

Grievance Framework and Procedures for Teachers

I. INTRODUCTION

- 1.1 Every teacher has a right to seek redress for grievances relating to their employment. The grievance framework and associated procedures have been designed specifically to be used by individual teachers, trade unions and management to ensure that issues relating to work, the working environment or in some cases, working relationships, within the Council, are dealt with and settled fairly, speedily and as near to the point of origin as possible. Where issues relate to bullying and harassment as defined by LNCT 13a, Bullying and Harassment, Framework and Procedure for Teachers, then LNCT 13a applies. Both frameworks and procedures comply with the Employment Act 2008 and the ACAS Code of Practice 1 *Discipline and Grievance Procedures*.
- 1.2 Whenever possible grievance issues should be resolved informally through reasonable discussion, however, where this proves to be difficult, then the formal process is appropriate. The grievance procedures provide a formal mechanism whereby problems in relation to work and the working environment 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 The Council recognises the right of individual teachers to use this procedure to settle individual grievances. Individual teachers can use this procedure with or without trade union representation, however teachers have the right to be accompanied at all stages in the grievance process either by a trade union representative or fellow employee. Where a group of teachers, acting collectively, raise a grievance or pursue a claim relating to their conditions of employment within the Council, they must do so through a recognised trade union, professional association

or other agreed representative. “*Status quo ante*” provisions are included within the procedure (see Section 3).

- 2.2 Where management wish to alter conditions of employment, within the scope of the nationally agreed framework, this must be pursued through proper consultation and negotiation within the Local Negotiating Committee for Teachers. Equally where collective issues that fall within the terms of reference of Local Agreements are involved, the LNCT is the required locus for consultation and negotiation.
- 2.3 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.
- 2.4 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; new working practices; organisational change and equal opportunity matters (where this is not related to bullying and harassment).
- 2.5 The aggrieved teacher may at any stage withdraw from these procedures by giving notice in writing. In these circumstances the teacher will have been deemed to have abandoned the grievance.
- 2.6 Every effort should be made to resolve a grievance or potential grievance using informal mechanisms – e.g. 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.
- 2.7 Where a teacher(s) feels aggrieved at the application of any Local Agreement reached by the LNCT, and where it can be determined the local agreement has been applied fairly and in

accordance with the terms of the Agreement, then the teacher(s) shall have no recourse to the Grievance Procedure but should instead raise the matter with his/her trade union or professional association.

- 2.8 Timescales in the procedure should be adhered to except where it is impractical to do so or there is mutual agreement by both parties to alter the timescales, for example where a trade union may require additional time to consult their members. Failure to reply within the timescale on an issue can lead to the next stage of the procedure being invoked or where appropriate both parties may agree to declare the matter closed.

3. STATUS QUO ANTE

- 3.1 The use of the “*status quo ante*” provision is restricted to grievances that relate to situations where changes to terms and conditions are being contemplated. It may also apply, where determined to be appropriate and practicable, to changes to working practices or organisational structures. The status quo facility will not be applicable where decisions have been taken by the Council following consultation with the trade unions and other professional organisations.
- 3.2 Where Management take a decision which is within the framework of an existing agreement or established practice there shall be no obligation upon management to postpone the implementation of the decision until agreement has been reached or the appropriate procedure has been exhausted. This gives management the right to maintain the status quo.
- 3.3 Where management wishes to implement a decision which would mean departing from an existing agreement or established practice and the teacher(s) concerned objects to that decision, management shall be obliged to reach agreement or exhaust the appropriate procedure before implementing the decision.
- 3.4 Both parties accept the status quo clause imposes obligations on both Management and Trade Unions to take no precipitative action including authorised industrial action while the issue is still under consideration and the procedure has not been exhausted.
- 3.5 If both parties agree the status quo may be extended to operate while an issue is being considered by outside parties, for example the Joint Secretaries of the Scottish Negotiating Committee for Teachers.

