

LNCT

Aberdeenshire Local Negotiating Committee for Teachers



Date: April 2025

LNCT/25/02

Grievance Procedure

This agreement has been subject to review in Year 2025 by the LNCT Joint Secretaries and HR as part of a review of current Aberdeenshire LNCT Agreements.

**A copy of the Policy/Procedure is attached below.
Supporting documents detailed in the resource pack can be accessed directly by Aberdeenshire Council employees via the HR/People pages on Viva Arcadia.**

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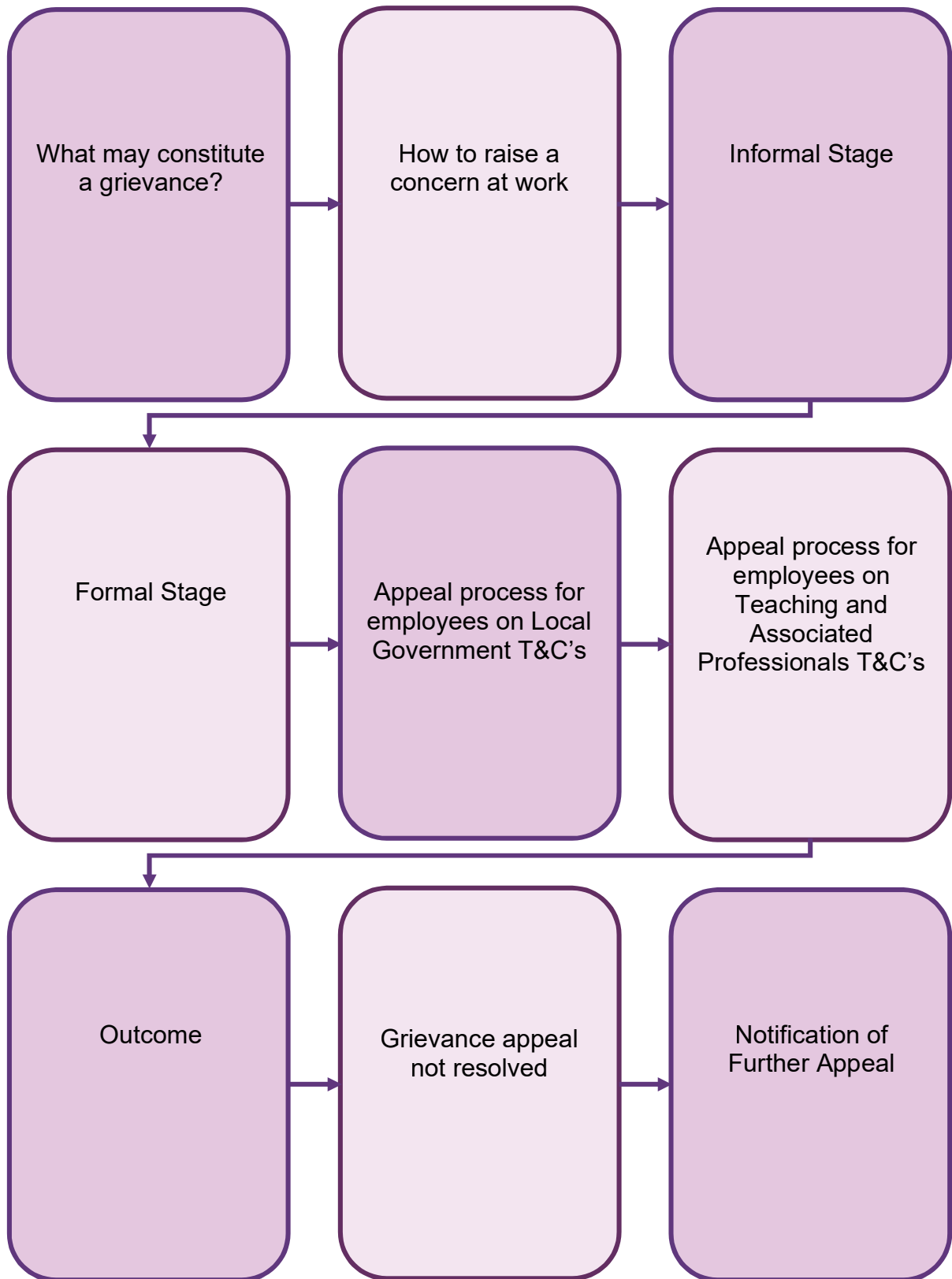
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Grievance Procedure

