



Renfrewshire Council Joint Negotiating Committee for Teaching Staff

Education and Leisure Services
Council Headquarters
South Building
Cotton Street
Paisley
Tel: 0141 842 5603
Email: liz.jamieson@renfrewshire.gov.uk

Teachers' Panel
160 Hollows Avenue
Foxbar
Paisley
PA2 0RE
Tel: 01505 349044
Email: ian@ianmccrone.freemove.co.uk

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Dear Colleague

JNC/15 Grievance Procedures for Teachers, Quality Improvement Officers, Educational Psychologists and Music Instructors

Renfrewshire Council Joint Negotiating Committee for Teaching staff (JNC) has approved an agreement which deals with grievance procedures for teachers, quality improvement officers, educational psychologists and music instructors.

The agreement is attached as an appendix and includes details of procedures, practical advice and guidance.

The agreement is consistent with SNCT / 23 (Revised Grievance Framework) the ACAS Code of Practice 1 (Discipline and Grievance Procedures) and complies with the provisions of the Employment Act 2002.

This agreement supersedes previous grievance procedures for teaching staff and renders them redundant

Yours faithfully

Liz Jamieson (Education and Leisure Services)
Ian McCrone (Teachers' Panel)
Joint Secretaries

GRIEVANCE PROCEDURES

**For Teachers, Quality Improvement
Officers, Educational Psychologists
and Music Instructors**

Procedures, practical advice and guidance



Department of Education and Leisure Services
Personnel Services

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GRIEVANCE PROCEDURES
For Teachers, Quality Improvement Officers, Educational Psychologists and
Music Instructors

1. Introduction

- 1.1 Every teacher has a right to seek redress for grievances relating to their employment. The procedures agreed by Renfrewshire Council's Joint Negotiating Committee for Teachers comply with the Employment Act 2002 and with the ACAS Code of Practice 1 'Discipline and Grievance Procedures', and the terms of SNCT/23 (revised grievance framework, Appendix 5).
- 1.2 These grievance procedures should provide a mechanism whereby problems in relation to the working environment or working relationships can be raised and addressed. The procedures are intended to allow problems to be dealt with speedily and fairly before they develop into major problems or, potentially, collective disputes.
- 1.3 It should be noted that grievance procedures are for the use of teachers presently in the employment of the authority and are not accessible to former employees. Where a former employee is aggrieved, in circumstances covered by the Employment Act 2002, the following modified grievance procedure will apply:-

Step 1 Statement of grievance

- The former employee must set out in writing
(i) the grievance;and
(ii) the basis for it
- The former employee must send the statement or a copy of it to the employer.

Step 2 Response

- The employer must set out their response in writing and send the statement or a copy of it to the employee.

- 1.4 Employees will normally be expected to exhaust these grievance procedures if they wish to take their grievance to an employment tribunal.
- 1.5 Although reference is made in this policy to "teachers", the procedures apply equally to music instructors, quality improvement officers and educational psychologists.

2. Principles

- 2.1 Teaching staff have the right to be accompanied at all stages of the grievance process:

“Employers who ignore an employee’s right to be accompanied can be liable, at a tribunal, to pay compensation of up to 2 weeks pay. This could be increased if, in addition, the tribunal finds that the worker has been unfairly dismissed.

Employers should be careful not to disadvantage workers for using their right to be accompanied or for being companions, as this is against the law and could lead to a claim to an employment tribunal.” ACAS Code of Practice 1.

- 2.2 The procedures apply equally to groups of teaching staff, who may wish to pursue a collective grievance, and individual teachers.
- 2.3 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.
- 2.4 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.
- 2.5 The following list, which is not definitive, identifies areas which may give rise to a grievance:
- Terms and conditions of service
 - Health and safety
 - Relationships at work
 - New working practices
 - Organisational changes
 - Equal opportunities
 - Payment of salaries and allowances (Note some salaries and allowance issues cannot be determined locally)
- 2.6 Every effort should be made to find informal solutions to potential grievances for example, through discussions with a senior colleague or an informal approach by a trade unions representative. Heed should be paid to the following timeframes:

Stage	Heard By	Suggested Time Limit
1	Headteacher	10 working days to arrange formal hearing 5 working days to issue written response
2	Director	10 working days to arrange appeal hearing 5 working days to issue written response
3	Appeals committee	30 working days to arrange appeal hearing 10 working days to issue written response
4*	SNCT	Determined by SNCT (see appendix 1)

* Only applicable to matters relating to national agreements.

