

ANGUS JOINT NEGOTIATING COMMITTEE FOR TEACHERS

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20 February 2020

Dear Colleague

AJNCT/10 GRIEVANCE PROCEDURES FOR ANGUS TEACHERS

The Scottish Negotiating Committee for Teachers issued Circular SNCT/23 on a revised grievance framework to replace Section 15.2 in the Scheme of Salaries and conditions of Service. AJNCT/10 was issued on 25 November 2003 and subsequently updated to reflect amendments to procedures in June 2013.

This agreement has been further revised to reflect the changes in the Schools and Learning team management structure arising from the Angus Council Managers' Review, completed in November 2017. The changes also reflect revised working practices and guidance.

This amendment to the local agreement was approved by the Angus Joint Negotiating Committee for Teachers at its meeting on 10 December 2019, and subsequently ratified by the Staffing Sub-Committee on 18 February 2020.

Yours sincerely

JIM HAMMOND
MIKE CALLAGHAN

Joint Secretaries

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cc: Chief Executive
Director of Education and Lifelong Learning and Chief Education Officer
Director of HR, Digital Enablement and Business Support

GRIEVANCE PROCEDURES FOR ANGUS TEACHERS

1. Introduction

- 1.1 Every teacher has a right to seek redress for grievances relating to their employment. Teaching staff should be made aware of the terms of this local grievance procedure and have ready access to a copy of this document.
- 1.2 Grievance procedures provide a mechanism whereby problems, in relation to work, the working environment or working relationships can be raised and addressed. Examples of issues which may give rise to a grievance include terms and conditions, health and safety, relationships at work, new working practices, organisational change and equal opportunities matters. These problems should be dealt with speedily and fairly to avoid major problems or disputes.
- 1.3 The procedure applies equally to groups of teaching staff and to individual teachers who wish to raise a grievance.
- 1.4 Angus Council's formal complaints process is available for members of the public, service users etc. to raise complaints. Staff should, however use this grievance procedure to raise issues outlined in 1.2 above.

2. Principles

- 2.1 The aims of the procedure are to:
 - Deal with grievances raised through the procedure in a fair, reasonable and consistent manner.
 - Resolve grievances at as early a stage as possible.
 - Resolve grievances informally wherever possible.
 - Ensure grievances are dealt with within agreed time scales, wherever possible.
 - Comply with the ACAS Code of Practice on Discipline & Grievance Procedures and the Grievance Framework for Scottish Teachers (SNCT/23).
- 2.2 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 procedures should be utilised.
- 2.3 Wherever possible grievances should be considered by the aggrieved party's Head Teacher or line manager. It is recognised, however, that in some cases this may not be appropriate and / or authority to sanction a particular resolution to a grievance may be required from a more senior member of staff.

- 2.4 Teachers have the right to be represented at all stages of the process by a trade union representative or colleague. Legal representatives are not permitted to represent teachers in grievance matters.
- 2.5 In summary, therefore, the following principles underpin these locally agreed grievance procedures.
- (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 procedures 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, they 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. The Head Teacher or other line 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 Stage 1 of the formal grievance procedures.

3.2 Stage 1

- The teacher should submit a formal written statement of grievance, using the pro forma in Annex 2, to the Head Teacher or line manager (where Head Teacher is not the line manager). This should clearly state the nature of the grievance and the resolution sought.
- Where the Head Teacher or line manager is the subject of the grievance or is the aggrieved party, the formal statement of grievance should be submitted to the Head of Schools and Learning. The Head of Schools and Learning may nominate another senior officer to hear the grievance.
- In line with paragraph 2.3 above, there may be other circumstances where it would be appropriate for the grievance to be submitted directly to the Head of Schools and Learning. The Head of Schools and Learning may nominate another senior officer to hear the grievance. On occasion this may be a Head Teacher from another school.
- The Head Teacher, line manager or nominated senior officer will convene and chair a formal grievance hearing within 10 working days (or otherwise by mutual agreement) on receipt of the written statement of grievance.
- It may be necessary to appoint an investigatory officer to explore the grievance in more detail in advance of any hearing.

- In advance of the hearing and where an investigation has taken place, the investigation report will be issued to the aggrieved teacher for discussion at the grievance hearing
- The aggrieved teacher will have the right to be represented by at all stages of the process by a trade union representative or colleague. Legal representatives are not permitted to represent teachers in grievance matters.
- The chair of the hearing will confirm the outcome of the grievance in writing within 5 working days of the date of the hearing.

