymdeithas broffesiynol. Dylai'r Cadeirydd ganiatáu i'r naill ochr a'r llall gyflwyno eu hachos i'r cyfarfod a chaniatáu croes holi. Bydd hawl terfynol gan y Cadeirydd i dderbyn tystiolaeth ysgrifenedig ychwanegol os yw'r Cadeirydd yn fodlon na ellid bod wedi cyflwyno'r dystiolaeth ysgrifenedig benodol yn y cyflwyniad gwreiddiol.
  
- (v) Bydd hawl gan y gweithiwr a'r diffynnydd neu'r cyfaill neu'r cynrychiolydd wneud datganiad i gloi. Dylai pawb ond aelodau'r Panel a'i cynghorydd, os oes un, ymneilltuo tra bydd y Panel yn dod i benderfyniad.

- (vi) Ar ôl cyrraedd eu penderfyniad, dylai'r gweithiwr, y cyfaill neu'r cynrychiolydd a'r diffynnydd, cyfaill neu'r cynrychiolydd gael eu galw yn ôl i'r cyfarfod ble darllenir y dyfarniad iddynt. Dylid hysbysu pob parti ac aelodau'r Is-bwyllgor a wrandawodd yr achos o'r penderfyniad mewn ysgrifen gan nodi'r drefn apêl.
- (vii) Mae gan yr achwynwr a'r sawl oedd y gwyn yn ei erbyn hawl i apelio yn erbyn penderfyniad y Panel gwreiddiol. Gwrandawir yr apêl gan Banel Apêl y Corff Llywodraethu ac ni fydd yr un o aelodau'r Panel gwreiddiol yn aelodau o'r Panel Apêl. Bydd apêl yn dilyn yr un drefn a nodir yn 2 (i) i (v) uchod.

### **Cwyn yn Erbyn y Corff Llywodraethu neu'r Awdurdod Addysg Lleol**

- 3. (i) Pan fo cwyn gan aelod o staff ysgol yn erbyn y Corff Llywodraethu, dylai'r gweithiwr hysbysu'r Pennaeth/Cadeirydd a Chlerc y Corff Llywodraethu o'i gwyn. Dylid sefydlu trefn a amlinellwyd o 2 (iii) hyd at 2 (vi) i ymdrin â'r fath gwynion.
- (ii) Pan fo cwyn gan aelod o staff ysgol yn erbyn yr Awdurdod Addysg Lleol, dylai'r gweithiwr hysbysu'r Pennaeth yn gyntaf ac yna gyflwyno rhybudd ysgrifenedig i'r Cyfarwyddwr Corfforaethol (Addysg & Hamdden). Dylai'r Cyfarwyddwr Corfforaethol ddod â'r gwyn i sylw'r Llywodraethwyr neu'r pwyllgor neu'r Is-bwyllgor perthnasol o'r AALI.

Dylid cynnal gwrandawriad o fewn 20 diwrnod o dderbyn yr adroddiad a chan roi rhybudd o 7 diwrnod i'r personau perthnasol. Gyda'r rhybudd, dylid cynnwys yr holl ddogfennau perthnasol a chopi o'r drefn gwyno.

### **Pennaeth**

- 4.1 (i) Pan mae gan y Pennaeth gwyn, dylai geisio ei datrys drwy gysylltu â'r person dan sylw yn uniongyrchol. Os nad yw hynny'n datrys y broblem, dylid trafod y mater yn bersonol gyda Cadeirydd y Corff Llywodraethu/swyddog perthnasol o'r Awdurdod Addysg Lleol.
- (ii) Os nad yw hynny'n datrys y mater, dylai'r Pennaeth ei thrafod gyda'r Cyfarwyddwr Corfforaethol (Addysg & Hamdden) neu ei gynrychiolydd a all, **gyda chytundeb y ddwy ochr**, ymgynghori â Chadeirydd y Corff Llywodraethu neu gyda chynrychiolwyr cymdeithas proffesiynol/undeb perthnasol.

