

# Grievance Procedures

JNCT1.11 – Employees covered by SNCT Terms and Conditions

Human Resources  
April 2021



RESPECTFUL  
SUPPORTIVE

Contents	Page
1. Introduction	3
2. Key Principles	3
3. Grievance Procedure	4
4. Overlapping Discipline and Grievance	6
5. Grievance Relating to Equality at Work	6
6. Summary of Grievance Stages and Time Limits	7
7. Recording	8

## Appendices

Appendix 1 – Summary of Grievance Process	9
Appendix 2 – Conduct of Formal Hearings	10
Appendix 3 – Grievance Notification Form	13
Appendix 4 – Mediation Guidance	17
Appendix 5 – Grievance Report Template	18
Appendix 6 – Standard Letters	19

## Version Control

Version Number	Effective Date	Details of Revision	Responsible Person	Review Date
1		Update to process and procedure		

## 1. Introduction

- 1.1 South Ayrshire Council recognises that grievances will arise from time to time, even in the best managed services, and this agreement puts in place a formally documented procedure for resolving such problems as swiftly and as satisfactorily as possible.
- 1.2 Every teacher has a right to redress for grievances relating to their employment. As part of the agreement, 'A Teaching Profession for the 21<sup>st</sup> Century' the Scottish Negotiating Committee for Teachers (SNCT) devolved powers to Local Negotiating Committees for Teachers (LNCT's) to reach locally agreed grievance procedures within a framework agreed by the SNCT. The principles of the framework are contained within [Appendix 2.13](#) of the SNCT Handbook.
- 1.3 This local agreement also complies with both the Employment Act, 2002 and the ACAS statutory Code of Practice (1) on 'Discipline and Grievance Procedures' and the requirements of Equalities legislation.

## 2. Key Principles

- 2.1 This procedure should be used by teaching staff who have grievances arising from their employment other than those of a disciplinary nature which will be dealt with under JNCT 1.16 Disciplinary Procedures.
- 2.2 During the Coronavirus pandemic, meetings may need to be carried out in a way that follows public health guidelines around social distancing and the closure or phased re-opening of certain workplaces, this may include holding meetings remotely via Skype/Teams, while still allowing procedures to be taken forward without unreasonable delay. It is important to consider the individual circumstances and sensitivity of each case when deciding how best to proceed.
- 2.3 A grievance may be raised by an employee or a group of employees and the same procedure should apply to a group grievance as to an individual grievance.
- 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; relationships at work; new working practices; organisational change and equal opportunities matters.
- 2.5 Teaching staff should be made aware of the terms of this agreement and have ready access to a copy of the agreement.
- 2.6 Teaching staff have the right to be accompanied by a trade union representative or work colleague at all stages in the grievance procedure.
- 2.7 Every effort should be made to resolve a grievance or potential grievance using informal mechanisms e.g. through discussion with a senior colleague or through an informal approach by a trade union representative. However, if informal methods fail and the aggrieved party remains dissatisfied with the outcome or the response, the formal procedures outlined in section 3.3 below should be used. A summary of the full procedure can be found in Appendix 1.
- 2.8 All grievances should be dealt with quickly, fairly and within agreed time limits. Decisions in relation to a particular grievance should be taken at the lowest possible level within the hierarchy of stages at which the matter can be resolved. It is recognised, however, that a Head Teacher, for example, may not have the power or

authority to sanction a particular resolution to a grievance and that the matter might require reference to a higher level of authority for consideration.

- 2.9 **Status quo ante** – 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.
- 2.10 All parties should be aware that a written report may be compiled to accompany the Grievance form (where a formal grievance is raised). This may detail or refer to actions taken, meetings, documentation and/or evidence gathered under the Equality at Work Policy and informal process.
- 2.11 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.