3.3 Stage 2

- Should the teacher be dissatisfied with the outcome of the hearing, they have the right of appeal to the Head of Schools and Learning. In these circumstances, a statement of appeal, clearly detailing the reasons for continuing dissatisfaction, should be submitted in writing using the pro forma in Annex 2 within 10 working days of receipt of outcome of the Stage 1 hearing.
- The Head of Schools and Learning or nominated senior officer will convene and chair a formal appeal hearing within 10 working days of receipt of the written statement of appeal. The appeal hearing will not be chaired by the same officer who chaired the Stage 1 hearing.
- The chair of the appeal hearing will confirm the outcome of the appeal in writing within 5 working days of the date of the appeal hearing.

3.4 Stage 3

- Should the teacher be dissatisfied with the outcome of their appeal hearing, they have a further right of appeal to the Staffing Sub Committee of the Children and Learning Committee. In these circumstances, a statement of appeal, clearly detailing the reasons for continuing dissatisfaction, should be submitted in writing using the pro forma in Annex 2 within 10 working days of receipt of outcome of the Stage 2 hearing.
- A formal appeal hearing will be convened within 20 working days of receipt of the written statement of appeal.
- The outcome of the appeal will be confirmed in writing within 10 working days of the date of the appeal hearing.
- Further information regarding this stage is available in Annex 3
- With the exception of the circumstances detailed in Stage 4 below the decision of the Staffing Sub Committee will be final.

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 **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 of SNCT Appeals Procedure.)

- 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.
- 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.
- The decision of the Appeals Panel will be final and binding on all parties to the appeal.

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.
- 4.2 In addition, the line manager or nominated officer (with advice from Human Resources or other professional adviser) must be given every opportunity to explain a decision which is subject to appeal.
- 4.3 Where possible, the Human Resources adviser providing advice to the chair of an appeal hearing should be different from the officer who provided advice to the chair of the stage 1 hearing.
- 4.4 Further guidance regarding the conduct of all internal grievance hearings and appeals is available in Annex 3.

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 and the matter will be closed.

5.3 Collective Grievances

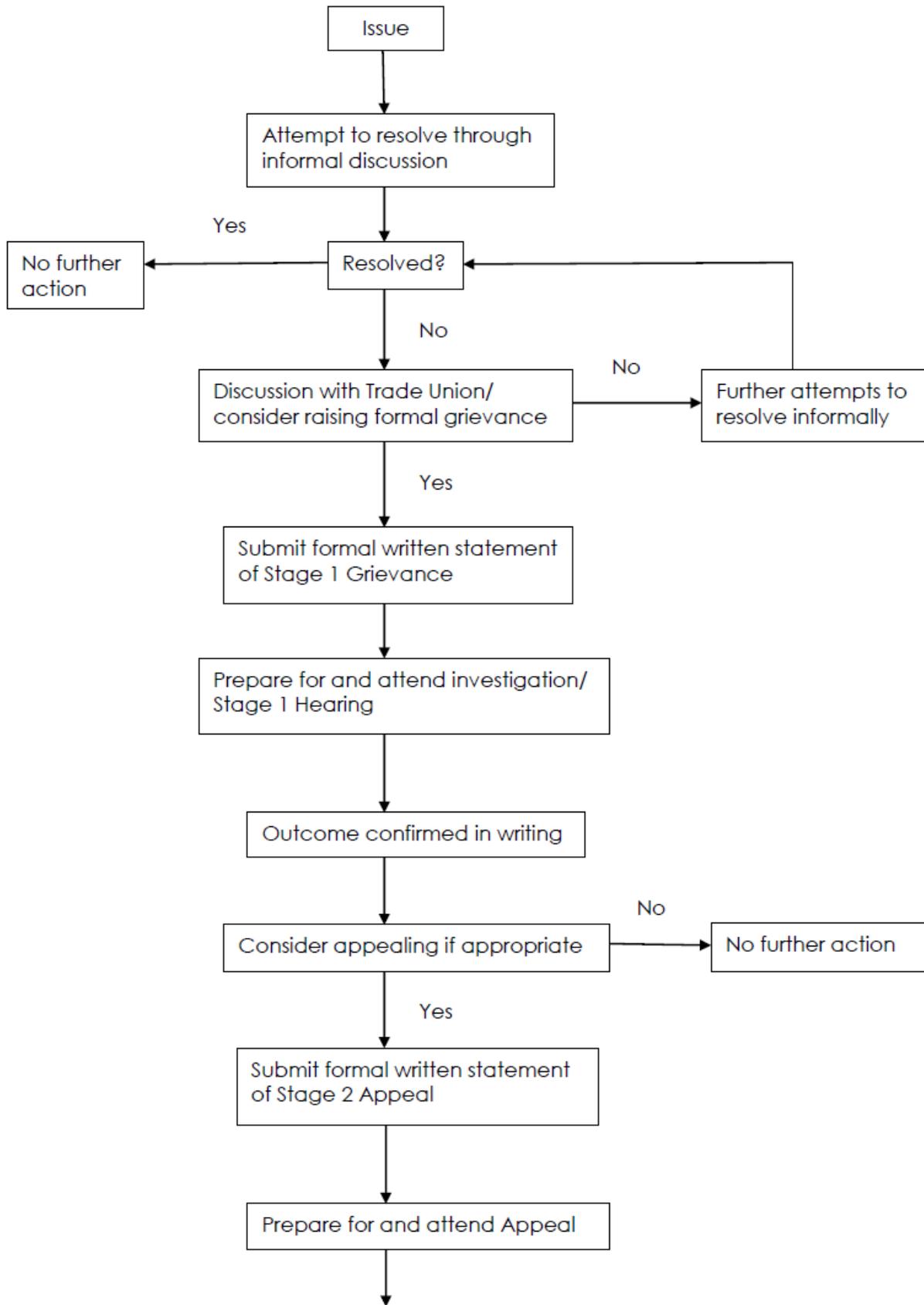
Two or more teachers who share a common grievance arising from the same circumstances shall be entitled to pursue their grievance in common by means of the procedures outlined above.

