

**Education Procedure Manual 2/19**

**Appendix 1**

**Grievance Procedures for Teachers and Employees on SNCT Conditions of Service**

**Toolkit for Managers**

**May 2015**

***This toolkit will be subject to future updates to reflect best practice. Please consult the Resource Planning Team for advice if required.***

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 **Documentation for Submitting a Grievance**

 **Standard Form PM2/19/1**

 **Notification of Grievance Form Page 7**

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**Standard Form PM2/19/1** **Procedure Manual 2/19 Section 4.0**

**Notification of Grievance Form (Stage 1)**

This form should be completed by the employee and submitted in accordance with the procedure outlined in Section 4.0 of Education Procedure Manual 2/19 : Grievance Procedures for Teachers and Employees on SNCT Conditions of Service. Employees can contact the Employee Relations Team for assistance in completing the form. The form is available in alternative format from the Employee Relations Team.

|  |
| --- |
| **Details of Employee**  |
| **Name of employee**: | **Designation:**  |
| **Establishment:**  | **Contact Number:** |
| **Address for Correspondence***It is the responsibility of the employee to provide a work/home address for all correspondence.*  |

|  |
| --- |
| **Details of Companion**  |
| **Name of companion**: | **Designation:**  |
| **Is your companion a trade union representative?**  | **Trade union name (if appropriate)** |

|  |
| --- |
| **Informal Approach** |
| **Describe informal action which has been taken to address the matter:** |
| **What is the reason for proceeding to the formal grievance procedure?** |

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| --- |
| **Details of Grievance** |
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| --- |
| **Witness(es)** |
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| --- |
| **Proposed Remedy** |
|  |

|  |  |
| --- | --- |
| **Signature of Employee:** | **Date:**  |
|  |  |

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 **Grievance Procedures for Teachers and**

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 **Documentation for Fact Finding**

 **Standard Letter PM2/19/1**

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 **Fact Finding Report Form Page 17**

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 **Standard Letter PM2/19/1** **Procedure Manual 2/19 Section 4.0**

 **Informing Employee of Fact Finding Meeting (Grievance)**

 ***PM2/19 Paras 4.10/4.11***

***‘In certain cases there may be a need for a grievance hearing to be postponed to establish the facts of the case. In such circumstances, continued communication with the employee is essential***

***If there is a requirement to establish and/or clarify the facts surrounding a grievance, the Head Teacher or the Chief Education Officer (or nominee) as appropriate, should conduct a fact finding using the appropriate Fact Finding paperwork’.***

Dear

I write to advise you that, in accordance with East Dunbartonshire Council’s Grievance at Work Policy and Education Procedure Manual 2/19: Grievance Procedures for Teachers and Employees on SNCT Conditions of Service (a copy of which is enclosed), you are required to attend a fact finding meeting.

The meeting will be conducted by ***(insert name of Fact Finding Officer)*** on **(*insert date*)** at **(*insert time*)** in **(*insert location*).**

The purpose of the fact finding meeting is to establish the facts relating to the following matter:

 ***(insert details)***

You have the right to be accompanied at the meeting by a fellow worker or trade union official.

A representative acting in a legal capacity will *not* be considered an appropriate companion throughout internal procedures. It is your responsibility to make arrangements to ensure that you are accompanied, if you so desire.

Should you feel that you need some support at this time, please contact the Employee Assistance Programme (EAP) on 0800 243 458 or email: assistance@workplaceoptions.com

Please confirm receipt of this invitation to the fact finding meeting by returning the tear off slip below to ***(insert name)*** at ***(insert address)*** by ***(insert date) .*** Please also confirm your attendance and indicate if you will be bringing a companion.

Yours

**………………………………………………………………………………………………………**

**Acceptance of Invitation to Fact Finding Meeting**

In accordance with East Dunbartonshire Council’s Grievance at Work Policy and Education Procedure Manual 2/19: Grievance Procedures for Teachers and Employees on SNCT Conditions of Service, I confirm receipt of the invitation to a fact finding meeting on ***(insert date***) at (***insert time***), in (***insert location***). I shall attend the meeting and will be accompanied by ***(insert name of companion)/***will not be accompanied \*

Name (Please print): Signature:

Date:

*\*Delete as appropriate*

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**Standard Form PM2/19/2** **Procedure Manual 2/19 Section 4.0**