- 4.2 (i) Oni ellir datrys y mater dan 4.1 uchod, dylai'r Pennaeth gyflwyno rhybudd ffurfiol mewn ysgrifen i'r prif swyddog addysg ac/neu Lywodraethwyr yr ysgol yn ôl gofynion yr achos.
- (ii) Pan fo cwyn yn erbyn Llywodraethwyr yr ysgol, dylid trefnu cyfarfod o Banel o fewn 10 diwrnod neu cyn gynted ar ôl hynny ag y bo'n ymarferol. Dylai fod gan y Pennaeth, ac unrhyw weithiwr arall cysylltiedig yr hawl i bresenoldeb cyfaill neu gynrychiolydd cymdeithas broffesiynol/undeb.
- (iii) Pan fo cwyn yn erbyn yr Awdurdod Addysg Lleol, dylai'r prif swyddog addysg ei chyfeirio at y Deilydd Portffolio Addysg neu at Bwyllgor neu Is-bwyllgor perthnasol yr AALI. Dylid trefnu cyfarfod i'r fath o fewn 10 diwrnod neu cyn gynted ar ôl hynny ag y bo'n ymarferol. Dylid caniatáu i'r personau cysylltiedig yr hawl i bresenoldeb cyfaill neu gynrychiolydd undeb neu gymdeithas broffesiynol.
- (iv) Pan fo'r drefn a amlinellir yn 4.2 (ii) a 4.2 (iii) uchod wedi'i dilyn a'r problem heb ei datrys, erys yr hawl i apelio dan 2 (iii) i (vii).



## **GRIEVANCE PROCEDURE**

1. School staff grievances can arise from a variety of sources. They can arise among members of the ancillary staff, teaching staff or with the Headteacher. They can be of a relatively simple nature or of fundamental importance. They can involve the Governors of the school, the administration of the school or the Local Authority. To meet this situation, it seems desirable to set out:
  - a procedure which may enable a grievance to be resolved informally and without recourse to any subsequent stage. Grievances should, where possible, be resolved by informal procedures
  - a completely formal procedure where the first kind of procedure is inappropriate or has failed
2. The Grievance Procedure is completely separate from other procedures e.g. discipline procedure. Staff rights under the Grievance Procedure are not over ridden by cases arising from proceedings under other procedures.
3. The note of any meeting under the formal procedure will be kept on the employees files, together with copies of written evidence and relevant documents.
4. Advice on a similar procedure for Headteachers in their relations with Governing Bodies and the Local Authority is given in section 4 of this document.
5. It is recommended that each Governing Body sets up a panel consisting of at least 3 Governors to form a Sub-committee, so that the body has members who have not been involved in the initial hearing who are available to consider any appeal.

6. Where the grievance involves members of staff other than the headteacher, the matter should be referred to/discussed with an appropriate senior member of staff (senior administration officer/head of department/deputy headteacher/headteacher).

Where the grievance is against the headteacher, the matter should be referred to/discussed with the Chair of the Governing Body.

### **Informal Procedure**

1. (i) Where a member of the school staff has a grievance with the Local Authority, or with the Governing Body which does not involve any other member of staff, a direct approach should be made to the Headteacher, who will take the matter up with the Local Authority, or the Chair of the Governing Body, as may be appropriate.
- (ii) Where a member of the school staff, including the Headteacher, has a grievance which involves other members of the staff, he/she should first of all endeavour to resolve the matter by direct approach to the member of staff involved or in discussion with an appropriate senior member of staff or, if necessary, in discussion with the Headteacher or Chair of the Governing Body if it involves the Headteacher.
- (iii) Where a member of staff requests a personal interview with an appropriate senior member of staff or Headteacher/Chair of the Governing Body, it should be granted within 5 working days of the request being made.

- (iv) The appropriate senior member or staff/Headteacher/Chair of the Governing Body [as in (iii) above] should seek to resolve the problem personally or by mutual agreement, in consultation with other member(s) of the staff.

The senior member of staff/Headteacher may also, by mutual agreement, seek consultation with the Chair of the Governing Body, officers of the LEA, or with representatives of the teachers' organisation(s) as may be thought appropriate. If the dispute involves the Headteacher, the Chair of the Governing Body may consult officers of the LEA or trade union representatives as appropriate.

- (v) If the matter is resolved, no formal notes should be kept.