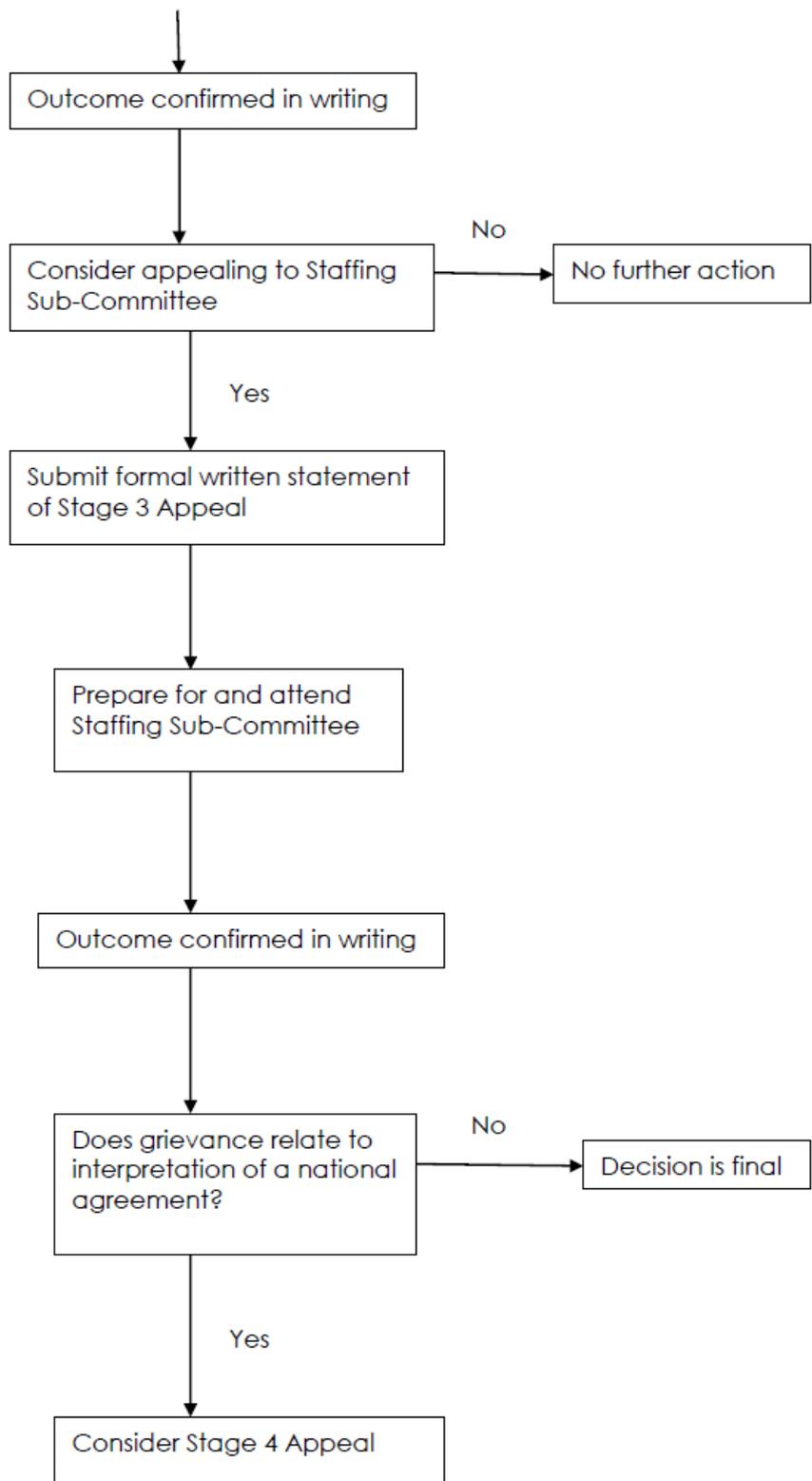
6. The Grievance Stages, Appeals and Time Limits

The following table summarises the time limits within which the above procedures should operate.