**Fact Finding Recording Form**

|  |  |  |
| --- | --- | --- |
| **Name of employee/witness** | **Designation** | **Establishment** |

|  |
| --- |
| **Details of grievance/matter (s) requiring clarification** |

|  |  |  |
| --- | --- | --- |
| **Date of Meeting** | **Time of meeting** | **Location** |

|  |  |
| --- | --- |
| **Fact Finding Officer** | **Designation** |

**Others in attendance at the meeting**

|  |  |  |  |
| --- | --- | --- | --- |
| **Name** | **Designation** | **Establishment** | **Role at meeting** |
|  |  |  |  |
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| --- | --- |
| **Introduction to Meeting** |  |
| * Introduce all in attendance at the meeting and explain their roles.
* Make all parties aware of why the meeting is taking place.
* Confirm that written notification has been received by the employee
* Inform parties that notes will be taken of the meeting to ensure that an accurate record is held. No electronic recording devices are permitted within any meeting.
* Make employee aware that he/she has the right to be accompanied.
* Make parties aware that fact findings are taking place in line with the agreed Grievance Procedures
* Ensure that all relevant witnesses to be interviewed have been invited to attend a fact finding meeting
* Outline how the meeting will progress: questions will be asked, notes will be taken, adjournments possible, asked to sign agreement.
 |  |

The Fact Finding Officer should conduct the fact finding meeting in accordance with the standard format outlined in **Guidance - The Toolkit for Managers**.

|  |
| --- |
| **Record of Meeting****The number of questions asked will be determined by the Fact Finding Officer****This form should, where possible, be completed electronically.** |
| **Question 1** |
| **Response** |
| **Question 2** |
| **Response** |
| **Question 3** |
| **Response** |
| **Question 4** |
| **Response** |
| **Question 5** |
| **Response** |

|  |
| --- |
| **Concluding the Meeting** |
| * Confirm that there are no further questions to ask
* Ask the employee/witness if they have any further questions or anything to add
* Inform the employee/witness that the matter should be dealt with confidentially and that facts

of the case will initially only be disclosed to the relevant officer in line with the delegated authority table. * Inform the employee/witness of the support mechanisms which the Council can offer.
* Outline to the employee/witness that they should expect to receive correspondence confirming

 the next stage of the process within 10 working days* Thank the employee/witness for their time and attendance
* Provide the employee/witness with a copy of notes taken at the meeting for signing to confirm

 accuracy. (This may be done immediately following the meeting or at another appropriate time  when the notes have been typed up) |
| **EMPLOYEE/WITNESS DECLARATION**  |
| **I confirm that the information above is an accurate and fair representation of the discussions that took place and the information I provided during the fact finding meeting.** Name: Signature: Date:  |
| **FACT FINDING OFFICER DECLARATION**  |
| **I confirm that the information above is an accurate and fair representation of the discussions that took place and the information provided by the above employee/witness during the fact finding meeting.** Name: Signature: Date: |

## THE EMPLOYEE/WITNESS MUST BE PROVIDED WITH A COPY OF THE SIGNED STATEMENT

**Following the meeting** All notes will be summarised, by the Fact Finding Officer, in a Fact Finding Report Form giving all relevant information.

The report will be submitted, together with signed and dated witness statements and any relevant paperwork, to

the Head Teacher/ Chief Education Officer (or nominee), as appropriate, who will determine the next course of action.

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|  |
| --- |
| **Standard Form PM2/19/3 Procedure Manual 2/19 Section 4.0****Fact Finding Report Form**  |

The Fact Finding Report Form must be a summary of the fact finding process but must NOT make any recommendations of any further action to be taken.

Any mitigating circumstances in the course of the fact finding process should be highlighted on the form.

|  |  |  |
| --- | --- | --- |
| **Name of Employee** | **Designation** | **Establishment** |
|  |  |  |

|  |  |  |
| --- | --- | --- |
| **Fact Finding Officer** | **Designation** | **Contact No.** |
|  |  |  |

|  |  |  |
| --- | --- | --- |
| **Officer hearing the Grievance** | **Designation** | **Contact No.** |
|  |  |  |

|  |  |
| --- | --- |
| **Fact Finding Start Date** | **Fact Finding End date** |
|  |  |

|  |  |
| --- | --- |
| **Date ‘Notification of Grievance’ form received** |  |

|  |
| --- |
| **Summary of Grievance** |
|  |

|  |  |  |
| --- | --- | --- |
| **Name of Witness** | **Designation** | **Statement Attached** |
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| --- |
| **Summary of Evidence**  |
|  |
| **Mitigating Circumstances / Concerns**  |
|  |
| **Confirmation**  |
| I have completed the Fact Finding Process in respect of the grievance outlined above and have attached all relevant information.Name: Signature: Date:  |

All fact finding recording forms/other relevant documentation should be attached to this report form and

submitted to the Head Teacher/Chief Education Officer (or nominee), as appropriate.