### 3. Grievance Procedure

- 3.1 In all of the procedures outlined below references to the Head Teacher apply to staff employed in schools. Where the aggrieved party or appellant is employed in any other area of the service then the appropriate nominated senior officer should substitute for the Head Teacher. The process for conducting a formal grievance hearing can be found in Appendix 2, please also refer to standard letters in Appendix 6 for arranging formal meetings and providing written outcomes.

#### 3.2 Informal Procedure

Every attempt should be made to resolve the matter through informal discussion or through informal representation by a Trade Union representative or official. The Head Teacher or another appropriate nominated senior officer 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 there is no response forthcoming within a reasonable period, the teacher should initiate the first stage of the formal grievance procedure.

#### 3.3 Formal Procedure

The formal procedure consists of **4 stages**:

##### **Stage 1:**

The teacher (or group of teachers) should submit a formal written statement of grievance to the Head Teacher (using the appropriate pro-forma Appendix 3) which should outline clearly the nature of the grievance. The written statement should include, where appropriate, reference to the resolution sought by the aggrieved party. The Head Teacher 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 (or group of teachers) will have the right to be represented at the hearing. The Head Teacher will respond in writing to the formal statement of grievance within 5 working days of the date of the hearing.

Where the Head Teacher is the aggrieved party, the formal statement of grievance shall be submitted to the Depute Chief Executive and Director of People. The Depute Chief Executive and Director of People (or his/her nominee) shall respond within the same timescale as indicated above.

There may be other circumstances where the formal statement of grievance should be submitted to the Depute Chief Executive and Director of People rather than the

Head Teacher e.g. where the grievance is against the Head Teacher or where the Head Teacher does not have the power or authority to sanction a particular resolution.

### **Stage 2:**

Where a teacher (or group of teachers) remains dissatisfied with the decision of the Head Teacher, there shall be a right to appeal to the Depute Chief Executive and Director of People (or nominee). A statement of appeal must be submitted, in writing, within 10 working days of the receipt of the decision of the Head Teacher, explaining the reasons for continuing dissatisfaction. The Depute Chief Executive and Director of People (or his/her nominee) will convene a formal appeal hearing within 10 working days (or otherwise by mutual agreement) of receipt of the written statement of appeal. The teacher (or group of teachers) shall have the right to be represented at the appeal hearing. The Depute Chief Executive and Director of People (or his/her nominee) shall respond in writing to the aggrieved teacher (or group of teachers) within 5 working days of the hearing.

### **Stage 2 A: Mediation**

Where a teacher (or group of teachers) remains dissatisfied with the outcome of Stage 2, a written appeal may be submitted to the Central Education Team within 10 working days of notification of the decision at Stage 2, prior to a formal appeal to the Council's Appeals Panel.

The Central Education Team will arrange a meeting between the employee and management in an effort to resolve the dispute without the need to make a formal appeal to the Appeals Panel. A decision should be confirmed in writing to both parties within 5 working days of the mediation meeting, and detail the right of appeal if the issue is not resolved to the employee's satisfaction.

Further guidance on Mediation can be found in Appendix 4.

### **Stage 3:**

If the teacher (or group of teachers) remains dissatisfied with the response from the mediation, there shall be a right of appeal to the Appeals Panel. Any request for such a hearing should be intimated to the Head of Legal, HR and Regulatory Services within 10 working days from the receipt of the decision. A statement of appeal shall be submitted on the appropriate pro-forma Appendix 5. A meeting of the Appeals Panel shall be called within 20 working days of the request for a hearing being received. The teacher (or group of teachers) shall have the right to be represented at the appeal hearing. Procedures for the conduct of the hearing will be provided by Committee Services, further detail can be found in Appendix 2. The Appeals Panel shall intimate its decision, after deliberation, on the day of the hearing and shall confirm that decision in writing within 5 working days of the date of the hearing.

