

# Scottish Negotiating Committee for Teachers

COSLA  
Rosebery House  
9 Haymarket Terrace  
Edinburgh  
EH12 5XZ  
Tel: 0131 474 9200  
Fax: 0131 474 9292  
E-mail: Dan@cosla.gov.uk

Teachers' Panel  
46 Moray Place  
Edinburgh  
EH3 6BH  
Tel: 0131 225 6244  
Fax: 0131 220 3151  
E-mail: kwimbor@eis.org.uk

Scottish Executive  
Education Department  
Teachers & Schools Division  
2A North Victoria Quay  
Edinburgh  
EH6 6QQ  
Tel: 0131 244 0230  
Fax: 0131 244 0957  
E-mail: john.swift@scotland.gsi.gov.uk

19 March 2003

Dear Colleague

## SNCT/23

### REVISED GRIEVANCE FRAMEWORK

1. The Scottish Negotiating Committee for Teachers (SNCT) has reached agreement on a revised grievance framework to replace section 15.2 in the scheme of salaries and conditions of service.
2. The revised framework is set out in the annex to this circular.

Yours sincerely

Dan Brown (Employers' Side)  
Ken Wimbor (Teachers' Panel)  
John Swift (Scottish Executive)

### Joint Secretaries

To: Chief Executives  
Directors of Education  
Directors of Personnel

Copy: Directors of Finance

## **GRIEVANCE FRAMEWORK FOR SCOTTISH TEACHERS**

### **1. Introduction**

- 1.1 Every teacher has a right to seek redress for grievances relating to their employment. The following framework should, therefore, be used as the basis for the establishment of locally agreed grievance procedures (within the Local Negotiating Committee for Teachers) to be applied at both the school and local authority level. The framework complies with both the Employment Act 2002 and with the ACAS Code of Practice (Number 1) 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 framework 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 should comprise a locally agreed 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) It is anticipated that the use of the “*status quo ante*” provisions should be restricted to grievances which relate to situations where changes to terms and conditions are being contemplated. However, it should 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 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 (perhaps using a prepared *pro forma*) which should outline clearly the nature of the grievance. The form could also include reference to the resolution sought by the aggrieved party. The headteacher 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 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 or nominee. In line with paragraph 2.2 above, there may be other circumstances where it would not be appropriate for the headteacher 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 headteacher, there shall be a right of appeal to the director. A statement of appeal, also perhaps on a prepared *pro forma*, must be submitted in writing within 10 working days of receipt of the headteacher’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 an appropriate committee or sub-committee of the council set up for that purpose. Time limits for convening a meeting of the appeals committee and for transmitting its decision to the aggrieved party must be agreed within the Local Negotiating Committee for Teachers and should adhere, as closely as possible, to the time limits used in the earlier stages.
- 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 paragraph 7 of 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 headteacher or director (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 should be different from the officer who provided advice to the headteacher at an earlier stage. Procedures for the conduct of grievance hearings and appeals must be agreed within the Local Negotiating Committee for Teachers.

#### 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 Local Negotiating Committee for Teachers is charged with reaching agreement on the local grievance procedures for teaching staff based on the above national framework. However, the following table provides advice in relation to the basic stages within the process and suggested time limits.

Stage	Heard By	Suggested Time Limit
1	Headteacher	10 days to arrange formal hearing 5 days to issue written response
2	Director	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 1)

\* Only applicable to matters relating to national agreements.

## APPENDIX 1

### **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 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.
-