Review Date: 4th April 2025

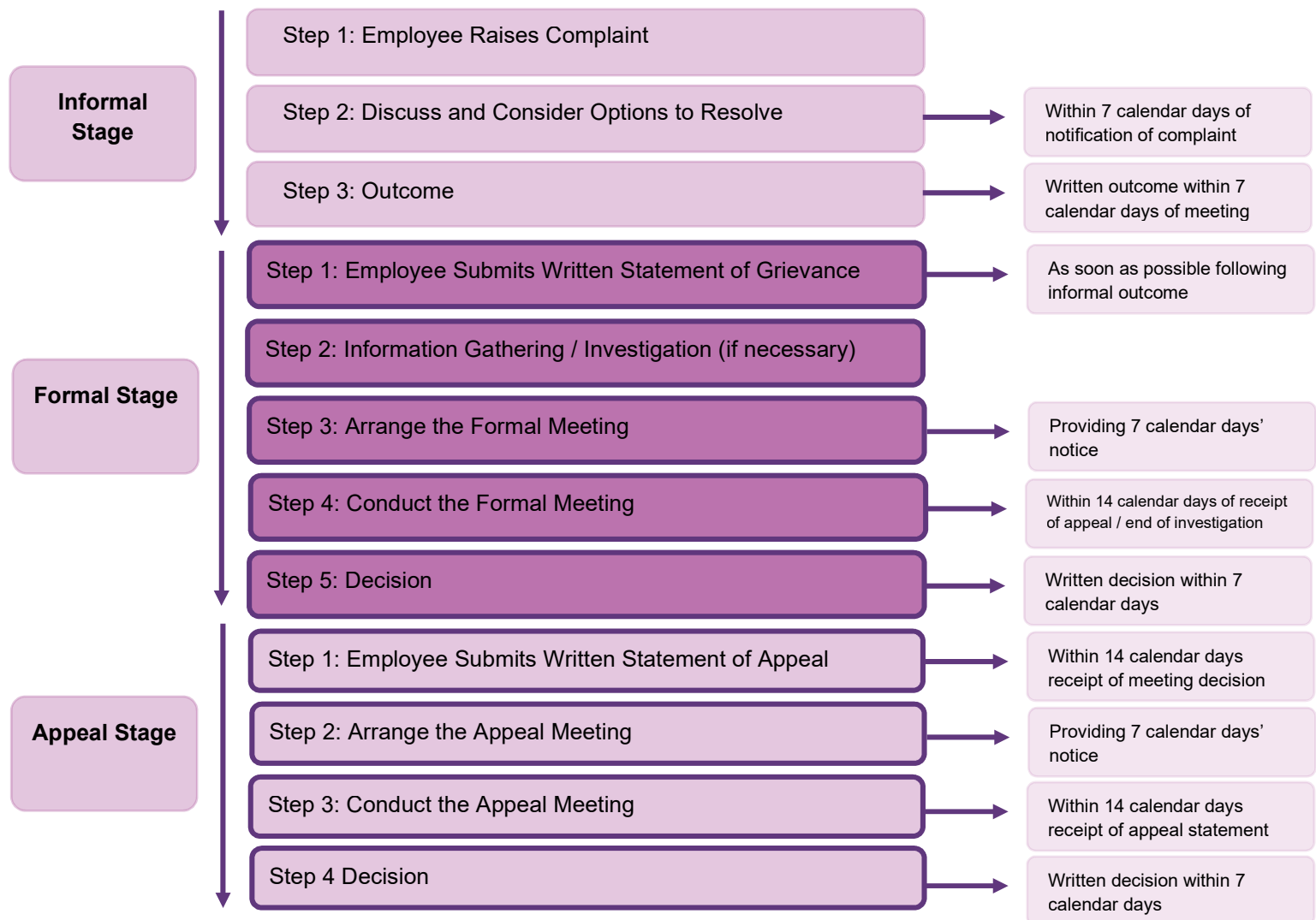
Summary



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Rationale



Introduction

A grievance is a concern or complaint which is raised by an employee about the Council/colleagues' treatment of them. The purpose of this procedure is to set out the framework by which an employee's grievance will be addressed as quickly and fairly as possible.