### **Stage 4:**

Where the subject matter of the original grievance relates to the interpretation or implementation of a national SNCT agreement, a teacher (or group of teachers) who remains dissatisfied with the decision of the Appeals Panel may submit the matter to the Joint Secretaries of the Scottish Negotiating Committee for Teachers (SNCT) for their consideration. The SNCT Appeals Procedure Appendix 2.14 can be found [here](#)

## 4. Overlapping Grievance and Disciplinary Cases

Where a teacher raises a grievance during a disciplinary process, the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently. In these circumstances, advice should be sought from Human Resources.

## 5. Grievance Relating to Equality at Work

5.1 Following the introduction of the Council's Equality at Work Policy any matter relating to discriminatory, harassing, victimising or bullying behaviour should be addressed both informally and formally via this Grievance procedure with the following considerations and guidance:

### a. Informal Stage

The following guidance is intended to encourage the resolution of such issues at the informal and earliest stage possible:

- Where a teacher has a concern or complaint in relation to equalities at work they should resolve the problem using the informal procedure where they feel able to do so.
- On receiving a complaint every effort should be made by the Head Teacher (or his/her nominee) to resolve the situation *informally and as timeously* as possible. Resolution at the earliest stage is encouraged at all times.
- It is important to note that by recounting experiences the complainant may find it upsetting or difficult. Therefore, he/she should not be asked to repeatedly recount the events if not necessary, however, as the views of all concerned are important, sufficient time should be given to allow a full explanation of the circumstances.
- Confidentiality is highly important and all individuals involved have responsibility to maintain this. Any breach of confidentiality will be viewed seriously and if any parties contact each other or potential witnesses this could be viewed as harassment which would be taken into account during any investigation and may prejudice any future investigation.
- Records of meetings should be taken paying particular attention to dates, times, locations and witnesses to incidents.

### 5.2 Teacher Actions:

- The teacher who considers they have been subject to discriminating, harassing, victimising or bullying behaviour can if they feel able and comfortable to do so in the first instance request the person(s) to stop the offending behaviour. Often this can be sufficient to put a stop to the behaviour in question as the person may not be aware of the impact their behaviour is having on the employee.
- Should the teacher feel intimidated or apprehensive about approaching the person(s) they should discuss the matter initially with their Head Teacher (or another appropriate nominated senior officer) or if it is unsuitable they can contact Human Resources or their Trade Union Representative.
- It may be appropriate for the employee raising the concern to have a trade union

representative or work colleague to accompany them in a supportive way when raising or discussing the matter.

- The teacher should specify clearly what behaviour they wish to stop and how this can be achieved. The discussion should take place in private and as soon as possible after the incident.

Some useful points for the teacher to consider are as follows:

- What is the behaviour they dislike and are there specific example(s) of when this behaviour took place;
- How does it affect them personally;
- What would they like to happen as a result of the informal discussion;
- How the desired outcome(s) would benefit them;
- Confirmation from the person being complained about that the behaviour will stop.

### 5.3 Head Teacher Actions:

- If a teacher informally raises concerns the Head Teacher will seek to understand and support the teacher as appropriate.
- If a Head Teacher has received a complaint from another teacher, on behalf of a colleague, as a result of witnessing inappropriate behaviour the Head Teacher should consider the impact on the teacher raising the concern, in addition to the impact on the recipient of such behaviour.
- If the inappropriate behaviour has also had a negative impact on the teacher raising the concern the Head Teacher will meet with both teachers to understand the basis of the complaint and to consider actions going forward.
- If it is less clear or there has been no impact on the employee raising the concern e.g. they are merely bringing it to the Head Teachers attention the Head Teacher must view the information with the same seriousness and may deal with any alleged behaviour through the informal/formal procedure as may be appropriate.

- 5.4 Advice and guidance can be sought from Human Resources at any point in the informal and formal procedures.