2.7 SNCT/40 (Appendix 4) details the formal appeals procedure which applies to disputes regarding the application and/or implementation of the national agreement, 'A Teaching Profession for the 21st Century' and the Scheme of Salaries and Conditions of Service for Teachers in School Education.

2.8 Records should be kept detailing:

- The nature of the grievance raised;
- The management response;
- Action taken;
- Reasons for action taken; and
- Whether there was an appeal and, if so, the outcome.

2.9 Records should be treated as confidential and kept in accordance with the Data Protection Act 1998, which gives individuals the right to request and have access to certain data.

2.10 An aggrieved teacher(s) may at any stage withdraw from the procedures by giving notice in writing. In these circumstances the teacher(s) will be deemed to have abandoned the grievance.

3. Formal Grievance Procedures

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 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 of time, the teacher should initiate the first stage of the formal grievance procedure.

3.2 Stage 1

3.2.1 The teacher should submit a formal written statement of grievance, using form G1 or G2 (as appropriate), to the head teacher which should outline clearly the nature of the grievance. This statement should, where possible, include reference to the resolution(s) 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 will have the right to be represented at the hearing and the head teacher will respond in writing to the formal statement of grievance within 5 working days of the date of the hearing (or otherwise by mutual agreement).

3.2.2 Where the head teacher is the aggrieved party, the formal statement of grievance should be submitted in writing to the director of education and leisure or the director's nominee.

3.2.3 In circumstances where it would not be appropriate for the head teacher to hear the grievance at stage 1, the grievance should be submitted in writing directly to the director of education and leisure, or the director's nominee.

3.3 Stage 2

3.3.1 Should the teacher be dissatisfied with the decision of the head teacher, there shall be a right of appeal to the director of education and leisure. A statement of appeal must be submitted in writing, using form G3, within 10 working days of receipt of the head teacher's decision explaining the reasons for continued 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

- 3.4.1 If the teacher remains dissatisfied with the response from the director of education and leisure, or the director's nominee, there shall be a right of appeal to the personnel appeals and applied conditions of service appeals panel. A statement of appeal must be submitted in writing, using form G3, within 20 working days of receipt of the director's decision. A formal appeal hearing will be convened within 30 working days (or otherwise by mutual agreement) of receipt of the written statement of appeal. The appeals panel shall respond in writing to the aggrieved teacher within 10 working days of the date of the hearing.

3.5 Stage 4

- 3.5.1 The final decision of the authority on the matter 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).

3.5.2 Appeals Competence

The case will first of all be considered by the Joint Secretaries representing COSLA and the Teachers' Side. The Joint Secretaries will consider whether the appeal is competent by reference to SNCT circulars, the Scheme of Salaries and Conditions of Service for Teachers in School Education, and the National Agreement, 'A Teaching Profession for the 21st Century'.

- 3.5.3 It shall not be competent to appeal matters devolved to Local Negotiating Committees for Teachers under Annex F of the 2001 National Agreement 'A Teaching Profession for the 21st Century'.

4. Procedures for Conducting Grievance Hearings and Appeals

4.1 Stage 1 (In School)

- 4.1.1 The teacher has the right to be represented at the hearing and must be given every opportunity to present evidence in support of his/her grievance.
- 4.1.2 The teacher and/or their representative may, in order to support the grievance, call witnesses where appropriate, submit additional information and/or use verbal presentation.
- 4.1.3 The head teacher should normally be accompanied by a member of the school's senior management team or, in exceptional circumstances, a senior officer from outwith the establishment. This person will take notes of the hearing and if necessary advise the head teacher.
- 4.1.4 The head teacher will respond in writing to the formal statement of grievance within 5 working days of the date of the hearing (or otherwise by mutual agreement).

