

PROCEDURE FOR HEARING EMPLOYEES GRIEVANCES
 (Teaching Staff)

Approved By:	Council Executive
Date Approved:	Education Committee 6 January 1987 Education Committee :Amended 19 December 1990 JNCTS:SNCT 23 Redraft: 28 February 2006 Approved by Council Executive: 20 June 2006
Status:	Local Agreement
Scope:	Teaching Staff

Key Notes :

1. On 6 January 1987 the Education Committee approved the Grievance procedure to be adopted for Teaching Staff.
2. On 19 December 1990 the Education Committee approved a revised Grievance Procedure to be adopted for Teaching Staff.
3. On the 28 February 2006, the Joint Negotiating Committee for Teaching Staff approved the revised Grievance Procedure subject to ratification by the Council Executive with Educational Functions.
4. On the 20 June 2006 the Executive of the Council approved a revised Grievance Procedure for teaching staff.

PROCEDURE FOR HEARING EMPLOYEES GRIEVANCES (Teaching Staff)

1. INTRODUCTION

- 1.1 The Department and Teachers' Unions recognise that on occasions teachers will wish to raise concerns relating to their employment on an individual or collective basis. The Department and Teachers' Unions agree that there is a need to provide a mechanism for raising such concerns with a view to resolving them, wherever possible, through discussion and agreement and as speedily as possible. The aim of this procedure therefore is to provide such a mechanism.
- 1.2 This procedure takes full account of the provisions contained within the Scheme of Salaries and Conditions of Service for Teaching Staff as applied to appropriate staff of the Council. Consequently, any reference to 'teacher' includes all employees such as music instructors, quality improvement officers etc. whose terms and conditions of employment are regulated by the SNCT. This procedure implements fully the provisions of SNCT 23 – Revised Grievance Framework. The procedure also reflects good employment practice, observes employment legislation requirements and complies with the ACAS Code of Practice (No1) "Disciplinary and Grievance Procedures".
- 1.3 Throughout the procedure any reference to headteacher may be construed as including a reference to Head of Establishment, or another appropriate senior member of staff, identified in advance as the officer responsible for hearing the grievance. Any reference to the Director (of the Department of Children and Families) may be construed as including a reference to any Head of Service, Neighbourhood Manager, Schools Services Manager, or other senior officer, and any reference to teacher may be construed as referring to one teacher or a group of teachers.
- 1.4 It is neither possible nor desirable to specify precisely all of the issues which may give rise to a grievance but issues likely to be competent as grievances would include: the interpretation of terms and conditions of employment, health and safety matters, working relationships, new or revised working practices, organisational change and matters relating to equality of opportunity in the workplace.
- 1.5 A Collective Grievance is defined as: two or more teachers sharing a common grievance arising from the same circumstances, who shall be entitled to pursue their grievance in common, in line with the provisions of this Grievance Procedure.
- 1.6 Whilst recognising the need for a formal procedure the Department and Teachers' Unions accept as a general principle that grievances are best resolved informally and as close to the point of origin as possible. In accordance with this principle it is agreed that the formal procedure normally should not be used until an attempt at informal grievance resolution has been tried and has failed.
- 1.7 Whilst it is not necessary to be over formalised, particularly at the early stages of the procedures, headteachers shall ensure that the aggrieved member of staff is given a fair hearing and is made aware of the reasons for any particular decision .
- 1.8 *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, where 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 procedure has been exhausted.

- 1.9 The Department and Teachers' Unions recognise that in cases of alleged unfair treatment at work it is essential that this procedure is read in conjunction with the Council's Policy on Fair Treatment at Work and operated accordingly.
- 1.10 With regard to Stage 2 of the formal procedure detailed below, the Director may delegate authority to nominated senior officers who shall hear the grievance and reach a decision. A list of senior officers (by designation) so authorised is attached as Appendix 1
- 1.11 An aggrieved teacher may at any stage withdraw from the proceedings by giving notice in writing. In these circumstances the teacher will be deemed to have abandoned the grievance.
- 1.12 The purpose of the Procedure is to enable an individual teacher or a group of teachers to have a grievance considered and resolved as expeditiously as possible. Any proposal to depart from the timescales specified in the Procedure (Appendix 2) will require mutual agreement, confirmed in writing.
- 1.13 A teacher may be represented at any stage or be without representation. For the purposes of this procedure a representative can be a trade union representative or any other person so nominated by the aggrieved party.
- 1.14 A group of teachers may be represented by a small deputation which may include a representative. In order to keep the hearing manageable, this deputation shall normally not exceed four in number.
- 1.15 Every teacher should have access to the procedure and have had the detail of the Procedure explained to her/him. For new teachers this should be included as part of the induction process.
- 1.16 Managers and teacher representatives will be trained in the operation of the Procedure.