## 6. Summary of The Grievance Stages, Appeals and Time Limits

Stage	Heard By	Time Limit
Informal	Head Teacher or appropriate nominated senior officer	As soon as is practicable
1	Head Teacher	10 working days to arrange formal hearing 5 working days to issue written response Appeal to next stage within 10 working days

		of decision at stage 1
2	Depute Chief Executive and Director of People (or Nominee)	10 working days to arrange appeal hearing 5 working days to issue written response Appeal to next stage within 10 working days of decision at stage 2
2A	Mediator	10 working days to arrange mediation meeting 5 working days to issue written response Appeal to next stage within 10 working days of decision at stage 2A
3	Appeals Panel	10 working days to appeal to Panel 20 working days to arrange Appeals Panel hearing (subject to Appeals Panel availability) 5 working days for written confirmation of decision of Appeals Panel
4	Appeal to SNCT Joint Secretaries  (only applicable to matters relating to national agreements)	Timescales will be determined by SNCT Joint Secretaries. <u>Appendix 2.14</u> of SNCT Handbook.

## 7. Recording

- 7.1 Records of all grievances received and of actions resulting from progress through the Procedure shall be completed within the Council's HR and Payroll system (Oracle). Grievances shall be recorded within the Teacher's personal record and nominated officers will have access to the Teacher's records.

**APPENDIX 1****SUMMARY OF GRIEVANCE PROCESS**

**INFORMAL STAGE** - discussion with Head Teacher to raise and resolve the grievance

IF RESOLVED THEN PROCEDURE ENDS, IF NOT RESOLVED THEN MOVE TO:  
**FORMAL STAGE 1 TO HEAD TEACHER/NOMINATED SNR OFFICER**

**STAGE 1 – FORMAL** -Teacher (or group of teachers) submit Grievance Form, invite teacher(s) to a formal meeting, can be accompanied by TU representative or work colleague, employee can re-state their grievance and how they would like to see it resolved.

IF RESOLVED THEN PROCEDURE ENDS, IF NOT RESOLVED THEN MOVE TO:

**FORMAL STAGE 2 TO DEPUTE CHIEF EXECUTIVE AND DIRECTOR OF PEOPLE**

**STAGE 2 – FORMAL** - Teacher (or group of teachers) submit appeal and Grievance Form, invite teacher to a formal meeting can be accompanied by TU representative or work colleague, teacher can re-state their grievance or part of their grievance that is still in dispute and how they would like to see it resolved.

IF RESOLVED THEN PROCEDURE ENDS, IF NOT RESOLVED AND GRIEVANCE MEETS POLICY CRITERIA MOVE TO MEDIATION at **Stage 2A**. IF NOT RESOLVED THEN MOVE TO:

**FORMAL STAGE 3 TO APPEALS PANEL**

**STAGE 3 – FORMAL** – Teacher (or group of teachers) submit appeal and Grievance Form to Head of Legal, HR and Regulatory Services and request for a hearing to be heard by Appeals Panel. The Teacher (or group of Teachers) can re-state their grievance or part of their grievance that is still in dispute and how they would like to see it resolved.

IF RESOLVED THEN PROCEDURE ENDS, IF NOT RESOLVED AND GRIEVANCE MEETS POLICY CRITERIA MOVE TO:

**FINAL STAGE 4 SNCT JOINT Secretaries**

**STAGE 4 – SNCT** – Teacher (or group of Teachers) submit appeal and Grievance Form to the Joint Secretaries of the Scottish Negotiating Committee for Teachers (SNCT) for consideration. This is the final stage of the Grievance Process and there is no further right of appeal.

## APPENDIX 2

### The Conduct of Formal Grievance and Appeal Hearings

(In all of the procedures outlined below references to the Head Teacher apply to staff employed in schools. Where the aggrieved part or appellant is employed in any other area of the service then the appropriate Line Manager should substitute for the Head Teacher.)

NB – At all stages of the grievance procedures, where the appeal is from a group of teachers they should select one from their number to act as the spokesperson for the appellants and only that individual should be present throughout the above proceedings, whether representing themselves or accompanied by an appropriate representative. The other appellants may, of course, be called as witnesses.