### **Formal Procedure**

- 2. (i) Where the matter has not been resolved under any of the procedures referred to above, the member of staff concerned should submit a formal written notice of the grievance to the Headteacher (Chair of the Governing Body if the grievance is against the Headteacher) and to the person concerned. The Headteacher (Chair of the Governing Body if the grievance is against the Headteacher) should then forthwith make a formal written report to a panel of the Governing Body and send a copy to the chief education officer.
- (ii) The report should generally note:
  - a) the informal steps taken
  - b) that the Headteacher/Chair of Governing Body has asked the "colleague" (that is, the member of staff being complained about) to submit, as soon as possible, a written response to the complaint about him/her, together with all the relevant documentation to the Clerk to the Governors, the complainant and the Headteacher/ Chair of the Governing Body.
- (iii) The Clerk of the Governing Body will call a meeting of the relevant Sub-committee within 10 working days of receiving the Headteacher/Chair of Governing Body's report. The hearing should be held no later than 20 days after receiving the report, with the relevant persons being given 7 working days notice of the hearing. The notice must state the complaint in writing and include the response (together with written evidence) and a copy of the Grievance Procedure.

- (iv) During the hearing, both sides should be given the opportunity of being accompanied by a representative of a professional association/trade union. The Chair of the Panel should allow both sides to present their case and allow cross-examination. The Chair of the Panel will have the final decision in respect of admitting any additional written evidence if he is satisfied that this specific written evidence could not have been submitted with the initial submission.
  
- (v) The member of staff and the respondent or their respective friend or representative will have the right to sum up their case if they so wish. All but members of the Panel and their advisor, if there is one, shall withdraw whilst the Sub-committee come to a decision.

- (vi) After the decision has been reached, the member of staff (his/her friend/ representative) and the respondent (or his/her friend/representative) shall be called back to the meeting when the decision will be read to them. All parties and members of the Sub-committee shall be informed in writing of the decision together with the appeal procedure.
- (vii) The member of staff and the respondent have the right to appeal to the Appeals Panel of the Governing Body whose members would not include the members who formed the initial Sub-committee, following the procedures set out in 2 (i) to (v) above.

### **A Grievance Against the Governing Body or the LEA**

- 3. (i) If a member of staff has a complaint about the Governing Body, he/she must inform the Headteacher, the Chairperson and the Clerk to the Governing Body. The procedure outlined in 2 (iii) to 2 (vi) should be used to deal with grievances of this nature.
- (ii) When the complaint is about the LEA, the member of staff must first inform the Headteacher and then give written notice to the Corporate Director (Education & Leisure). The Corporate Director (Education & Leisure) should bring the complaint to the notice of the Governing Body or the appropriate Committee or Sub-committee of the LEA.

A hearing should be held not later than 20 days after receiving the report, giving 7 days notice to the persons concerned. With the notice, all relevant documents should be submitted, together with a copy of the Grievance Procedure.

### **Headteachers**

- 4.1 (i) Where a Headteacher has a grievance, he/she should first of all endeavour to find a resolution by discussing the matter with the person concerned. If this is not successful, he/she should discuss the matter personally with the Chair of the Governing Body/appropriate officer of the LEA.
- (ii) If the matter remains unresolved, the Headteacher should discuss it with the chief education officer or his/her representative who may, **also by mutual agreement**, seek consultation with the Chair of the Governing Body or with representatives of the teacher organisation/trade union (s) concerned as may be thought appropriate.

- 4.2 (i) Where the matter is not resolved under 4.1 above, the Headteacher should submit a formal written notice of the grievance to the chief education officer and/or to the Governors of the school as appropriate.
- (ii) Where the grievance is against the Governors, a meeting of a Panel should be arranged by them within 10 days or as soon as is practicable thereafter. The Headteacher and any other member of staff who may be involved should be entitled to be accompanied by a friend or by a representative of the professional organisation/trade union (s) concerned.
- (iii) Where the grievance is against the LEA, the chief education officer should refer the matter to the Education Portfolio member or the relevant Committee or Sub-committee of the LEA. Such a meeting should be arranged within 10 days or as soon as possible after that, where practical. The persons involved should be entitled to be accompanied by a friend or by a union representative or a representative or a professional organisation.
- (iv) Where the procedures outlined in 4.2 (ii) and 4.2 (iii) above have been followed, and the problem is still unresolved, there shall remain a right of appeal as under 2 (iii) to (vii) above.