

GRIEVANCE POLICY AND PROCEDURE FOR TEACHERS AND ASSOCIATED PROFESSIONALS

1. Introduction

- 1.1 Every teacher has a right to seek redress for grievances relating to their employment. This policy complies with both the Employment Act 2002 and with the ACAS Code of Practice entitled “Discipline and Grievance 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 should be 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 policy 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 headteacher 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 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 should 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 underpin the Dumfries and Galloway 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 is restricted to grievances which relate to situations where changes to terms and conditions are being contemplated. It may 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. Details of the issue may be committed to paper at this stage if helpful. The headteacher 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 headteacher using a prepared *pro forma* (Appendix 1) which should outline clearly the nature of the grievance and the suggested resolution sought by the aggrieved party. The headteacher or senior manager 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 to call witnesses, and the headteacher will respond in writing to the formal statement of grievance within 5 working days of the date of the hearing. Where the headteacher is the aggrieved party, the formal statement of grievance should be submitted to the Director, Education Services. In line with paragraph 2.2 above, there may be other circumstances where it would not be appropriate for a headteacher to hear the grievance at Stage 1, in which case the grievance should be submitted directly to the Director, Education Services.
- 3.3 Stage 2 – Should the aggrieved employee be dissatisfied with the Stage 1 decision, there shall be a right of appeal to the Director, Education Services. A statement of appeal must be submitted in writing within 10 working days of receipt of the written Stage 1 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 Group Manager there shall be a right of appeal to the Appeals Sub-Committee. Time limits for convening a meeting of the appeals committee and for transmitting its decision to the aggrieved party are as set out in section 6 of this procedure.
- 3.5 Stage 4 – The final decision of the local authority can be submitted to the Joint Secretaries of the Scottish Negotiating Committee for Teachers for consideration through its appeals process only if the subject matter of the original grievance relates to the interpretation or implementation of a national agreement promulgated by the SNCT (see Appendix 2.14, the SNCT Appeals Procedure).

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 headteacher or Director or nominee (with advice from an appropriate Human Resources officer or other professional adviser) must be given every opportunity to justify a decision which is subject to appeal. Where possible, the officer providing advice to the Director (or nominee) should be different from the officer who provided advice to the headteacher at an earlier stage.
- 4.2 Grievances are often better heard in a relatively informal manner, therefore application of rigid procedure is not mandatory. However, where a structured meeting is required, the following pattern should be adopted in order that all parties have the opportunity to have their views considered:
- a) The teacher or representative sets out the case;
 - b) The respondent or representative may ask questions;
 - c) The Chairperson of the Hearing may ask questions;
 - d) The respondent or representative sets out his/her response;
 - e) The teacher or representative may ask questions;
 - f) The Chairperson of the Hearing may ask questions;
 - g) The respondent (or representative) and, subsequently, the teacher (or representative) may, if so wished, sum up their case but may not introduce new material;
 - h) The teacher and the respondent and any representatives withdraw;
 - i) The Chairperson and any accompanying officers deliberate in private, recalling any parties where matter needs clarified;
 - j) The teacher and respondent, together with any representatives return to the Hearing where the Chairperson will, where possible, announce his/her decision. In any event, the decision of the Hearing will be confirmed in writing to all parties within 5 working days.
- 4.3 Grievance Appeal Hearings will follow a similar pattern to that outlined above. This will be as follows:
- a) The teacher or representative sets out the case;
 - b) The Authority's representative may ask questions;
 - c) Members of the Committee may ask questions;
 - d) The Authority's representative sets out the Authority's case;
 - e) The teacher or representative may ask questions;
 - f) Members of the Committee may ask questions;

- g) The Authority's representative and subsequently the teacher or representative may, if they so wish, sum up their case but may introduce no new material;
- h) Both sides then withdraw;
- i) The Committee with Officers appointed to assist them deliberate in private, recalling the representatives of both sides if any matter needs to be clarified;
- j) The Committee will, where possible, announce its decision at the conclusion of the hearing to the teacher and his/her representative and the Authority's representative. In any event, the decision will be confirmed in writing to the teacher and his/her representative within five working days.

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

The following table sets out the basic stages within the process and relevant time limits.

Stage	Heard By	Suggested Time Limit
1	Headteacher or equivalent Senior Manager	10 working days to arrange formal hearing 5 days to issue written response
2	Director, Education Services or Nominee	10 days to arrange appeal hearing 5 days to issue written response
3	Appeals committee	20 days to arrange appeal hearing 5 days to issue written response
4*	SNCT	Determined by SNCT (see Appendix 2)

* Only applicable to matters relating to national agreements.

Keith Millar
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Education Services
Reviewed: May 2013

AGREED by LNCT 14 May 2013



GRIEVANCE PROCEDURE

SUBMISSION OF A FORMAL GRIEVANCE

1.

Name	Base/School	Post Held

2.

Trade Union or Professional Association	
Name of Union Representative (if applicable)	
Contact Telephone Number of Representative	

Brief Summary of Grievance including name(s)/designation(s) of those involved

N.B. Presentation at Grievance Hearing must be based only on the points contained in this summary

NB. The information contained in this pro-forma may be shared with the party against whom the grievance is made.

Continue on a separate sheet if necessary

3.

Describe any attempts at resolving matters on an informal basis

4.

Your Suggested Resolution

Signature	Date	Date Received (office use only)

This form should be submitted to your headteacher unless the grievance is against the headteacher, in which case it should be submitted to the Director, Education Services.

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 Council's internal procedures in the first instance.
2. If a teacher is dissatisfied with the outcome of the Council'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 Council has acted correctly or appropriately, it will refer the matter back to the Council 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 the 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.

May 2013