

## GRIEVANCE PROCEDURES FOR TEACHERS

### 1. Introduction

- 1.1 Every teacher has a right to seek redress for grievances relating to their employment. That right is given effect for teaching staff in Dundee City Council by the procedure which follows, to be applied at both school/establishment level and at Council level as appropriate. The procedure also applies to other employees whose conditions of service are determined by the SNCT. viz. Educational Psychologists, Quality Improvement Officers and Music Instructors. The procedure complies with both the Employment Act 2002 and with the ACAS Code of Practice (Number 1) entitled "Discipline and Guidance Procedures".
- 1.2 Grievance procedures provide a mechanism whereby problems in relation to work, the working environment or working relationships can be raised and addressed. These problems should be dealt with speedily and fairly before they can develop into major problems or, potentially, collective disputes.

### 2. Principles

- 2.1 It is good employment relations practice to provide all staff with a reasonable and prompt opportunity to obtain redress on any grievance. The process applies equally to groups of teaching staff and the same stages should be utilised as for individual grievances. "*Status quo ante*" provisions are included as appropriate (see 2.5 (d) and 5.1 below). Teaching staff have the right to be accompanied at all stages in the grievance process and this procedure complies with the legal requirement in relation to the provision of a minimum statutory grievance procedure.
- 2.2 Apart from dealing with grievances quickly and fairly, decisions in relation to a particular grievance should be taken, if possible, at the lowest level within the hierarchy of stages at which the matter can be resolved. It is accepted, for example, that a Head Teacher may not have the power or authority to sanction a particular resolution to a grievance which may be available to staff at, for example, directorate level.
- 2.3 It is neither possible nor desirable to specify precisely all of the issues which may not give rise to a grievance, but the main areas would include: terms and conditions; health and safety; relationships at work; new working practices; organisational change and equal opportunities matters. Teaching staff will be made aware of the terms of the local grievance procedure and have ready access to a copy of it.
- 2.4 Every effort should be made to resolve a grievance or potential grievance using informal mechanisms – eg. discussion with a senior colleague or through an informal approach by a trade union representative. However, if informal methods do not succeed and the aggrieved party remains dissatisfied with the outcome or response, the formal procedure should be utilised.
- 2.5 In summary, therefore, the following principles have been applied to this grievance procedure.
  - a) All grievances should be dealt with quickly, fairly and within agreed time limits.

- b) Individual and group grievances should be dealt with using the same procedure and including the same stages.
- c) Decisions relating to a grievance should be taken at the lowest appropriate level and should, where possible, involve the use of informal mechanisms to secure a resolution.
- d) The use of the “*status quo ante*” provisions will normally be restricted to grievances which relate to situations where changes to terms and conditions are being contemplated. However, it will also apply, where practicable, to changes to working practices or organisational structures.

### 3. The Formal Grievance Procedure

- 3.1 Every attempt should be made to resolve the matter through informal discussion or through informal representation by a trade union official etc. The Head Teacher or other senior manager should respond as quickly as possible to an informal approach, not necessarily in writing. If, however, the aggrieved party is dissatisfied with the response or if no response has been forthcoming, within a reasonable period, the teacher should initiate the first stage of the formal grievance procedure.
- 3.2 Stage 1 – The teacher should submit a formal written statement of grievance to the Head Teacher which should outline clearly the nature of the grievance and where possible to the resolution sought by the aggrieved party. A pro-forma for this purpose is attached as Appendix 3 and is available from Head Teachers. The Head Teacher will convene a formal grievance hearing within 10 working days (or otherwise by mutual agreement) of receipt of the written statement of grievance. The teacher will have the right to be represented at the hearing and the Head Teacher will respond in writing to the formal statement of grievance within 5 working days of the date of the hearing. Where the Head Teacher is the aggrieved party, the formal statement of grievance should be submitted to the Director or nominee. In line with paragraph 2.2 above, there may be other circumstances where it would not be appropriate for the Head Teacher to hear the grievance at Stage 1, in which case the grievance should be submitted directly to the Director.
- 3.3 Stage 2 – Should the teacher be dissatisfied with the decision of the Head Teacher, there shall be a right of appeal to the Director. A statement of appeal must be submitted in writing within 10 working days of receipt of the Head Teacher’s decision explaining the reasons for continuing dissatisfaction. The Director or nominee will convene a formal appeal hearing within 10 working days of receipt of the written statement of appeal. The Director or nominee shall respond in writing to the aggrieved teacher within 5 working days of the date of the hearing.
- 3.4 Stage 3 – If the teacher remains dissatisfied with the response from the Director there shall be a right of appeal to the Personnel Appeals Sub Committee. A statement of appeal must be submitted in writing to the Chief Executive within 10 working days of receipt of the Director’s decision explaining the reason for continuing dissatisfaction. Such cases will normally be heard by the Personnel Appeals Sub Committee within 60 working days of the Chief Executive being advised.
- 3.5 Stage 4 – The final decision of Dundee City Council can be submitted to the Joint Secretaries of the Scottish Negotiating Committee for Teachers for consideration through its appeals process but only if the subject matter of the original grievance relates to the interpretation or implementation of a national agreement promulgated by the SNCT. (see extract from the SNCT constitution at Appendix 1).

#### 4. The Conduct of Formal Grievance and Appeal Hearings

- 4.1 The teacher must be given every opportunity to present evidence in support of his/her grievance and the teacher and/or representative can call witnesses, submit additional written information and/or use verbal presentation. In addition, the Head Teacher or Director (with advice from an appropriate Personnel Officer) must be given every opportunity to justify a decision which is subject to appeal. Where possible, the officer providing advice to the Director should be different from the officer who provided advice to the Head Teacher at an earlier stage. Procedures for the conduct of grievance hearings and appeals are set out in Appendix 2.