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 **Documentation for Grievance Hearing**

 **Standard Letter PM2/19/2**

 **Informing employee of Grievance Hearing Page 21**

 **Standard Letter PM2/19/3**

 **Informing employee of outcome of Grievance Hearing Page 23**

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**Standard Letter PM2/19/2**  **Procedure Manual 2/19 Section 4.0**

**Informing employee of Grievance Hearing (Stage 1)**

 ***PM2/19 Para 4.9***

***‘The Head Teacher or the Chief Education Officer (or nominee), as appropriate, will convene a***

***formal grievance hearing within ten working days (or otherwise by mutual agreement) of receipt***

***of the Notification of Grievance Form. Where delay occurs, all parties involved will be informed***

***of the reason for the delay and a revised timeframe will be given’***

***PM2/19 Para 4.12***

***‘The employee should be informed, in writing…about the date, time and venue for the grievance hearing; the procedures to be followed…and the right to be accompanied by a companion’.***

**Dear ,**

I refer to the notification of grievance which you submitted on …………….. **(*insert date)*,**  the grounds for which being

**(*insert reason for the grievance*).**

In accordance with the East Dunbartonshire Council’s Grievance at Work Policy and Education Procedure Manual 2/19: Grievance Procedures for Teachers and Employees on SNCT Conditions of Service, I invite you to attend a grievance hearing to discuss the matter on **(*insert date*)** at **(*insert time*)** in **(*insert location*).**

The hearing will be chaired by **(*insert name*)** with **(*insert name of HR representative*)** in attendance.

You have the right to be accompanied at the hearing by a fellow worker or trade union official. It is your responsibility to make arrangements to be accompanied if you so desire. A representative acting in a legal capacity **will not** be considered an appropriate companion throughout internal procedures.

The following have been included with this letter:

* East Dunbartonshire Council’s Grievance at Work Policy
* Education Procedure Manual 2/19: Grievance Procedures for Teachers and Employees on SNCT Conditions of Service.

Should you feel that you need some support at this time, please contact the Employee Assistance Programme (EAP) on 0800 243 458 or email: assistance@workplaceoptions.com

A copy of the letter has been forwarded to your Trade Union Representative (if appropriate), to the Chief Education Officer\*/the Director of Education and Children’s Services\* and to the Director of Customer Services and Transformation. (\* delete as appropriate)

Please confirm receipt of this invitation to the hearing by returning the tear off slip below to *(****insert name*)** at (***insert address***) by (***insert date***). Please also confirm your attendance and whether you will have representation and/or witnesses at the hearing.

Yours sincerely

…………………………………………………………………………………………………………………

**Acceptance of Invitation to Grievance Hearing**

In accordance with East Dunbartonshire Council’s Grievance at Work Policy and Education Procedure Manual 2/19 : Grievance Procedures for Teachers and Employees on SNCT Conditions of Service, I confirm receipt of the invitation to the grievance hearing on (***insert date***) at (***insert time***) in (***insert location***)

I shall attend and will bring ***(insert name of representative and/or witnesses***) with me.

…………………………………………………………………………………………...

Name (Please print): Signature:

Date:

 **PLEASE RETURN TO THE ABOVE NAMED INDIVIDUAL**

**Standard Letter PM2/19/3** **Procedure Manual 2/19 Section 4.0**

**Outcome of Grievance Hearing (Stage 1)**

 ***PM2/19 Para 4.20***

***‘After consideration of all information presented and any fact finding which has been carried***

***out, the Head Teacher or the Chief Education Officer (or nominee) hearing the grievance may take***

***the following action:***

* ***Uphold the grievance***
* ***Uphold the grievance in part***
* ***Not to uphold the grievance***

***PM2/19 Para 4.21***

***‘The outcome of the hearing, together with the reasons for the decision and the right to appeal,***

***should be confirmed to the employee in writing, using Standard Letter PM 2/19/3’.***

***PM2/19 Para 4.22***

***‘This confirmation will normally be sent to the employee within 5 working days. Where delay***

***occurs, all parties involved will be informed of the reason for the delay and a revised timeframe***

***will be given.’***

Dear ,

I refer to the notification of grievance which you submitted on (***insert date***), the grounds for which were (***insert reason***).