4. THE FORMAL GRIEVANCE PROCEDURE

- 4.1 Every effort 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.

4.2 Stage I

The teacher should submit a formal written statement of grievance to the head teacher, using the agreed pro forma (Appendix 1). This should outline clearly the nature of the grievance and, where appropriate, the resolution sought by the aggrieved party. The head teacher will convene a formal hearing within 10 working days (or otherwise by mutual agreement) of receipt of the written grievance. The teacher will have the right to be represented at the hearing by a fellow employee of Glasgow City Council or trade union representative and the head teacher will respond in writing to the formal grievance within 5 working days of the date of the hearing. The head teacher may accept the grievance and proceed to resolve the matter, conclude there are no substantive grounds for grievance or be unable to provide a remedy. The response should also advise the teacher of the next stage in the procedure. The HR Manager, Education Services, should be sent a copy of the grievance as soon as it is received by a school and also information regarding the outcome for information and monitoring purposes.

Where possible issues should be raised using Stage 1 of the procedure. It is recognised however that depending on the nature of the issues, all stages in the procedure need not be used. For example, it is accepted that a head teacher may not have the power or authority to sanction a particular resolution to a grievance, which may be available to directorate.

Where the head teacher is the aggrieved party, the formal statement of the grievance should be submitted to the HR Manager, Education Services.

4.3 Stage 2

If the teacher is dissatisfied with the decision of the head teacher, the teacher or the teacher's representative shall, within 10 working days of receipt of the written decision, submit a statement (Appendix 2) to the HR Manager, Education Services, explaining the reasons for continuing dissatisfaction. The HR Manager, Education Services (or other senior nominated officer) shall convene a formal hearing to hear the stage 2 grievance, if possible, within 10 working days of the receipt of the written statement.

The head teacher is required to provide all appropriate details of action taken at school level to deal with the grievance raised.

Where the grievance relates directly to conditions of service or other specific employment issues, the HR Manager, Education Services, may, if required, be advised by an officer, as appropriate, from Corporate HR.

After having fully investigated the circumstances surrounding the issue, the HR Manager, Education Services, shall reply in writing to the teacher and if appropriate the trade union representative as soon as possible after the meeting, and in any case within 5 working days of the date of the hearing, giving the reason for the decision and advising the teacher of the next stage in the procedure.

4.4 Stage 3

If the teacher remains dissatisfied with the response, the teacher or the teacher's trade union representative shall intimate in writing within 10 working days of receipt of the reply to the Executive Director of Education Services.

The Executive Director of Education Services shall request the Executive HR Manager, Corporate Services, to arrange for the issue to be considered by the appropriate sub-committee of the Council which shall meet with the teacher and, where appropriate, the trade union representative to consider the matter. This meeting will normally be arranged within 10 working days of the notification to the Executive HR Manager.

The sub-committee will notify the teacher of the outcome of the grievance in writing within 3 working days of the meeting taking place. The decision of the sub-committee will be final except where the grievance relates to interpretation or implementation of a national agreement (see Section 7).

4.5 Stage 4

Where the subject matter of the original grievance relates to the interpretation or implementation of a national agreement promulgated by the SNCT, the final decision of the Council can be submitted to the Joint Secretaries of the Scottish Negotiating Committee for Teachers for consideration through its appeals process.

5. COLLECTIVE GRIEVANCES

- 5.1 Any group of teachers feeling aggrieved on any matters relating to their employment with the Council should discuss the issue with the head teacher.
- 5.2 A collective grievance shall be pursued by means of the procedures outlined above.
- 5.3 Where the subject matter of the original grievance relates to the interpretation or implementation of a national agreement promulgated by the SNCT, the final decision of the Council can be submitted to the Joint Secretaries of the Scottish Negotiating Committee for Teachers for consideration through its appeals process.