#### **Stage 1: Formal – Grievance Hearing by Head Teacher**

The teacher(s) or the teacher(s) representative, shall present evidence in support of his/her/their grievance and may call such witnesses as may be required.

The Head Teacher shall have the opportunity to ask questions of the teacher(s) or his/her/their representative and of any witnesses called by the teacher(s) or his/her/their representative.

The teacher or his/her/their representative shall have the opportunity to ask further questions of any witness, to make points of elucidation arising from questions from the Head Teacher

The Head Teacher shall have the opportunity to put forward his/her reasons for any decision or action which is the subject of a grievance and call such witnesses as may be required.

The Head Teacher may be advised by an appropriate officer from Educational Services or other professional adviser e.g. a Depute Head Teacher.

The teacher or his/her/their representative shall have the opportunity to ask questions of the Head Teacher or witnesses called by the Head Teacher.

The Head Teacher shall have the opportunity to ask further questions of any witness, to make points of elucidation arising from questions from the teacher(s) or his/her/their representative.

The Head Teacher and the teacher(s) or his/her/their representative shall have the opportunity, if they wish, to sum up their case, introducing no new material.

The Head Teacher shall convey his decision in writing within 5 working days of the hearing as stated in 3.3 above.

The Head Teacher shall decide that EITHER:

The grounds for the grievance have been substantiated and the grievance be upheld. OR  
That the grounds for the grievance have been substantiated in part and the appeal is upheld to the extent that ...OR

That the grounds for the grievance have not been substantiated and is not upheld.

#### **Stage 2: Formal – Grievance Hearing by Depute Chief Executive and Director of People (or nominee)**

The teacher(s) or the teacher(s) representative, shall present evidence in support of his/her/their appeal and may call such witnesses as may be required.

The Depute Chief Executive and Director of People (or nominee) shall have the opportunity to ask questions of the teacher(s) or his/her/their representative and of any witnesses called by the teacher(s) or his/her/their representative.

The teacher or his/her/their representative shall have the opportunity to ask further questions of any witness, to make points of elucidation arising from questions from the Depute Chief Executive and Director of People (or nominee).

The Depute Chief Executive and Director of People (or nominee) shall have the opportunity to put forward his/her reasons for any decision or action which is the subject of an appeal and call such witnesses as may be required.

The Depute Chief Executive and Director of People (or nominee) may be advised by an appropriate officer from Educational Services or other professional adviser.

The teacher or his/her/their representative shall have the opportunity to ask questions of the Depute Chief Executive and Director of People (or nominee) or witnesses called by the Depute Chief Executive and Director of People (or nominee).

The Depute Chief Executive and Director of People (or nominee) shall have the opportunity to ask further questions of any witness, to make points of elucidation arising from questions from the teacher(s) or his/her/their representative.

The Depute Chief Executive and Director of People (or nominee) and the teacher(s) or his/her/their representative shall have the opportunity, if they wish, to sum up their case, introducing no new material.

The Depute Chief Executive and Director of People (or nominee) shall convey his decision in writing within 5 working days of the hearing as stated in 3.3 above.

The Depute Chief Executive and Director of People (or nominee) shall decide that EITHER:  
The grounds for the grievance have been substantiated and the grievance be upheld. OR  
That the grounds for the grievance have been substantiated in part and the appeal is upheld to the extent that ...OR  
That the grounds for the grievance have not been substantiated and is not upheld.

### **Stage 3: Formal – Appeals Panel**

Procedures Prior to the Hearing:

Details of the procedures adopted by the Panel shall be supplied to the appellant(s) and his/her/their representative, including advice as to the right to be represented at the Hearing and to call witnesses, if necessary. This shall be done as soon as possible after lodging the appeal.

Together with the written notification of lodgement of the appeal, the teacher(s) or his/her/their representative should specify the grounds for the appeal and may include a brief statement of the case to be made, together with supporting documents.