Stage	Chair of Hearing	Timescales (working days)
Stage 1	Head Teacher, line manager or nominated senior officer	10 days to hold hearing 5 days to issue written outcome
Stage 1 appeal		To be submitted 10 days after receipt of written outcome of grievance
Stage 2	Head of Schools and Learning or nominated senior officer	10 days to hold appeal hearing 5 days to issue written outcome
Stage 2 appeal		To be submitted 10 days after receipt of written outcome of appeal hearing
Stage 3	Staffing Sub Committee	20 days to hold hearing 10 days to issue written outcome
Stage 4 *	SNCT	Determined by SNCT

* Only applicable to matters relating to national agreements.





ANGUS COUNCIL

STATEMENT OF GRIEVANCE / GRIEVANCE APPEAL (delete as appropriate)

Name of Teacher _____ Workplace _____

Statement of Grievance/Grievance Appeal

Resolution Sought

Note – please ensure you clearly state the nature of your grievance and the resolution you seek. If you are appealing against the outcome of a grievance please clearly state those areas with which you remain dissatisfied and why.

Signature of Teacher _____ Date _____

STAFFING SUB-COMMITTEE OF THE CHILDREN & LEARNING COMMITTEE
Teachers' Grievance Appeals Hearing Procedure

1. INTRODUCTION

If a teacher remains dissatisfied with the outcome of their grievance following a Stage 2 appeal, they may appeal to the Staffing Sub Committee of the Children and Learning Committee. With the exception of the circumstances detailed in Stage 4 of the procedures, the decision of the Staffing Sub Committee will be final.

2. WHO WILL BE PRESENT?

The Sub-Committee will comprise 3 members of the Children & Learning Committee, one of whom will chair the appeal hearing. The Sub-Committee will be supported by a clerk from Legal and Democratic Services who will provide procedural advice, administrative support and record the proceedings. The committee may also have the services of an HR Adviser or council solicitor. These parties will be present throughout the hearing and during the deliberation.

The parties to the appeal, namely chair of the Stage 2 appeal hearing and the Appellant, may each have one representative of their choice, if they so wish. They will be present during the whole of the hearing, except when the Sub-Committee is deliberating.

Witnesses on behalf of either party may also be present. They will only be present to give their evidence and will leave the hearing after any questioning by the other party and / or the Sub-Committee members and their advisers.

3. APPELLANT'S CASE

- 3.1 The appellant will put his/her case to the Sub-Committee in the presence of the chair of the Stage 2 appeal hearing, calling any witnesses he/she may wish. The appellant should explain why he/she continues to be aggrieved and what remedy he/she is seeking.
- 3.2 The Stage 2 chair will then have the opportunity to ask questions of the appellant and of any witnesses.
- 3.3 Members of the Sub-Committee and their advisers will also have the opportunity to ask questions of the appellant and of any witnesses.

4. STAGE 2 CHAIR'S CASE

- 4.1 The chair of the Stage 2 appeal will then put her/his case to the Sub-Committee in the presence of the appellant, explaining the reasons for their decision, and calling any witnesses he/she may wish.

- 4.2 The appellant will then have the opportunity to ask questions of the Stage 2 chair and any witnesses who may have been called.
- 4.3 Members of the Sub-Committee will also have the opportunity to ask questions of the Stage 2 chair and of any witnesses.

5. SUMMING UP

The Stage 2 chair and thereafter the appellant will sum up their respective cases, introducing no new material.

6. WITHDRAWAL OF PARTIES

The appellant and the Stage 2 chair will then withdraw.

7. DELIBERATION

The Sub-Committee, together with the clerk and any other adviser to the Sub-Committee, will deliberate in private, only recalling either the appellant or the Stage 2 chair, or any witnesses, to clarify points of uncertainty on evidence already given. If such recall is necessary, both parties will return, notwithstanding only one is required to clarify points of uncertainty.

8. ADJOURNMENT

The Sub-Committee may adjourn the proceedings at any stage, if they consider it to be in the interests of either party, for an appropriate period.

9. POSSIBLE DECISIONS

If practicable, the Sub Committee will announce its decision to the appellant and the Stage 2 chair at the conclusion of the hearing. In any event, the decision will be confirmed in writing to both parties by the Head of Legal and Democratic Services within 10 days of the hearing.

The form of the decision of the Sub-Committee will be one of the following, as appropriate: -

“that the grounds of the appeal have been substantiated and the appeal be upheld”; or

“that the grounds of the appeal have been substantiated in part and the appeal be upheld to the extent that”; or

“that the grounds of the appeal have not been substantiated and that the appeal be not upheld”.