The Grievance Hearing was held on (***insert date)*** at which you, (***insert name of companion***), (***insert name of HT/Chief Education Officer*** ***(or nominee)*** and ***(insert name of HR representative)*** were present. The hearing provided the opportunity for you to present your case and it allowed for witnesses to be called in relation to your grievance.

Having given careful consideration to all evidence presented and representations made in the

course of the hearing, I can confirm my decision to ***uphold the grievance***/ ***uphold the grievance*** ***in part***/ ***not to uphold the grievance*** \*. \*delete as appropriate The reasons for this are (***insert reason***).

If you feel that this decision is unfair or inappropriate, you have the right to appeal this decision and

should do so by completing the enclosed Grievance Appeal Form and submitting it within ten

working days to ***(insert name of the Chief Education Officer or nominee, or Director of Education and Children’s Services).*** You will receive confirmation of receipt of your appeal thereafter.

A copy of the letter has been forwarded to your Trade Union Representative (if appropriate), to the Chief Education Officer\*/the Director of Education and Children’s Services\* and to the Director of Customer Services and Transformation. (\* delete as appropriate)

Yours sincerely,

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 **Education Procedure Manual 2/19**

 **Appendix 1**

 **Grievance Procedures for Teachers and**

 **Employees on SNCT Conditions of Service**

 **Documentation for Grievance Appeals**

 **Standard Form PM2/19/4**

 **Notification of Grievance Appeal Form (Stages 2 +3) Page 27**

 **Standard Letter PM2/19/4**

 **Informing employee of Grievance Appeal Hearing (Stages 2 +3) Page 29**

 **Standard Letter PM2/19/5**

 **Informing employee of outcome of Grievance Appeal Hearing**

 **(Stage 2) Page 31**

 **Standard Letter PM2/19/6**

 **Informing employee of outcome of Grievance Appeal Hearing Page 33**

 **(Stage 3)**

 **SNCT Appeals Procedure Page 35**

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**Standard Form PM2/19/4** **Procedure Manual 2/19 Sections 5.0 & 6.0**

**Notification of Grievance Appeal Form (Stage 2 & Stage 3)**

This form should be completed by the employee and submitted, where an employee is unhappy with the outcome of

the grievance hearing. This should be completed in accordance with the procedure outlined in Section 5.0 or Section 6.0 of Education Procedure Manual 2/19 : Grievance Procedures for Teachers and Employees on SNCT Conditions of Service. Employees can contact the Employee Relations Team for assistance in completing the form. The form is available in alternative format from the Employee Relations Team.

|  |
| --- |
| **Stage of Appeal Please tick as appropriate** |
| **STAGE 2 :** **Appeal to Chief Education Officer (or nominee) against decision of grievance hearing at Stage 1**  |  |
| **STAGE 3 :****Appeal to the Education Appeals Board against decision of grievance appeal hearing at Stage 2**  |  |

|  |
| --- |
| **Details of Employee**  |
| **Name of employee**: | **Designation:**  |
| **Establishment:**  | **Contact Number:** |
| **Address for Correspondence***It is the responsibility of the employee to provide a work/home address for all correspondence.*  |

|  |
| --- |
| **Details of Companion**  |
| **Name of companion**: | **Designation:**  |
| **Is your companion as trade union representative?**  | **Trade union name (if appropriate)** |

|  |
| --- |
| **Details of Previous Hearing** |
| **Date of previous hearing:** | **Grievance heard by:** |
| **Grievance outcome letter received :** |  |

|  |
| --- |
| **Details of original grievance** |
|  |

|  |
| --- |
| **Proposed Remedy at original grievance hearing** |
|  |

|  |
| --- |
| **Reason for Appeal** |
|  |

|  |
| --- |
| **Proposed remedy proposed by employee at appeal stage** |
|  |

|  |  |
| --- | --- |
| **Signature of Employee:** | **Date:**  |
|  |  |

**Standard Letter PM2/19/4**  **Procedure Manual 2/19 Sections 5.0 & 6.0**

**Informing employee of Grievance Appeal Hearing (Stage 2 & Stage 3)**

 ***PM2/19 Para 5.5 (Stage 2)***

***‘The Chief Education Officer (or nominee), will convene a formal grievance appeal hearing within***

***ten working days (or otherwise by mutual agreement) of receipt of the written statement of grievance appeal. Where delay occurs, all parties involved will be informed of the reason for the delay and a revised timeframe will be given’***