The relevant representative of Educational Services shall be invited similarly to submit a brief statement of the case to be made, together with supporting documents.

If either side wishes to take advantage of the opportunity to submit a brief written statement, this should be submitted within 5 working days of lodgement of the appeal.

At least 10 working days' notice of the hearing of the Appeals Panel shall be given. Such notice shall include copies of any papers submitted by the parties.

If either side intends to submit or refer to any further documentary evidence, then this should be in the hands of the Head of Legal, HR and Regulatory Services no later than 3 days prior to the Hearing. The Head of Legal, HR and Regulatory Services shall ensure, where practicable, copies are available at the Hearing and that parties are notified of the intention to submit or refer to this further documentary evidence.

In exceptional circumstances, if either side intends to submit or refer to any further documentary evidence **after papers have been issued**, it will be for the Elected Member Appeals Panel to decide whether to consider these as part of the case to be heard. Committee Services will ensure, where practicable, copies are available at the Hearing and that parties are notified of the intention to submit or refer to this further documentary evidence.

**Stage 4: Formal – Appeal to the SNCT Joint Secretaries**

1. If a teacher considers that he/she has a dispute with the Council regarding the application and/or interpretation of the national SNCT agreements 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 Convention of Scottish Local Authorities (COSLA) and the Teachers' Side.
3. The Joint Secretaries will consider whether the appeal is competent. If the Joint Secretaries hold the appeal to be competent they can issue advice to both parties to assist resolution. Such advice cannot be binding. 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.

## APPENDIX 3



## GRIEVANCE NOTIFICATION FORM (Teachers)

## CONFIDENTIAL

**Please Note:** If you require any assistance in completing this form, please contact your trade union representative or HR team. Please submit completed form to Head Teacher or nominated senior officer and retain a copy for your records. The form will be updated by Human Resources after each stage of the process.

SECTION A			
<b>EMPLOYEE DETAILS:</b>			
Name:		Post Title:	
Employee Number:		School:	
Home Address:			
Phone (Home/Mobile):		Phone (Work):	
Email:			
Trade Union:		Trade Union Rep:	

SECTION B			
<b>EQUALITY AT WORK:</b>			
Does the grievance fall within the Council's Equality at Work Policy	YES		NO
If yes, specify the behaviour(s) that you relate to this grievance:	Discrimination		Victimisation
	Harassment		Bullying
If yes please provide further detail in Section C below.			

SECTION C
<b>NATURE OF GRIEVANCE:</b>

--

**SECTION D**

**PLEASE STATE IN YOUR OPINION HOW THE GRIEVANCE CAN BE REOLVED**

--

**EMPLOYEE SIGNATURE:**

Employee Signature:

Date:

**For HR Use:**

The sections below should be completed to record the outcome of each stage of the grievance where applicable. Additional information can be attached as per the procedure.

SECTION E					
STATUS OF APPEAL:					
STAGE OF APPEAL (please enter date of meeting in box below)		RESOLVED			
Stage 1*		Yes		No	
Stage 2		Yes		No	
Stage 2a		Yes		No	
Stage 3		Yes		No	
* Stage 1 is a formal meeting – if unresolved complete form and progress to Stage 2					

Please state what answer was provided at each stage:

STAGE 1

STAGE 2

STAGE 2a

--

<b>STAGE 3</b>

This form is used to help assess and investigate the grievance. It will be securely stored in your personnel file where only authorised personnel will have access to it. It is our responsibility to keep your information safe. To find out what to expect when the Council collects your personal information, please visit our website- <https://www.south-ayrshire.gov.uk/personal-information/>

**For office use only:**

Stage 1	Date Received:		Date of hearing:		Chaired by:	
Stage 2	Date Received:		Date of hearing:		Chaired by:	
Stage 2A	Date Received:		Date of hearing:		Chaired by:	
Stage 3	Date Received:		Date of hearing:		Chaired by:	
Stage 4	Date Submitted to SNCT Joint Secretaries:		Date of hearing:		Chaired by:	