4.2 Stage 2 (Heard by the Director or Nominee)

- 4.2.1 The teacher has the right to be represented at the hearing and must be given every opportunity to present evidence in support of his/her grievance.
- 4.2.2 The teacher and/or their representative may in order to support the grievance; call witnesses, submit additional written information and/or use verbal presentation.
- 4.2.3 The headteacher (with advice from an appropriate professional officer who would normally be a member of the school senior management team or a personnel officer) must be given every opportunity to justify a decision which is subject to appeal. (Note. The professional officer should not give evidence or examine witnesses).
- 4.2.4 The director (or nominee) may be accompanied by a senior member of staff and/or a personnel officer at a hearing. This should, where possible, be different from the person(s) who accompanied and advised the headteacher at an earlier stage of the grievance process.
- 4.2.5 A date should also be set, at least 5 working days in advance, for the exchange of relevant papers. Procedures to be followed at the hearing are outlined below.

4.3 Running order

- 4.3.1 Appellant (or representative) states their case calling any relevant witnesses with personal knowledge of the case.
- 4.3.2 Management representative may question appellant, his/her representative, or any witness.
- 4.3.3 The officer hearing the appeal may question the appellant, his/her representative, or any witness to clarify areas of uncertainty (the witness(es) will then withdraw).
- 4.3.4 Management representative states the case on behalf of the management, calling any relevant witnesses.
- 4.3.5 Appellant (or representative) may question the management representative or any witness.
- 4.3.6 The officer hearing the appeal may question the management representative or any witness to clarify areas of uncertainty (the witness(es) will then withdraw).
- 4.3.7 The officer hearing the appeal shall ensure that all questioning is completed before each side is given the opportunity to sum up its case.

(no further questioning or other contribution shall be allowed after summing up starts)

- Management representative sums up the management case and may reply to any points raised at the hearing but not introduce fresh evidence
- Appellant (or representative) sums up his/her case and may reply to any points in the course of the hearing but not introduce fresh evidence.

4.3.8 After summing up both parties withdraw.

4.3.9 If the officer hearing the case needs to ask further questions to help in their deliberations, both parties will be recalled, even if questions are to be asked of one party only.

4.3.10 The parties will not normally be called back to hear the outcome of the appeal, but will be informed in writing by the officer who heard the case within 5 working days of the decision

NOTE - Witnesses shall not normally speak except to answer questions.

4.4 Stage 3 (Heard by the Personnel Appeals and Applied Conditions of Service Appeals Panel)

- 4.4.1 The teacher has the right to be represented at the Hearing and must be given every opportunity to present evidence in support of his/her grievance.
- 4.4.2 The teacher and/or their representative may, in order to support the grievance, call witnesses, submit additional written information and /or use verbal presentation.
- 4.4.3 The director (or nominee) with advice from an appropriate personnel officer or 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.
- 4.4.4 The person advising the director (or nominee) should not be called to provide evidence or examine witnesses.
- 4.4.5 The elected members serving on the appeals panel will be members of the Council's Lifelong Learning and Work Policy Board (or equivalent) and will be advised by an appropriate personnel officer or other professional advisor. Where possible the officer providing advice to the appeals panel should be different from the officer who provided advice to the director at an earlier stage.
- 4.4.6 A date should also be set, at least 5 working days in advance, for the exchange of relevant papers.
- 4.4.7 Format;
 - (i) when the sub-committee is ready to commence a hearing the following personnel will be asked to join the meeting together:
 - (a) the appellant and his/her representative (if any);
 - (b) the council's representative(s); and
 - (ii) The appellant's representative will make an opening statement and will follow with an examination of any witness called on behalf of the appellant.
 - (iii) The council's representative will then be given the opportunity of questioning any witness at the conclusion of his/her evidence.