2 PROCEDURE FOR TEACHING STAFF OTHER THAN HEADTEACHERS

INFORMAL GRIEVANCE RESOLUTION

- 2.1 Where a teacher raises a matter described as a grievance for informal discussion, the headteacher shall arrange for this discussion to take place as soon as possible and without undue delay. The teacher may be represented by a trade union representative or some other person of her/his choice.

- 2.2 During these informal discussions, the headteacher should attempt to identify the nature and cause of the teacher's concerns, and any possible courses of action or responses available and suggestions for resolution should be discussed. At the conclusion of these discussions, or within three working days thereafter, the headteacher shall inform the teacher of the action, if any, which he/she intends to take in response to the issues raised. The response will make reference to the further operation of the procedure (including the appropriate timescales as set out in Appendix 2) should the teacher continue to be aggrieved.
- 2.3 The date/time of the informal meeting should be recorded and a written response completed by the headteacher, if so requested by the aggrieved party.

3 FORMAL GRIEVANCE PROCEDURE - GENERAL

- 3.1 At Stages 1 and 2 of the formal procedure, the following procedural requirements shall be adhered to:-
- (a) the teacher shall have the right to be accompanied/represented by a trade union official or some other person of her/his choice;
 - (b) the teacher or her/his representative shall submit a written statement and provide supporting documentation if appropriate, setting out the nature of the grievance to be considered and proposing a resolution. A checklist of information to be included in the written statement is attached as Appendix 3 to this procedure. The teacher and/or her/his representative should retain a copy.
 - (c) following receipt of this written statement and any supporting documentation, the headteacher or Director shall arrange a hearing, within the timescales prescribed, to consider the grievance;
 - (d) the teacher must be given a reasonable opportunity to present the substantive content of, and/or provide evidence in support of, her/his grievance. This may include the provision of further written documentation and/or the calling of witnesses or other individuals who can provide information which can assist the headteacher or Director conducting the hearing to reach a balanced decision. The headteacher or Director may be advised by appropriate departmental staff to assist in the decision-making process.
 - (e) the headteacher or Director conducting the hearing shall ensure that all relevant information presented is considered.
 - (f) if the grievance moves to the next stage then, wherever possible, the Officer advising the Director should be different from the Officer who provided advice at an earlier stage.
 - (g) at the conclusion of the process, provision will be made for any documentation collected or produced with regard to formal grievance proceedings to be kept confidential. Such documentation will be retained in accordance with the Data Protection legislation.

4 STAGE 1 HEARING

- 4.1 Normally, Stage 1 of the procedure will be dealt with at headteacher level. However, there are matters e.g. conditions of service issues, on which the headteacher may advise the teacher to communicate directly with the Director and/or her/his trade union.
- 4.2 In cases where the grievance is against an individual's line manager, it may be inappropriate for the grievance to be considered by the headteacher or Senior Management of the school where she/he is the teacher's immediate line manager and the subject of the grievance. In such cases another individual shall be identified to hear the grievance at Stage 2 of this procedure.
- 4.3 Following receipt of the written notification of a formal grievance (see Appendix 4) a grievance hearing will be arranged by the appropriate manager. This hearing shall be held within ten working days of the necessary written submission being received unless otherwise mutually agreed in writing.
- 4.4 Following the above hearing, a written response shall be given to the teacher, with a copy to her/his representative, if any, within five working days of the hearing. The response will make reference to the appropriate appeal mechanisms and timescales.

5 STAGE 2 HEARING

- 5.1 If the teacher remains dissatisfied following the Stage 1 hearing, the matter may be referred by the teacher or her/his representative to the Director requesting a further hearing. This request must be submitted in writing within ten working days of the teacher receiving written notification of the outcome of the Stage 1 hearing, using the appropriate proforma (see Appendix 5).
- 5.2 Following receipt of the necessary written submission, the Director shall arrange a further grievance hearing. This meeting shall be held within ten working days of the teacher's written submission being received unless otherwise mutually agreed in writing.
- 5.3 Following the above hearing, a written response shall be given to the teacher, with a copy to her/his representative, if any, within five working days of the hearing. The response will make reference to the appropriate appeal mechanisms and timescales.