Any bullying behaviour and/or harassment and victimisation should be addressed through the Council's Anti-Bullying and Harassment guidance which may refer you back to the Grievance procedure but it is important and may be helpful to read the information contained within the guidance.

What May Constitute a Grievance?

Examples of issues that may cause grievances include:

- Interpretation of terms and conditions of employment.
- Application of Aberdeenshire Council's procedures.
- Matters of Health and Safety.
- Relationships at work.
- Equality issues.
- Organisational change.

These are examples for the purposes of illustration and are not intended to be exhaustive.

The following examples fall out with the grievance procedure:

- The outcome of a job grading or an organisational review.
- It is not competent to raise a grievance on a disciplinary matter. However, it may be competent to raise a grievance relating to the disciplinary process, if it does not go to a disciplinary hearing and therefore there is no right of appeal. Where the disciplinary and grievance cases are related it may be appropriate to deal with both issues concurrently and advice should be sought. (HR advice should be sought.)
- In relation to an incident which happened more than 3 months previously. (There may be circumstances where incidents that happened more than 3 months ago may be addressed, and advice should be sought from HR.)
- A Grievance cannot be raised against a procedure if there is an appeal process within that procedure eg Flexible Working Procedure. If either party is involved in the procedure, they may not lodge a further grievance against the procedure.
- Issues arising from the content of the consultation document during the process of formal consultation. Such issues may only be raised once the formal consultation has been exhausted.

If the grievance is not considered to be competent, then a written response outlining the reasons for this decision should be provided to the aggrieved employee.

If a grievance is found to be vexatious or malicious this will be treated as a serious disciplinary offence and may constitute gross misconduct.

An aggrieved employee may, at any stage, withdraw from this procedure by giving notice of their intention to do so, and reasons, in writing. However, depending on the circumstances and/ or the stage in grievance process it may be that the other party is given an opportunity to respond.

Where a grievance has already been raised but not resolved to the satisfaction of the employee, the employee cannot restart the procedure in relation to the same matter.

A grievance can be rejected if an employee who raised the grievance fails to attend scheduled meetings without a reasonable explanation.

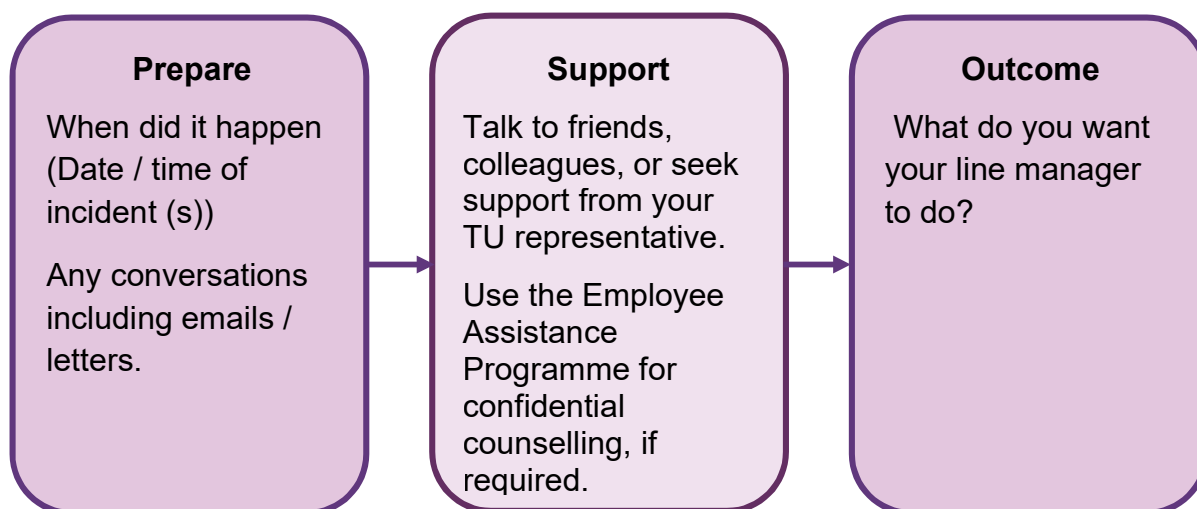
Former employees who have left the Council who wish to raise a grievance once they have left employment with Aberdeenshire Council do not have access to this procedure. They can however set out, in writing, their grievance and send this to the council. This will be considered and a response will be provided to the former employee. The matter will then be considered concluded.