6. KEY ACTIONS/PROCEDURES

6.1 Formal Grievance Hearing

- i. The teacher and/or their representative shall present their case orally and/or in writing. This may include witness statements and appropriate documentation.
- ii. The head teacher shall have the opportunity to question the teacher and/or their representative on that presentation, and where relevant to explain the position on the matter in dispute.
- iii. The teacher and/or representative shall then have the opportunity to question the head teacher.
- iv. There shall then be the opportunity for the teacher to call any witnesses and to question them.
- v. The head teacher shall then have the opportunity to question any witnesses called.
- vi. Both parties shall then have the opportunity to make a concluding statement.

6.2 Appeal Hearings

- i. The teacher and/or their representative shall present their case orally and/or in writing as per 6.1(i).

- ii. The head teacher or the director or nominated senior officer shall then present his/her case orally and/or in writing.
- iii. The Director or the Appeals Sub Committee shall then have the opportunity to question both parties.
- iv. Both parties shall then have the opportunity to cross question each other.
- v. It shall then be open to either party to call witnesses. Any witnesses called may be questioned by the party calling the witness, the other party involved and by the adjudicator (either the Director or the Appeals Sub Committee).
- vi. Both parties may then make a concluding statement.

7. REFERRAL TO THE SCOTTISH NEGOTIATING COMMITTEE FOR TEACHERS

- 7.1 If a teacher considers that he/she has a dispute with the Council 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.
- 7.2 If a teacher is dissatisfied with the outcome of the Council's procedures, then he/she may ask the case to be considered by the Joint Secretaries representing the Employer' side and the Teachers' side of the SNCT.

- 7.3 The Joint Secretaries will consider whether the Council has complied with and/or properly interpreted the national agreement on salaries and conditions of service and has taken account of all 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.
- 7.4 The decision of the Appeals Panel will be final and binding on all parties to the appeal.

8. RECORD KEEPING AND MONITORING

- 8.1 Written records will be kept and shared during the grievance process.

These include:

- a copy of the written grievance
- the response given
- action taken and reason for it
- whether the grievance progressed through the procedure.

- 8.2 Pro-forma to be used when submitting a grievance is attached as Appendix 1. Data on grievances and timescales within which they were dealt with will be collected and collated on an annual basis and a report submitted to the LNCT for consideration and comment.



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This Policy has been agreed by the Glasgow LNCT and approved by the Education Children and Families Policy Development Committee



Form GRI

This form should be completed by the teacher wishing to raise a grievance and submitted to the head teacher.

STATEMENT OF GRIEVANCE: Stage I

Name of Teacher

School

Date of Submission

NATURE OF THE GRIEVANCE

Please summarise below the nature of the grievance you wish to raise. Detail the Council policy, procedures or working practice that you believe have been breached if appropriate. In addition appropriate dates, form of evidence etc should be noted. Please use reverse side if necessary to continue details. Attach any relevant documentation that might be relevant and available. *(Please note: any teacher who has a grievance concerning their employment should discuss this formally in the first instance with management within the school.)*

RESOLUTION SOUGHT

Please identify what resolution you would wish to have to grievance resolved.

Signature of Teacher



Form GR2

This form should be completed by the teacher wishing take a grievance to Stage 2 and submitted to the Head of Personnel, Education Services.

STATEMENT OF GRIEVANCE: Stage 2

Name of Teacher

School

Date of Submission

NATURE OF THE GRIEVANCE

Please summarise below the nature of the grievance you wish to raise. Detail the Council policy, procedures or working practice that you believe have been breached if appropriate. Indicate why you remain dissatisfied following the hearing by your head teacher. In addition appropriate dates, form of evidence etc should be noted. Please use reverse side if necessary to continue details. Attach any relevant documentation that might be relevant and available.

RESOLUTION SOUGHT

Please identify what resolution you would wish to have to grievance resolved.

Signature of Teacher
 (Or Trade Union Representative in
 case of collective grievance)