6 STAGE 3 HEARING – PERSONNEL APPEALS COMMITTEE

- 6.1 If the teacher continues to be aggrieved in respect of her/his original complaint, he/she must write stating an intention to appeal, within 10 working days of receipt of the Director's response. The written application, stating the grounds for appeal, should be made by the teacher to the Council Secretary, with a copy to the Director of Children and Families, to allow the grievance to be heard by the Personnel Appeals Committee.
- 6.2 A meeting of the Personnel Appeals Committee will normally be arranged within twenty-eight calendar days from the receipt of the appeal by the Council Secretary.
- 6.3 The date of the meeting of the Personnel Appeals Committee and the procedure to be followed will be intimated to the teacher by the Council Secretary.

- 6.4 Following the above hearing, a written response shall be given to the teacher, with a copy to her/his representative, if any, within five calendar days of the hearing.

7 APPEALS TO THE SCOTTISH NEGOTIATING COMMITTEE FOR TEACHERS (SNCT)

- 7.1 In the event of the teacher continuing to be dissatisfied, and only in the event of the grievance relating to the interpretation or implementation of a national agreement promulgated by the SNCT, recourse may be had to the SNCT appeals process as indicated in SNCT 23.

PROCEDURE FOR HEADTEACHERS

8 INFORMAL GRIEVANCE RESOLUTION

- 8.1 It is accepted that, where a headteacher has concerns relating to her/his employment, the initial efforts aimed at resolving the matter without undue delay should be made through informal discussions with the Department. The headteacher may be represented by a person of her/his choice. The headteacher will receive a response within three working days. The date/time of the informal meeting should be recorded and a written response provided if so requested by the headteacher.

9 STAGE 1 HEARING

- 9.1 If the headteacher continues to be aggrieved, a written statement of grievance should be submitted to the Director within 10 working days of receipt of the informal response. The content should follow the checklist attached as Appendix 3. The headteacher and/or her/his professional association representative should keep a copy.
- 9.2 Following receipt of the written notification of a formal grievance (Appendix 4), the Director shall arrange a grievance hearing. This hearing shall be held within 10 working days of the written submission being received unless otherwise mutually agreed in writing.
- 9.3 Following the above hearing, a written response shall be given to the headteacher, with a copy to her/his representative, if any, within five working days of the hearing.

The response will make reference to the appropriate appeal mechanisms and timescales.

10 STAGE 2 HEARING

- 10.1 If the headteacher remains dissatisfied following the outcome of the Stage 1 hearing the matter may be referred by the headteacher or her/his representative to the Director with a request for a Stage 2 hearing. This request must be submitted within ten working days of the headteacher receiving written notification of the outcome of the Stage 1 hearing.
- 10.2 Following receipt of the necessary written submission (Appendix 5), the Director shall arrange a Stage 2 grievance hearing. This meeting shall be held within ten

working days of the headteacher's written submission being received unless otherwise mutually agreed in writing.

- 10.3 Following the above hearing, a written response shall be given to the headteacher, with a copy to her/his representative, if any, within five working days of the hearing. The response will make reference to the appropriate appeal mechanisms and timescales.

11 STAGE 3 HEARING – PERSONNEL APPEALS COMMITTEE

- 11.1 If the headteacher continues to be aggrieved in respect of her/his original complaint, within 10 working days of receipt of the Director's reply, written application detailing the basis of appeal should be made by the headteacher to the Council Secretary with a copy to the Director for the grievance to be heard by the Personnel Appeals Committee.
- 11.2 A meeting of the Personnel Appeals Committee will normally be arranged within twenty-eight calendar days after the receipt of the appeal by the Council Secretary.
- 11.3 The date of the meeting of the Appeals Committee and the procedure to be followed will be intimated to the headteacher by the Council Secretary.
- 11.4 Following the above hearing, a written response shall be given to the teacher, with a copy to her/his representative, if any, within five calendar days of the hearing.

12 APPEALS TO THE SCOTTISH NEGOTIATING COMMITTEE FOR TEACHERS

- 12.1 In the event of the headteacher continuing to be dissatisfied, and only in the event of the grievance relating to the interpretation or implementation of a national agreement promulgated by the SNCT recourse may be had to the SNCT appeals process as indicated in SNCT 23.