How to raise a concern at work

For any employee with a concern at work, it's normally better to raise it informally with your line manager first.

Early intervention is often key to satisfactorily resolving problems at work promptly and before they become more serious and have an impact on relationships and service delivery.

You may feel nervous about raising an issue, but the organisation is open to resolving problems quickly without going through a formal procedure. You may want to consider the following before you raise your concern with your line manager.



Whilst employees are encouraged to try to resolve problems informally in the first instance, you may raise a formal grievance at the outset if you do not want the problem dealt with informally or the concerns are of a more serious nature. In such cases, managers can still suggest trying to resolve the matter informally first and discuss this option with you, however, they must respect your decision to progress under the formal stage of the procedure if this is your preference.

Stages

Everyone has a responsibility to work effectively and co-operatively to find solutions. We must listen, seek to understand, and act accordingly, being open to learning from our mistakes and making changes to improve where this is required. Taking a flexible approach is encouraged in trying to resolve grievances recognising that there is not necessarily a 'one size fits all' solution. Outcomes and decisions made must be a balance between what is reasonable, whilst also being supportive of employees being successful at work.

Employees have the right to be accompanied at all formal stages in the grievance process. Teaching and associated professionals may also be accompanied at the informal stage.

Informal Stage

At the meeting, you can explain in full what the problem is, what you think should happen and share any evidence, if necessary, for example payslips, contract, emails. The manager may need to carry out enquiries to help determine the facts of your complaint and what may resolve the matter. Such enquiries may include discussions with other relevant employees, examining documents (for example, conditions of service, policies and procedures, collective agreements) and seeking specialist advice. Where children or vulnerable adults are identified as witnesses, they should be appropriately supported by a responsible adult.

Information on the steps involved in the informal stage of the procedure can be found in Informal Stage resource.

The Formal Stage

If the matter is serious or you wish to raise it formally you should put the grievance in writing to your manager. If your grievance is against your manager and you feel unable to approach them, you should raise it with their line manager. A chairperson will be appointed to deal with your grievance.

Information on the steps involved in the formal stage of the procedure along with the chairperson's responsibilities can be found in Formal Stage and Chairperson Responsibilities resource.

Appeal for Employees on Local Government T&C's

If you are dissatisfied with the decision from Formal Stage, then you have the right to appeal.

Notification of Appeal

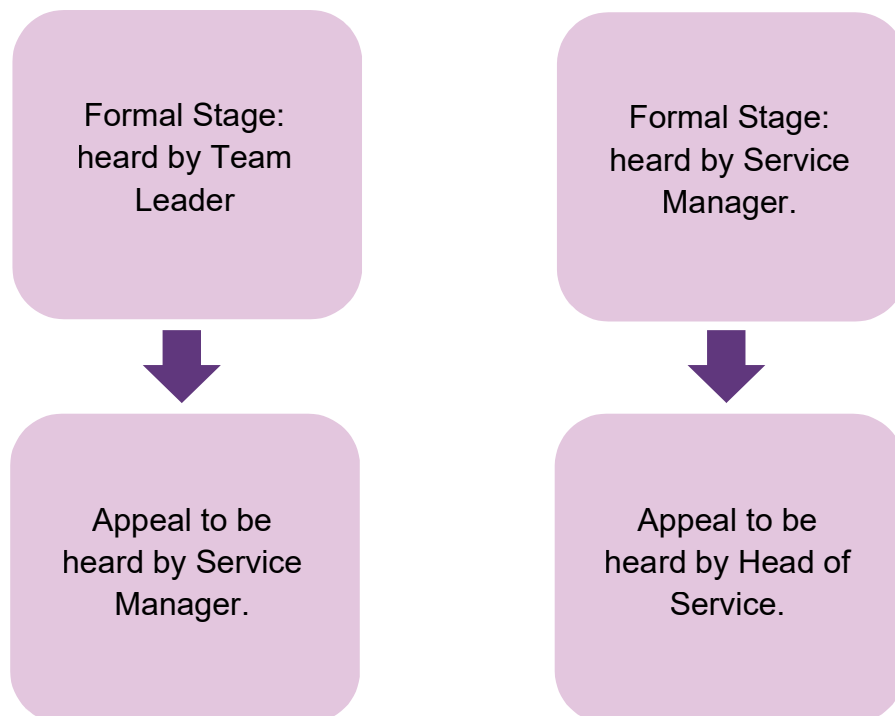
If you wish to appeal, you or your trade union representative must:

