

ANGUS JOINT NEGOTIATING COMMITTEE FOR TEACHERS

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25 November 2003

EW/SME

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.

Following discussions, local agreement has been reached on the implementation of the grievance procedures for Angus teachers, which are attached as an Appendix B to this Circular.

This Agreement was approved by the Angus Joint Negotiating Committee for Teachers at its meeting on 15 September 2003 and subsequently ratified by the Staffing Sub-Committee on 23 September 2003.

Yours sincerely

**CATHERINE A COULL
PHILIP JACKSON**

Joint Secretaries

cc Chief Executive
Director of Education
Director of Finance
Personnel Services Manager

GRIEVANCE PROCEDURES FOR ANGUS TEACHERS

1. Introduction

- 1.1 Every teacher has a right to seek redress for grievances relating to their employment. The following procedures should, therefore, be applied at both the school and local authority level. The procedures comply 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 these procedures comply 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 this document.
- 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 procedures should be utilised.
- 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, 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 procedures.
- 3.2 Stage 1 – The teacher should submit a formal written statement of grievance to the headteacher which should outline clearly the nature of the grievance; a pro forma is attached (Annex 2) which must be used in this context. The statement 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. In these circumstances, a statement of appeal should be submitted in writing (using the same pro forma) 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 the Staffing Sub Committee of the Education Committee. Time limits for convening a meeting of the Sub Committee and for transmitting its decision to the aggrieved party are set out in para 6 below.
- 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 – Annex 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 are set out 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.
- 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	Heard By	Time Limit (- working days)
1	Headteacher	10 days to arrange formal hearing 5 days to issue written response
1a Appeal		10 days from date of notification of decision of disciplinary hearing to lodge an appeal
2	Director	10 days to arrange appeal hearing 5 days to issue written response
2a Appeal		10 days from date of notification of decision of disciplinary hearing to lodge an appeal
3	Staffing Sub Committee	20 days to arrange appeal hearing 5 days to issue written response
4*	SNCT	Determined by SNCT (see Annex 1)

* Only applicable to matters relating to national agreements.

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.