13 LOCAL AGREEMENT

- 13.1 This document is a local collective agreement between the Council and the recognised Teachers' Trade Unions. Every effort will be made by both parties to ensure that this document will be maintained as a local collective agreement and adjusted by agreement to meet changing future needs. In the event of failure to reach agreement both parties reserve the right to end this local agreement by giving four months notice in writing. In such circumstances the terms of the local agreement will cease to apply to existing and future employees.

LIST OF NOMINATED OFFICERS

Stage	Nominated Officer
Stage 1	Director or nominee (see note 1) Head of Establishment (at school/service level) Business Manager (schools only)
Stage 2	Director or nominee (see note 2) Head of Establishment (at school/service level)
Stage 3	Personnel Appeals Committee

Note 1 - Tier 3 and 4 posts

Nominees” will include post holders in Tier 3 i.e. who report directly to a Head of Service. In the neighbourhood management structure only, “nominees” will include Tier 4 posts which report directly to the Tier 3 post of Neighbourhood Manager i.e. School Services Manager, Early Years and Childcare Manager, Social Work/Working Together Manager and Community Learning and Development Manager

Note 2

In practice a Stage 2 Grievance will normally be heard by a more senior manager than the Officer who heard the grievance at Stage 1 e.g.

Stage 1	Stage 2
Secondary Business Manager	School Services Manager
School Services Manager	Neighbourhood Manager
Social Inclusion Manager	Head of Service
Head of Quality Development	Director

TIME SCALES

- All time scales given below can be altered, but only by mutual written agreement.
- Appropriate extensions to time scales to take account of school session dates will be agreed
- “Days” are working days unless indicated otherwise.

<u>Stage</u>	<u>Timescale of Hearing</u>	<u>Response to Hearing</u>	<u>Appeal Timescale</u>
Informal	Matter to be discussed without undue delay	Response either oral or written within 3 days	Stage 1 to be lodged within 10 days
↓			
Stage 1	Grievance Hearing within 10 days	Written response within 5 days	Appeal to be lodged within 10 days
↓			
Stage 2	Grievance Hearing within 10 days	Written response within 5 days	Appeal to be lodged within 10 days
↓			
Stage 3	Grievance hearing by Appeals Sub Committee normally within twenty eight calendar days.	Written response within 5 calendar days	Appeal to SNCT possible in particular circumstances



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(Teaching Staff)

**CHECKLIST FOR TEACHERS IDENTIFYING INFORMATION TO BE INCLUDED
IN A WRITTEN STATEMENT OF GRIEVANCE**

1. Name
2. School or other Work Location
3. Job Title
4. Date of informal meeting held in accordance with Grievance Procedure
5. Date of Stage 1 hearing if matter is being progressed to Stage 2
6. Name of headteacher/Neighbourhood Manager or Schools Services Manager, who heard Stage 1 grievance.
7. Details of Grievance
8. Enclose any supporting documentation
9. State how you wish grievance to be resolved
10. List of Witnesses if appropriate
11. The statement should be signed and dated by the aggrieved party

THE CITY OF EDINBURGH COUNCIL

Written Statement of Teacher's Grievance

(Stage 1)

A TO BE COMPLETED BY AGGRIEVED PARTY

Name _____

School _____

Post _____

Name of person hearing informal stage _____

Date of informal meeting _____

Please attach any supporting documentation, names of witnesses, or other relevant information.

DETAILS OF GRIEVANCE

Date _____

Signed _____
Aggrieved Party

Please continue overleaf

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Written Statement of Teacher's Grievance

(Stage 1)

RESOLUTION SOUGHT

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Written Statement of Teacher's Grievance

(Stage 2)

A TO BE COMPLETED BY AGGRIEVED PARTY

Name _____

School _____

Post _____

Date of informal meeting _____

Name of person hearing grievance at
Stage 1 _____

Date of Stage 1 meeting _____

Please attach copy of Stage 1 statement and written response with any supporting documentation , names of witnesses or other relevant information.

DETAILS OF GRIEVANCE

Date _____

Signed _____

Aggrieved Party

Continue overleaf

THE CITY OF EDINBURGH COUNCIL

Written Statement of Teacher's Grievance

(Stage 2)

RESOLUTION SOUGHT