- Submit a statement of appeal, in writing, to your Head of Service within 14 calendar days.
- In the statement, explain why you remain dissatisfied.

The Head of Service (or their nominee), on receipt of the statement of appeal, will convene a formal grievance appeal meeting within 14 calendar days.

Appeal Meeting

The appeal meeting may be heard by next level of management e.g. if heard by a Team Leader it may be heard by a Service Manager.



Outcome

Once the appeal has been heard, the Chair of the Appeal meeting will make the decision to either:

- Uphold the appeal in full.
- Uphold the appeal in part.
- Not uphold the appeal.

The chair will then:

- Advise you of their decision in writing within 7 calendar days of the date of hearing.
- Send the outcome letter to the party who the complaint was made against.

The Grievance Procedure is exhausted after the Grievance Appeal, and the decision of the Chair will be final and binding to all parties involved.

Appeal for Employees on Teaching & Associated Professionals T&C's only

If you are dissatisfied with the decision from Formal Stage, then you have the right to appeal.

Notification of Appeal

If you wish to appeal, you or your trade union representative must:

- Submit a statement of appeal, in writing, to your director within 14 calendar days.
- In the statement, explain the reasons for continuing dissatisfaction.

The Director (or their nominee), on receipt of the statement of appeal, will convene a formal grievance appeal hearing within 14 calendar days.

Outcome

Once the appeal has been heard the Chair will make the decision to either:

- Uphold the appeal in full.
- Uphold the appeal in part.
- Not uphold the appeal.

The chair will then:

- Advise you of their decision in writing within 7 calendar days of the date of the appeal meeting.
- Send the outcome letter to whomever the complaint was made against.

Grievance Appeal not resolved

If you remain dissatisfied with the decision of the Chair's decision, the matter may be referred by you or your representative, to the Education Appeals Sub-Committee of the Council for consideration.

Notification of Further Appeal

If you wish to appeal, you or your trade union representative must:

- Submit a referral/statement of appeal, in writing, to the Head of Service (Legal and People) and your director within 14 calendar days.
- In the statement, explain the reasons for continuing dissatisfaction.

A meeting of the Education Appeals Sub-Committee should normally be held within 28 calendar days of the appeal being registered, unless otherwise mutually agreed.

The Clerk to the Committee will undertake all correspondence in relation to the arrangements and outcome of the Education Appeals Sub-Committee.

A written decision of the Education Appeals Sub-Committee should be communicated to the aggrieved party within 7 calendar days of the Appeal Hearing.

The internal Grievance Procedure is exhausted after the Education Appeals Sub-Committee and the decision of this Committee will be final and binding to all parties involved.

For teachers and associated professionals, the decision of the Education Appeals Sub-Committee can be submitted to the Joint Secretaries of the Scottish Negotiating Committee for Teachers please refer to the SNCT Handbook, Appendix 2.14.

Document Revision History

Document Revision History					
Rev No.	Rev Date	Summary of Changes	Reviewing Team	Contributors	Next Review Year
001		New Format & clarity of procedure	HR Operational	A Stratton M Chapman	
002					

Appendix One – The Resource Pack

Resource Pack