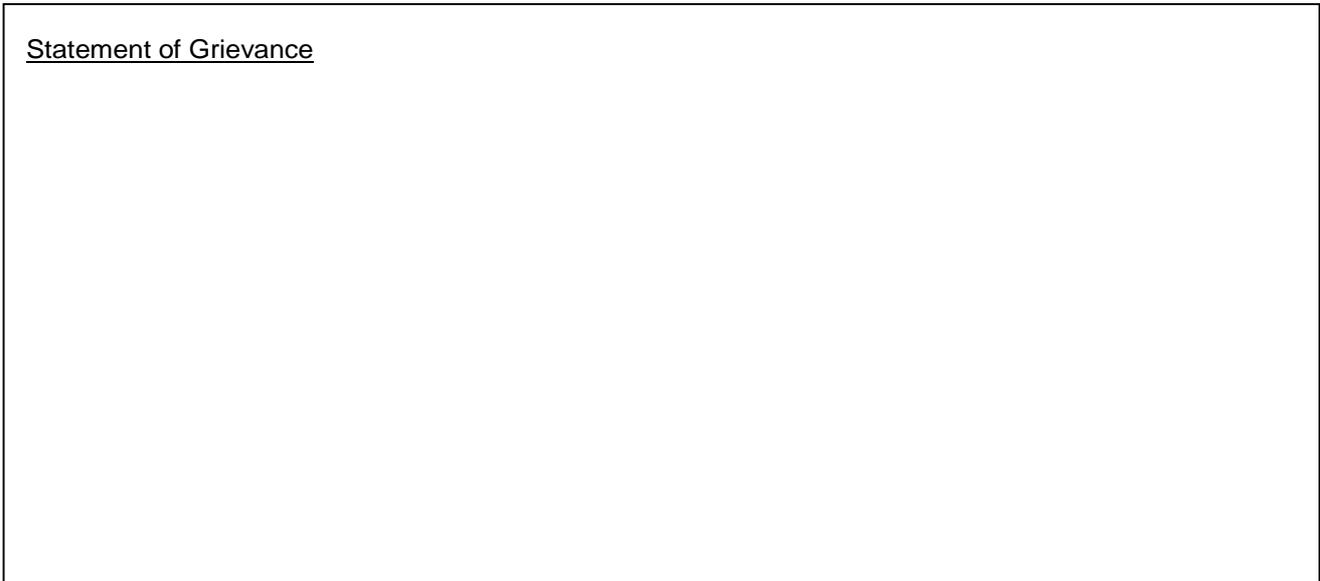
ANGUS COUNCIL – EDUCATION DEPARTMENT

STATEMENT OF GRIEVANCE

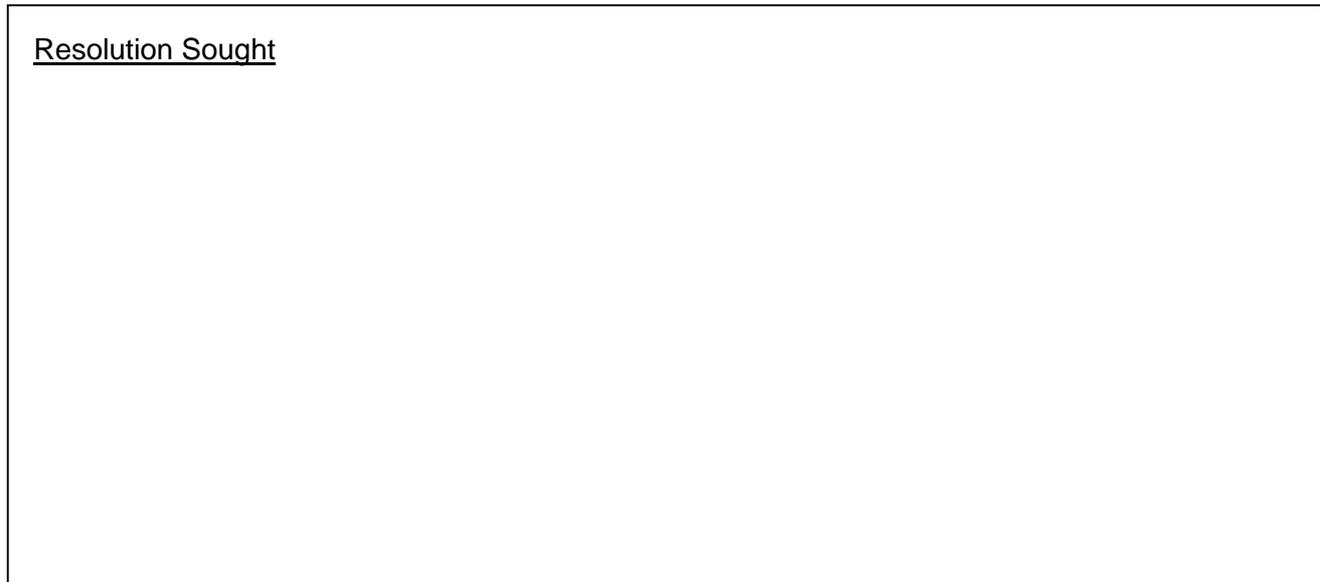
Name of Teacher _____

Workplace _____

Statement of Grievance



Resolution Sought



Signature of Teacher _____ Date _____

STAFFING SUB-COMMITTEE OF THE EDUCATION COMMITTEE

Teachers' Grievance Appeals – Hearing Procedure

1. INTRODUCTION

The purpose of this leaflet is to give guidance to teachers on the procedures which apply at appeal hearings if they continue to be aggrieved following the Director of Education's decision in respect of a grievance.

At the hearing, it is for the Appellant to satisfy the Sub Committee that their appeal should be upheld.

2. WHO IS ENTITLED TO BE PRESENT?

The Sub-Committee will comprise 3 members of the Education Committee and they will make the decision. They will be supported by a clerk who will be a member of the Director of Law & Administration's staff. The role of the Clerk is to give procedural advice, administrative support and record the proceedings. They may also have the services of a Council Solicitor if they need legal advice. These people will be present throughout the hearing and during the deliberation.

The parties to the appeal, namely the Director of Education (or a Head of Educational Services) 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.

The only other people who may be present are witnesses on behalf of either party. They will only be present to give their evidence and after any questioning by the other party and the Sub-Committee members, will leave.

3. APPELLANT'S CASE

3.1 The Appellant will put his/her case to the Sub-Committee in the presence of the Director of Education, 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 Director of Education will then have the opportunity to ask questions of the Appellant and of any witnesses.

3.3 Members of the Sub-Committee will also have the opportunity to ask questions of the Appellant and of any witnesses.

4. DIRECTOR'S CASE

4.1 The Director of Education will then put his case to the Sub-Committee in the presence of the Appellant calling any witnesses he may wish. The Director should explain the reasons for his decision on the matter.

4.2 The Appellant will then have the opportunity to ask questions of the Director of Education 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 Director of Education and of any witnesses.

5. SUMMING UP

The Director of Education and thereafter the Appellant will sum up their respective cases, introducing no new material.

6. WITHDRAWAL OF PARTIES

The Appellant and the Director of Education will then withdraw.

7. DELIBERATION

The Sub-Committee, together with the Clerk (and any legal adviser to the Sub-Committee), will deliberate in private, only recalling either the Appellant or the Director of Education, 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 concerned with the point giving rise to doubt.

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 Director of Education at the conclusion of the hearing. In any event, the decision will be confirmed in writing to both parties by the Director of Law & Administration 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”.