***PM2/19 Para 5.6 (Stage 2)***

***‘The employee will be given at least 5 working days notice of the grievance appeal hearing taking place.***

***PM2/19 Para 5.7 (Stage 2)***

***‘The employee should be informed, in writing, using Standard Letter PM2/19/4…about the date,***

***time and venue for the grievance appeal hearing, the procedures to be followed…and the right to be accompanied…’***

***PM2/19 Para 6.5 (Stage 3)***

***‘A hearing will be arranged in line with the Education Appeals Board timetable and, where possible, this will be within 20 working days (or otherwise by mutual agreement) of receipt of the written statement of grievance appeal. Where delay occurs, all parties involved will be informed of the***

***reason for the delay and a revised timeframe will be given’***

***PM2/19 Para 6.6 (Stage 3)***

***‘Details about the date, time, location and format of the appeal hearing will be communicated to the employee’***

Dear  **,**

I write to acknowledge receipt of your appeal against the decision made by (***insert name of HT/Chief Education Officer (or nominee)*** ) at the grievance hearing which took place on (***insert date***).

You have appealed the outcome of the grievance hearing on the grounds of (***insert reason***).

In accordance with the East Dunbartonshire Council’s Grievance at Work Policy and Education Procedure Manual 2/19: Grievance Procedures for Teachers and Employees on SNCT Conditions of Service, I can confirm that the appeal against the decision at the grievance hearing will be heard by (***insert name of person hearing appeal***) and has been arranged to take place on (***insert date***), at (***insert time***) in (***insert location***).

You have the right to be accompanied at the appeal hearing by a fellow worker or a trade union official. It is your responsibility to make arrangements to be accompanied if you so desire. A representative acting in a legal capacity **will not** be considered an appropriate companion throughout internal procedures.

I would be grateful if you could confirm receipt of the invitation to the appeal hearing by completing the tear off slip below to (***insert name***) at (***insert address***) by (***insert date***). Please also confirm your attendance and provide details of any companion and any witnesses that you intend to call.

Should you feel that you need some support at this time, please contact the Employee Assistance Programme (EAP) on 0800 243 458 or email: assistance@workplaceoptions.com

A copy of this letter has been forwarded to your Trade Union Representative (if appropriate) , to the Director of Education and Children’s Services and the Director of Customer Services and Transformation.

Yours

…………………………………………………………………………………………………………………

**Acceptance of Invitation to Grievance Appeal Hearing**

In accordance with East Dunbartonshire Council’s Grievance at Work Policy and Education Procedure Manual 2/19 : Grievance Procedures for Teachers and Employees on SNCT Conditions of Service, I confirm receipt of the invitation to the grievance appeal hearing on (***insert date***) at (***insert time***) in (***insert location***)

I shall attend and will bring ***(insert names of representative and/or witnesses***) with me.

…………………………………………………………………………………………...

Name (Please print): Signature:

Date:

 **PLEASE RETURN TO THE ABOVE NAMED INDIVIDUAL**

**Standard Letter PM2/19/5** **Procedure Manual 2/19 Section 5.0**

**Outcome of Grievance Appeal Hearing (Stage 2)**

 ***PM2/19 Para 5.16 (Stage 2)***

***‘After consideration of all information presented, the Chief Education Officer (or nominee) hearing the grievance appeal may take the following action:***

* ***Uphold the grievance***
* ***Uphold the grievance in part***
* ***Not uphold the grievance***

***PM2/19 Para 5.17 (Stage 2)***

***‘The outcome of the appeal, together with the reasons for the decision and the right to a further appeal, should be confirmed to the employee in writing, using Standard Letter PM 2/19/5’.***

***PM2/19 Para 5.18 (Stage 2)***

***‘This confirmation will normally be sent to the employee within 5 working days. Where delay***

***occurs, all parties involved will be informed of the reason for the delay and a revised timeframe***

***will be given.’***

Dear ,

I refer to the Stage 2 grievance appeal which you submitted on (***insert date***), the grounds for which were (***insert reasons***).

The grievance appeal hearing was held on (***insert date)*** at which you, (***insert name of companion***), (***insert name of Chief Education Officer*** ***(or nominee)*** and ***(insert name of HR representative)*** were present. The appeal hearing provided the opportunity for you to present your case and it allowed for witnesses to be called in relation to your grievance.

Having given careful consideration to all evidence presented and representations made in the

course of the hearing, I can confirm my decision to ***uphold the grievance***/ ***uphold the grievance*** ***in part***/ ***not to uphold the grievance*** \*. \*delete as appropriate The reasons for this are (***insert reason***).

