



Scottish Negotiating Committee for Teachers

SNCT CHARTERED TEACHER PROGRAMME

REQUEST FOR EXCEPTIONAL CIRCUMSTANCES CONSIDERATION APPEALS PROCEDURE

1. PURPOSE

The SNCT has determined a process for consideration of appeals to the SNCT Joint Chairs in cases where an employee on the Chartered Teacher Programme disputes the decision of the SNCT Joint Secretaries on the request that extenuating personal circumstances should be accepted. The SNCT invited such requests from employees who were precluded by personal circumstances from progressing on a phase of learning in the chartered teacher programme from the time of the SNCT freeze which commenced on 6 June 2011.

As the decision to the applications has been determined by the SNCT Joint Secretaries it has been decided to offer to employees who choose to pursue an appeal a slightly different approach to that outlined in SNCT handbook Part 2 Appendix 2.14

2. COMPETENCE

Each case will first of all be considered by the Joint Secretariat representing the Employers' Side, and the Teachers' Side. They will consider whether the appeal is competent by reference to the SNCT /11/24, JS/11/24 and SNCT/ 12/35. No member of the Joint Secretariat shall have had any prior involvement with the case being considered.

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The key component of competence will be determined by the personal circumstances of an individual at the time of the SNCT “freeze” on salary progression. It shall not be deemed competent if the grounds of the appeal are solely based on a point of principle against the overarching decision to wind up the Chartered Teacher scheme and associated salary increments or if the appeal relates to changes in practice or timescales operated by providers.

3. APPEAL TO SNCT JOINT CHAIRS

3.1 Appeal Procedure

Notice of appeal to the SNCT Joint Chairs must be lodged, in writing, by the appellant, or his/her representative, to Dave McGinty by 21 December 2012. This notification should be accompanied by a copy of all the supporting papers. If a proforma has not previously been submitted that must now be submitted. This is appended to this appeals procedure.

Appellants will have the option either to attend a hearing convened by the SNCT Joint Chairs if they so wish or to have the Joint Chairs determine appeals via correspondence.

Within 5 working days of receipt of the notification of appeal the SNCT Joint Secretariat will write to the SNCT Joint Secretaries to notify that there is an appeal and to request that they provide papers in support of their case. The Joint Secretariat will acknowledge receipt of the paperwork.

Within 5 working days, following receipt of the Joint Secretaries’ response, the Joint Secretariat (Teachers’ Side) and the Joint Secretariat (Employers’ Side) shall meet to consider the competence of the case. Where the Joint Secretariat considers the appeal is not competent the Appellant and Respondent shall be so advised within 5 days of the Joint Secretariat meeting.

Where the appeal is competent the Joint Secretariat will confirm that fact and offer a date for a hearing if that is what is required. Appellants may be accompanied by their Trade union representative if they so wish.

If no hearing has been requested then the SNCT Joint Chairs will make a decision within 25 working days of receipt of the appeal. Where a hearing has been requested then the SNCT Joint Chairs will arrange a meeting within 40 days within receipt of appeal.

The SNCT also expects the appellant and the Joint Secretaries who took the initial decision to ensure that the summary of their case, both in written form and in any presentation at the Appeal Hearing, is as concise as is reasonably practicable.

3.2 Appeals Panel

The SNCT Appeals Panel will consist of one member from each of the three sides of the SNCT; Employers' Side, Teachers' Side and Scottish Government. No member of the panel shall have a previous involvement with the case being considered.

A chairperson will be appointed for each case heard. Each side will take the chair by rotation.

The decision of the Appeals Panel will be final and is binding on all parties to the Appeal. This does not restrict the appellant's right to seek redress through tribunal or court.

3.3 Appeal Hearing

The appellant, or his/her representative, will state the appellant's case.

One of the SNCT Joint Secretaries will act as respondent and will then be given the opportunity of questioning the appellant, and/or his/her representative.

The members of the Appeals Panel may then question the appellant, and / or his/her representative.

The respondent SNCT Joint Secretary will then state the respondent's case.

The appellant, and/or his/her representative will then be given the opportunity of questioning the representative of the respondent.

The members of the Appeals Panel may then ask questions of the respondent SNCT Joint Secretary to clarify areas of uncertainty.

The chairperson shall ensure that all questioning is completed before each side is given the opportunity to sum up its case. No further questioning or other contribution shall be allowed after the process of summing up has commenced.

The respondent will then sum up the SNCT Joint Secretaries' case and may reply to any points raised at the hearing but may not introduce fresh evidence.

The appellant, or his/her representative, will then sum up his/her case and may reply to any points raised in the course of the hearing but may not introduce fresh evidence.

After the case for the appellant has been summed up, all parties will withdraw.

If the members of the Appeals Panel need to ask further questions to help in their deliberations, both parties will be recalled, even if questions are to be asked of one party only.

The parties will not normally be called back to hear the decision of the Appeals Panel.

3.4 Decisions of the Appeals Panel

The Appeals Panel shall reach its decisions by voting, each member having one vote. Where the majority of the panel decides in favour of the appellant, the appeal shall be upheld. Where a majority of the panel decides against the appellant, the appeal shall be rejected.

Within 10 working days both parties will be informed of the decision of the Appeals Panel. This information will be provided, in writing by the Joint Secretariat.

3.5 Report to the SNCT

Decisions of the Appeals Panel will be reported to the next full meeting of the SNCT.