## APPENDIX 4

### Mediation Guidance

1. The aim of the Stage 2A Mediation is to attempt to mediate in the grievance to find a resolution and to avoid the need to refer the matter for decision by the Appeals Panel of Elected Members at Stage 3. It is most effective when used in the early stages of a disagreement. HR will be available to assist in seeking to resolve the issue.
2. Finding a suitable venue for the mediation meeting to take place is fundamental to the process. A neutral location can help to protect confidentiality of the parties involved and removes parties from the environment that may be associated with the conflict. There should also be break out rooms to allow parties time out when things get heated as this can be a demanding process.
3. In order to resolve an issue requiring mediation, it will be necessary to interview the parties to establish the complaint and the facts and perceptions surrounding it. Open questions "*What, Where, Why, When, How and Who*" should be used to encourage the parties to tell the facts in their own words. Closed questions requiring a "yes" or "no" answer can be used to check facts and understanding as a summarising tool and to close the interview.
4. Where an employee involves their representative in mediation, it is important that during the process, the emphasis is on all parties finding an acceptable resolution.
5. The mediation meeting should have a number of stages as outlined below:

- **FIRST CONTACT WITH THE PARTIES:**

The HR representative or person nominated as mediator should meet parties separately. This will allow each individual involved to explain their position and detail their desired outcome.

- **JOINT MEETING:**

The HR representative or person nominated as mediator will bring parties together and invite them to explain their respective sides of the story. At this stage the HR representative or person nominated as mediator will question and seek clarification from the parties and begin to summarise the main areas of agreement and disagreement. Having identified the issues to explore, the mediation is about encouraging communication between the parties, to shift the focus from the past to the future and begin to look for constructive solutions.

- **ENCOURAGING AGREEMENT:**

As the process develops, the HR representative or person nominated as mediator should encourage and support joint problem solving ensuring that agreements are workable.

- **CLOSING THE MEDIATION:**

Where a mutually acceptable resolution can be found, the decision reached will be binding on both parties.

However, should a mutually acceptable resolution not be achieved, a statement will be prepared by the HR Representative or person nominated as mediator, outlining what facts are in dispute, areas of agreement and the remaining areas of disagreement. The outcome will be confirmed in writing to both parties within 7 days, and will detail the right of appeal to Appeal Panel if the issue is not resolved to the employee's satisfaction.

**APPENDIX 5****SOUTH AYRSHIRE COUNCIL****Grievance Report****Date****Subject of Grievance****1. Background**

Give a summary of the background to the grievance.

**2. Terms of Reference**

Give a summary of reference documents, employment policies or working arrangements that are causing the detriment.

**3. Informal discussion**

Summarise main points of discussion, findings and any points that have been resolved satisfactorily.

**4. Stage 1: Formal**

Summarise main points still in dispute.

**5. Stage 2: Formal**

Summarise main points still in dispute.

**6. Stage 3: Formal Appeals Panel**

Statement of appeal to be submitted on appropriate pro-forma.

**7. Stage 4: Final SNCT Joint Secretaries**

Statement of appeal to be submitted to Joint Secretaries of the Scottish Negotiating Committee for Teachers.

## APPENDIX 6

### Standard Letters

The following letters are for general guidance only and will require minor adjustment to take account of individual circumstances.

Grievance 1 – Letter inviting teacher to grievance hearing

Grievance 2 – Letter intimating grievance upheld

Grievance 3 – Letter intimating grievance not upheld, teacher can appeal and/or request to omit a stage by agreement

Grievance 4 – Letter to teacher, grievance does not meet JNCT criteria

Grievance 5 – Letter acknowledging appeal

#### **1. Grievance 1 – Letter inviting teacher to grievance hearing stage 1 or 2 \*add in clauses - use as appropriate**

Dear

#### **Grievance – Stage \*(1 or 2)**

I refer to the Notification of Grievance form that you submitted on (date) \*(and previous correspondence dated xx). In accordance with the Grievance Procedure (JNCT1:11), you are invited to attend a grievance hearing on (date), at (time) in (location).