If you feel that this decision is unfair or inappropriate, you have the right to appeal this decision and

should do so by completing the enclosed Grievance Appeal Form and submitting it within ten

working days to ***(insert contact for Education Appeals Board).*** You will receive confirmation of receipt of your appeal thereafter.

A copy of this letter has been forwarded to your Trade Union Representative (if appropriate), to

the Director of Education and Children’s Services and the Director of Customer Services and Transformation.

Yours sincerely,

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 **Standard Letter PM2/19/6** **Procedure Manual 2/19 Section 6.0**

 **Outcome of Grievance Appeal Hearing (Stage 3)**

 ***PM2/19 Para 6.7 (Stage 3)***

***‘After consideration of all information presented, the Education Appeals Board, hearing the***

***grievance appeal may take the following action:***

* ***Uphold the grievance***
* ***Uphold the grievance in part***
* ***Not uphold the grievance***

***PM2/19 Para 6.8 (Stage 3)***

***‘The outcome of the appeal, together with the reasons for the decision should be confirmed to the employee in writing, normally within 5 working days. Where delay occurs, all parties involved***

***will be informed of the reason for the delay and a revised timeframe will be given.’***

Dear ,

I refer to the Stage 3 grievance appeal which you submitted on (***insert date***), the grounds for which were (***insert reasons***).

The grievance appeal hearing was held on (***insert date)*** at which you and the following people (***insert names***) were present. The appeal hearing provided the opportunity for you to present your case and it allowed for witnesses to be called in relation to your grievance.

Having given careful consideration to all evidence presented and representations made in the

course of the hearing, I can confirm my decision to ***uphold the grievance***/ ***uphold the grievance*** ***in part***/ ***not to uphold the grievance*** \*. \*delete as appropriate The reasons for this are (***insert reason***).

The completion of Stage 3 of the Grievance Procedure marks the conclusion of the internal Grievance Procedures.

This final decision can be submitted to the Joint Secretaries of the Scottish Negotiating Committee for Teachers (SNCT) for consideration through its appeal process but only if the subject matter of the original grievance relates to the interpretation or implementation of a national agreement. A copy of the SNCT Appeals Procedure is included with this letter.

A copy of this letter has been forwarded to your Trade Union Representative (if appropriate), to

the Director of Education and Children’s Services and the Director of Customer Services and Transformation.

Yours sincerely,

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**SCOTTISH NEGOTATING COMMITTEE FOR TEACHERS (SNCT)**

**HANDBOOK PART 1 APPENDIX 1.1 ANNEX A**

 **[**[**edit**](http://www.snct.org.uk/wiki/index.php?title=Appendix_1.1_Annex_A&action=edit&section=2)**]**

**SNCT APPEALS PROCEDURE**

**1. PURPOSE**

1.1 The SNCT has a conciliation and appeals mechanism to permit disputes on conditions of service matters to be settled at national level. Where an employee has a grievance with his/her employing council which relates to national conditions of service and which remains unresolved after the Council’s grievance/appeals procedure has been exhausted, then he/she may refer the case to the SNCT.

**2. COMPETENCE**

2.1 Every case will first of all be considered by the Joint Secretaries representing the Convention of Scottish Local Authorities (COSLA), ie the Employers’ Side, and the Teachers’ Side.

2.2 The Joint Secretaries will consider whether the appeal is competent by reference to the National Scheme of Salaries and Conditions of Service for Teachers and Associated Professionals (SNCT Handbook: Part 2).

2.3 It shall not be competent to appeal matters devolved to Local Negotiating Committees for Teachers (LNCTs) as listed in Part 1: Appendix 1.3, Local Framework Recognition and Procedure Agreements.

**3. APPEAL TO SNCT**

**3.1 Appeal Procedure**

3.1.1 Notice of appeal to the SNCT must be lodged, in writing, by the appellant, or his/her representative, with both the Joint Secretary Employers’ Side and the Joint Secretary Teachers’ Side within 20 working days of the outcome of the final local appeal being notified to the appellant. This notification should be accompanied by a copy of all the supporting papers.

3.1.2 Within 5 working days of receipt of the notification of appeal the Joint Secretary (Employers’ Side) will write to the employing body involved (the respondent) to notify that there is an appeal and to request that they provide papers in support of their case. A copy of the supporting papers should be provided to both Joint Secretaries (Employers’ Side and Teachers’ Side) within 20 working days of receipt of notification.