- (iv) The sub-committee will then be given the opportunity to question any such witness.
- (v) On completion of the questioning the witness should be asked to leave.
- (vi) The council's representative will make an opening statement and will follow with an examination of any witness called on behalf of the council.
- (vii) The appellant's representative will then be given the opportunity of questioning any witness at the conclusion of his/her evidence.
- (viii) The sub-committee will then be given the opportunity to question any such witness. On completion of the questioning the witness should be allowed to leave.
- (ix) The council's representative followed by the appellant's representative will then be asked to sum up their cases.
- (x) If the appeals panel needs to ask further questions to help in their deliberations, both parties will be recalled, even if questions are to be asked of one party only.

NOTE - Witnesses shall not normally speak except to answer questions

4.4.8 Decisions of the Appeals Panel

The Appeals Panel shall reach its decisions by voting, each member having one vote. Where the majority of the panel decide in favour of the appellant, the appeal shall be upheld. Where a majority of decide against the appellant, the appeal shall be rejected.

4.4.9 The parties will not normally be called back to hear the decision of the Appeals Panel, but will be informed in writing within 10 working days of the decision.

Form G2	Collective Grievance
GRIEVANCE PROCEDURES	
FOR TEACHERS, QUALITY IMPROVEMENT OFFICERS, EDUCATIONAL PSYCHOLOGISTS AND MUSIC INSTRUCTORS	

It is hoped that this proforma will make it easier for employees, who consider they have a grievance, to set out their case.

The form should be completed by at least two of the group of employees with the grievance and where possible should give details of the outcome being sought.

Name _____	Date _____
Signatures _____	
School/Service _____	
Representative _____	

Statement of Grievance	
(Please continue on a separate sheet if necessary)	

If possible, please give details of the resolution you are seeking from the grievance	
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Form G3	Grievance Appeal
GRIEVANCE PROCEDURES	
FOR TEACHERS, QUALITY IMPROVEMENT OFFICERS, EDUCATIONAL PSYCHOLOGISTS AND MUSIC INSTRUCTORS	

It is hoped that this proforma will make it easier for employees, who consider they have a grievance, to set out their appeal.

The form should be completed either by the employee(s) appealing against the outcome of a grievance or their representative and where possible should give details of the outcome being sought.

Name _____ Date _____
Signatures _____
School/Service _____
Representative _____

Date of receipt of outcome of stage 1 or 2 grievance hearing whichever is appropriate _____
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<p>Statement of Appeal</p> <p>Please refer to the original grievance in your appeal statement</p> <p>(Please continue on a separate sheet if necessary)</p>

If possible, please give details of the resolution you are seeking from the grievance

Scottish Negotiating Committee for Teachers

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

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

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

22 June 2005

Dear Colleague

SNCT/40 Appeals Procedure

The SNCT has reached agreement on a formal appeals procedure which shall apply to disputes regarding the application and/or interpretation of the National Agreement, A Teaching Profession for the 21st Century and the Scheme of Salaries and Conditions of Service for Teachers in School Education.

The procedure is attached as Appendix 1 to this Circular which replaces Paragraph 7.7 and 15.4 of the Scheme of Salaries and Conditions of Service.

Yours sincerely

Lynne Dickson (Employers' Side)
Drew Morrice (Teachers' Panel)
Stephanie Walsh (Scottish Executive)

Joint Secretaries

Scottish Negotiating Committee for Teachers

Appeals Procedure

1. Purpose

- 1.1 Where a teacher has a dispute with their employing council which remains unresolved after the council's grievance/appeals procedure has been exhausted, then the teacher may refer the case to the Scottish Negotiating Committee for Teachers which has put in place a conciliation and appeals mechanism to permit disputes on conditions of service matters to be settled at national level.

2. Appeals Competence

- 2.1 The case will first of all be considered by the Joint Secretaries representing COSLA and the Teachers' Side.
- 2.2 The Joint Secretaries will consider whether the appeal is competent by reference to SNCT circulars, the Scheme of Salaries and Conditions of Service of Teachers in School Education, and the National Agreement, A Teaching Profession for the 21st Century.
- 2.3 It shall not be competent to appeal matters devolved to Local Negotiating Committees for Teachers under Annex F of the 2001 National Agreement "A Teaching Profession for the 21st Century".