#### 5. General Provisions

- 5.1 Status Quo Ante – In the event of a formal grievance being lodged in response to a proposed change to terms and conditions of employment and when practicable, where a grievance has been lodged in response to changes to working practices or organisational structures, no change shall be made to the relevant terms and conditions of employment until the agreed grievance procedures have been exhausted.
- 5.2 Withdrawal – The aggrieved teacher may at any stage withdraw from these procedures by giving notice in writing. In these circumstances the teacher will be deemed to have abandoned the grievance.
- 5.3 Collective Grievances – Two or more teachers who share a common grievance arising from the same circumstances shall be entitled to pursue their grievance in common by means of the procedures outlined above.

#### 6. The Grievance Stages, Appeals and Time Limits

- 6.1 The following time limits have been agreed for implementing the basic stages within the procedure.

Stage	Heard By	Normal Time Limit (Working Days)
1	Head Teacher	10 days to arrange formal hearing 5 days to issue written response
2	Director or Services Manager	10 days to arrange appeal hearing 5 days to issue written response
3	Personnel Appeals Sub Committee	20 days to arrange appeal hearing 5 days to issue written response
4*	SNCT	Determined by SNCT (see Appendix 1)

\*Only applicable to matters relating to national agreements

**Appeals to the Scottish Negotiating Committee for Teachers**

1. If a teacher considers that he/she has a dispute with the employing authority regarding the application and/or interpretation of the national agreement on salaries and conditions of service, he/she must exhaust the employing authority's internal procedures in the first instance.
2. If a teacher is dissatisfied with the outcome of the employing authority's procedures, then he/she may ask for the case to be considered by the Joint Secretaries representing the Employers' Side and the Teachers' Side of the SNCT.
3. The Joint Secretaries, representing the Employers' Side and the Teachers' Side, will consider whether the employing authority has complied with and/or properly interpreted the national agreement on salaries and conditions of service and has taken account of all the relevant factors. If the Joint Secretaries are not satisfied that the employing authority has acted correctly or appropriately, it will refer the matter back to the employing authority with appropriate advice. If this advice or mediation by the Joint Secretaries does not resolve the matter, or if there is a failure to agree, the Joint Secretaries will refer to case to an Appeals Panel of the SNCT.
4. The decision of the Appeals Panel will be final and binding on all parties to the appeal.

## PROCEDURES FOR THE CONDUCT OF GRIEVANCE HEARINGS AND APPEALS

### Purpose

The purpose of a grievance or appeal hearing is to make available all relevant information relating to the grievance in order that the Chairperson is in a fully informed position to make his/her decision on the grievance/appeal. All parties concerned should endeavour therefore to have such information available for the Hearing. However, it may be necessary on occasion to adjourn to obtain documentation, call other witnesses, etc.

### Format

Note: the Grievance/Appeal Panel will normally comprise the Chairperson as stipulated by the Grievance Procedures and a representative from the Personnel Department in an advisory capacity.

The Hearing follows the sequence below:

- a) The Chairperson intimates the status of the Hearing, introduces the participants, outlines the procedure to be followed and confirms the grievance/appeal to be considered.
- b) The employee who has raised the grievance or is pursuing an appeal and/or Trade Union representative present the evidence in support of his/her grievance/appeal, calling witnesses, one at a time, to make statements and/or answer questions regarding their knowledge of the grievance or associated circumstances.
- c) The person whose decision or action is the subject of the grievance/appeal is given the opportunity to ask questions of each witness in turn and of the employee who has raised the grievance or is pursuing an appeal.
- d) The members of the Grievance/Appeal Panel have the opportunity to ask questions of each witness in turn and of the employee.
- e) The employee whose decision is the subject of the grievance/appeal shall present the evidence in support of his/her decision calling any witnesses, one at a time, to make statements and or answer questions regarding their knowledge of the decision taken or associated circumstances.
- f) The employee who has raised the grievance or is pursuing an appeal and/or Trade Union representative is given the opportunity to ask questions of each witness in turn and of the employee whose decision is the subject of the grievance/appeal.
- g) The members of the Grievance/Appeal panel have the opportunity to ask questions of each witness in turn and of the employee.
- h) The employee whose decision is subject of the grievance/appeal is given the opportunity to sum up the case supporting his/her decision.
- i) The employee who has raised the grievance or is pursuing an appeal and/or Trade Union representative is given the opportunity to sum up the case in support of his/her grievance/appeal.
- j) The employees and Trade Union representative withdraw from the Hearing in order that the Grievance/Appeal Panel may deliberate in private.

- k) The employee who has raised the grievance or is pursuing an appeal and Trade Union representative are recalled to be advised of the decision, informed that it will be confirmed in writing and where applicable advised of the right of appeal.

**STATEMENT OF GRIEVANCE**

Name of Teacher raising Grievance \_\_\_\_\_

School \_\_\_\_\_ Post held \_\_\_\_\_

**A NATURE OF GRIEVANCE** (Please outline clearly the nature of the grievance  
- use reverse side of Form if necessary)

**B PROPOSED RESOLUTION** (Please indicate where possible your proposed  
resolution of your grievance)

Signed by Teacher raising Grievance \_\_\_\_\_

Date \_\_\_\_\_

Signed by Head Teacher or Director of Education \_\_\_\_\_

Date \_\_\_\_\_

**A NATURE OF GRIEVANCE (Cont.)**