3.1.3 The supporting papers, ie the evidence and papers submitted in support of a case, shall be those presented at the local hearing unless otherwise agreed by both parties. Where more than one teacher is involved in an appeal, separate submissions should be made unless the details are identical.

3.1.4 Within 5 working days, following receipt of the respondents’ response, the Joint Secretary (Teachers’ Side) and the Joint Secretary (Employers’ Side) shall meet to consider the case. Where the Joint Secretaries consider the appeal is not competent the Appellant and Respondent shall be so advised. Where the appeal is competent the Joint Secretaries shall seek to reach agreement on joint advice. A response providing the joint advice shall normally be issued within 5 working days of the Joint Secretaries’ meeting unless additional information is sought from the appellant or the respondent. In such circumstances the response to both parties will be within 10 working days of the receipt of the additional information.

3.1.5 Where the Joint Secretary (Teachers’ Side) and the Joint Secretary (Employers’ Side) cannot agree joint advice they will write to both parties to inform them of this and to provide a date for the Appeal Hearing. The Appeal Hearing will normally be held within 25 working days from the date of this notification.

3.1.6 Where joint advice is issued but is not accepted by either or both of the parties the Joint Secretaries should be advised of this, in writing, within 10 working days of the joint advice being received. The Appeal Hearing will normally be held within 25 working days from notification from either or both parties of a failure to agree.

3.1.7 Notification of witnesses to be called in support at the Appeal Hearing must be provided, in writing, to the Joint Secretaries at least 10 working days before the date for the Appeal Hearing.

3.1.8 The SNCT expects the time limits prescribed in this procedure to be strictly adhered to. The SNCT also expects both parties to ensure that the summary of their case, both in written form and in presentation at the Appeal Hearing, is as concise as is reasonably practicable.

**3.2 Appeals Panel**

3.2.1 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.

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

3.2.3 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**

3.3.1 The appellant, or his/her representative, will state the appellant's case, calling any witnesses. Any persons attending as witnesses shall not normally speak except to answer questions.

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

3.3.3 The members of the Appeals Panel may then question the appellant, his/her representative, or any witness to clarify areas of uncertainty. The witness will then withdraw.

3.3.4 The representative of the respondent will then state the respondent’s case, calling any witnesses. Any persons attending as witnesses shall not normally speak except to answer questions.

3.3.5 The appellant, or his/her representative, will then be given the opportunity of questioning the representative of the respondent employer or any witness.

3.3.6 The members of the Appeals Panel may then ask questions of the representative of the respondent employer or any witness to clarify areas of uncertainty. The witness will then withdraw.

3.3.7 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.

3.3.8 The representative of the respondent will then sum up the employer's case and may reply to any points raised at the hearing but may not introduce fresh evidence.

3.3.9 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.

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

3.3.11 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.

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

**3.4 Decisions of the Appeals Panel**

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

3.4.2 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 Secretaries.

**3.5 Report to the SNCT**

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

**4. LNCT FAILURE TO AGREE**

4.1 Where a failure to agree occurs on a condition of service matter, the LNCT constitution shall determine what happens in such circumstances.

4.2 It shall be open to either side to refer the failure to agree to the SNCT for conciliation. If the conciliation is unsuccessful the Joint Chairs of the SNCT may recommend further procedures for resolution of the difference. This could include external conciliation, mediation or binding arbitration.

4.3 Before a failure to agree is reached a joint approach can be made to the Joint Secretary (Teachers’ Side) and the Joint Secretary (Employers’ Side) for advice. Such advice is not binding.