You will be given the opportunity to explain your grievance and how in your opinion the grievance could be resolved. If you wish, you may be accompanied by your Trade Union representative or work colleague.

\*(The meeting may be attended by an HR representative)

It would be helpful, if you would confirm both your attendance, the name of anyone accompanying you to the interview \*(and the names of any witnesses you intend to call on your behalf).

Yours sincerely

cc Trade Union Representative

#### **2. Grievance 2 – Letter intimating grievance upheld \*add in clauses - use as appropriate**

Dear

I refer to the grievance hearing which was held on (date). Please find attached a summary note of the meeting.

In terms of the Grievance Procedure (JNCT1:11) the outcome of the hearing is that your grievance has been upheld.

(Add in detail of action to be taken)

Yours sincerely

cc Trade Union Representative

**3. Grievance 3 – Letter intimating grievance not upheld, teacher can appeal (various stages)** \*add in clauses - use as appropriate

Dear

I refer to the grievance hearing which was held on (date). Please find attached a summary note of the meeting.

In terms of the Grievance procedure (JNCT1:11) the outcome of the hearing is that

\*the grounds for the grievance have been substantiated in part and the appeal is upheld to the extent that ....

OR

\*the grounds for the grievance have not been substantiated and therefore the grievance is not upheld.

The reason for this decision is (detail of specific reason).

\*I have to advise you the grievance procedure entitles you to appeal to \*(specify name and address of Head Teacher for stage 1/Depute Chief Executive and Director of People or nominated senior officer for stage 2) \*(Head of Legal, HR and Regulatory Services for stage 3 (Appeals Panel) and \*(SNCT Joint Secretaries for (SNCT stage 4) within 10 working days of receipt of this letter.

If you do appeal, you will be given the opportunity to explain your reasons at a meeting with \*(name for stage 2 and 2A) \*(the Appeal Panel for stage 3), at which you may be represented by your trade union representative or work colleague.

OR

\*As you will be aware, the Grievance procedure includes a Mediation stage 2A prior to the grievance proceeding to the Appeals Panel. If you choose to appeal and in view of the nature of your Grievance, I propose to dispense with stage 2A on this occasion and proceed to stage 3 where your Grievance will be held by the Appeal Panel.

I would be grateful for your view on my proposal.

Yours sincerely

cc Trade Union Representative

**4. Grievance 4 – Letter to teacher, grievance does not meet JNCT criteria** \*add in clauses - use as appropriate

Dear

**Grievance – Stage \*(1 or 2)**

I refer to the Grievance hearing that was held on (date).

Please find attached the note of the meeting which summarises the discussion.

Your Grievance relates to (insert reason for Grievance) and having heard the substance of your Grievance, it is my view, that you have not demonstrated that the Council has failed to apply its procedures nor that the procedures were unfairly or improperly applied to you.

Therefore, I confirm that your grievance does not meet the criteria under JNCT 1.11 and there is no further right of appeal under these procedures.

Yours sincerely

cc Trade Union Representative

**5. Grievance 5 – Letter acknowledging appeal stage 1 or 2** \*add in clauses - use as appropriate

Dear

**Grievance – Stage \*(1 or 2)**

I refer to your Grievance Form dated (insert date) \*(and correspondence dated) indicating you wish to appeal against the decision taken by (insert name) at \*Stage 1/2 of the Grievance Procedures under JNCT 1.11.

Arrangements are being made for a meeting at \*Stage 2/Stage 2A of the Grievance Procedure and your Trade Union Representative will be advised accordingly.

Yours sincerely

cc Trade Union Representative