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 **Appendix 1**

 **Grievance Procedures for Teachers and**

 **Employees on SNCT Conditions of Service**

 **Guidance for Dealing with Grievances**

 **Key Skills Page 41**

 **Format of a Fact Finding Meeting Page 43**

 **Format of a Grievance Hearing Page 44**

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**Key Skills Guidance**

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| **Conducting meetings** |
| * Ensure that there are no distractions that will have an impact on the meeting
* Reassure and put the person at ease
* Introduce everyone and explain their roles in the meeting
* Use appropriate levels of sensitivity
* Be patient throughout the meeting/conversation
* Listen carefully to responses and focus on the key points
* Control your own feelings
* Do not make personal judgements
* Ask questions and seek appropriate examples where relevant
* Use appropriate responses such as nodding and asking further questions where necessary
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| **Effective Note Taking**  |
| * The purpose of note taking is to provide a summary of a meeting
* Don’t try to record every word that is said in the meeting; concentrate on the main points of the discussions
* Remember that the notes/reports will need to be understood by someone else
* Remain objective throughout
* Consider the format and language used in preparing any reports.
* Ask for one person to speak at a time to allow an accurate record to be made
* Ask for people to repeat something if required.
* Use headings or the questions asked to separate the information being presented
* Type up when the meeting is still fresh in your mind
* Review the notes/ report prior to submitting to ensure that the content is clearly outlined and accurate
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| **Handling Difficult Conversations** |
| * Lead by example; do not react in a confrontational manner
* Focus on the root of the issue and the facts
* Take account of the information objectively
* Use active listening skills to get the employee(s) point of view
* Allow the employee(s) to express their views
* Recognise the need for a break if the situation escalates
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| **Adjournmments** |
| It is good practice to consider an adjournment when interviewing to allow for information to be reviewed and for any further questions to be considered to ensure as much information as possible is gathered.Adjournments should be mutually agreed and used in situations where, for example, * The employee gets upset or confrontational within the meeting
* Further information is required into issues raised
* The employee or representative requests an adjournment
* The Officer requests an adjournment
* More time is required to assess the information presented

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| **Questioning** |
| Questions for the most part should be open, although closed questions may be appropriate where clarity to an answer is required.Examples of closed questions* Do you understand the allegation or incident which took place in relation to this issue?
* Where were you when the incident occurred?
* Who were you with when the incident occurred

Examples of open questions* What is your version or explanation of the allegation made or incident?
* Why did you take this action?
* What happened then?

You should use appropriate follow-up questions to gather as much information as possible.  |

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| **The format of a Fact Finding meeting** |
| The interview will be conducted formally.The Fact Finding Officer will chair the meeting accompanied by a HR Business Partner and a note taker**At the start of the meeting**, the Fact Finding Officer should:* Introduce all in attendance at the meeting and explain their roles.
* Confirm that written notification has been received by the employee.
* Make all parties aware of why the meeting is taking place.
* Inform parties that notes will be taken of the meeting to ensure that an accurate record is held. No electronic recording devices are permitted within any meeting.
* Make employee aware that he/she has the right to be accompanied, if not already accompanied.
* Make parties aware that fact findings are taking place in line with the agreed Grievance Procedures
* Ensure that all relevant witnesses to be interviewed have been invited to attend a fact finding meeting
* Outline how the meeting will progress:

**During the meeting**:* The Fact Finding Officer will ask questions
* The Note Taker will make a record of the meeting
* Adjournments are possible

**At the end of the meeting,** the Fact Finding Officer should:* Confirm that there are no further questions to ask
* Ask the employee if they have any further questions or anything to add
* Inform the employee that the matter should be dealt with confidentially and that facts

of the case will initially only be disclosed to the relevant officer in line with the delegated authority table. * Inform the employee of the support mechanisms which the Council can offer.
* Thank the employee for their time and attendance
* Provide the employee with a copy of notes taken at the meeting for signing to confirm accuracy.

(This may be done immediately following the meeting or at another appropriate time when the the notes have been typed up) |

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| **The Format of a Grievance Hearing** |
|  The hearing will be conducted formally.At the start of the hearing, the chair should:* Introduce all in attendance at the meeting and explain their roles
* Make all parties aware of why the meeting is taking place
* Inform parties that notes will be taken of the meeting to ensure that an accurate record is held. No electronic recording devices are permitted within any meeting.
* Make the employee aware that he/she has the right to be accompanied, if not already accompanied.
* Outline how the hearing will progress

During the hearing, the chair should:* Outline the issues which have led to the grievance hearing
* Refer to informal attempts to resolve the issue (if appropriate)
* Allow the employee or the person accompanying to put his/her case, calling any witnesses as required
* Ask questions
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 **Appendix 1**

 **Grievance Procedures for Teachers and**

 **Employees on SNCT Conditions of Service**

 **Levels of Authorisation and Timescales**

 **Table Page 47**

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 **THE FORMAL GRIEVANCE STAGES, APPEALS AND TIME LIMITS**

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| **Stage** | **Grievance Heard by** | **Timescale** |
| 1 | Head Teacher  | 10 days to arrange formal hearing5 days to issue written response |
| 2 | The Chief Education Officer (or nominee)  | 10days to arrange appeal hearing5 days to issue written response |
| 3 | Education Appeals Board | 20 days to arrange appeal hearing5 days to issue written response |
| 4 | SNCT *(Only applicable to matters relating to national agreements.)*  | See SNCT Handbook Conditions of Service, Part 2, Appendix 2.14 for SNCT Appeals Procedure |