3. Stage One – Joint Secretaries

- 3.1 Where the Joint Secretaries representing COSLA and the Teachers' Side hold the appeal to be competent the Joint Secretaries can issue advice to both parties to assist resolution. Such advice cannot be binding.
- 3.2 If there is a failure by the Joint Secretaries to agree advice or where advice from the Joint Secretaries does not resolve the matters the case will be referred to an Appeals Panel of the SNCT.

4. Stage Two - Panel

- 4.1 The SNCT Appeals Panel will consist of a member from each of the Teachers' Side, the Scottish Executive and COSLA. No member of the panel shall have a previous involvement with the case being considered.
- 4.2 The decision of the Appeals Panel will be final and be binding on all parties to the appeal.

5. Appeals Procedure

5.1.1 Lodging the Appeal

Notice of appeal to the SNCT must be lodged by the appellant or representative with the Joint Secretary (Teachers' Side) within 14 days of the outcome of the final local appeal being notified to the appellant. The Joint Secretary (Employers' Side) shall be informed.

- 5.1.2 Within one calendar month of the appeal being lodged, the appellant or representative shall submit to the Joint Secretary (Teachers' Side) a written Statement of Case together with all necessary supporting papers. Where more than one teacher is involved in an appeal, separate submissions should be made unless the details are identical.
- 5.1.3 The evidence and papers submitted in support of a case shall be those presented at the local hearing unless otherwise agreed by the parties in dispute.
- 5.1.4 On receipt of the papers from the Joint Secretary (Teachers' Side), the Joint Secretary (Employers' Side) shall forward these to the appropriate employing body, which shall make written response to the Joint Secretary (Employers' Side) within one calendar month. Copies of the response shall be sent to the appellant and representative on receipt.
- 5.1.5 The Joint Secretaries Teachers' Side and Employers' Side shall then meet to consider the case and seek to reach agreement on joint advice. The Joint Secretaries may seek additional information for clarification before providing advice.
- 5.1.6 Where the Joint Secretaries cannot agree joint advice they will call a meeting of the Appeals Panel within one calendar month of receipt of the employer's response.
- 5.1.7 Where the Joint Secretaries issue joint advice and this is not acceptable to either or both of the parties involved in the case the Joint Secretaries should be advised of this in writing within one calendar month of the advice being received. On receipt of this notice the Joint Secretaries will call a meeting of the Appeals Panel within one calendar month of receipt of notification.

5.2 Appeals Panel

- 5.2.1 A chairperson will be appointed for each case heard. Each side will take the chair by rotation.

5.3 Hearings

- 5.3.1 The appellant or representative will state the appellant's case, calling any relevant witnesses with personal knowledge of the case. Any persons attending as witnesses shall not normally speak except to answer questions.
- 5.3.2 The representative of the respondent employer will then be given the opportunity of questioning the appellant, his/her representative, or any witness.
- 5.3.3 The members of the Appeals Panel may then question the appellant, his/her representative, or any witness to clarify areas of uncertainty. The witness(es) will then withdraw.
- 5.3.4 The representative or the respondent employer will then state the case on behalf of the employer, calling any relevant witnesses. Any persons attending as witnesses shall not normally speak except to answer questions.
- 5.3.5 The appellant or representative will then be given the opportunity of questioning the representative of the respondent employer or any witness.
- 5.3.6 The members of the Appeals Panel may then ask questions of the representative of the respondent employer or any witness to clarify areas of uncertainty. The witness(es) will then withdraw.
- 5.3.7 The chairperson shall ensure that all questioning is completed before each Side is given the opportunity to sum up its case. No further questioning or other contribution shall be allowed after the process of summing up has commenced.
- 5.3.8 The representative of the respondent employer will then sum up the employer's case and may reply to any points raised at the hearing but may not introduce fresh evidence.
- 5.3.9 The appellant or representative will then sum up his/her case and may reply to any points in the course of the hearing but may not introduce fresh evidence.
- 5.3.10 After the case for the appellant has been summed up, all parties will withdraw.
- 5.3.11 If the members of the Appeals Panel need to ask further questions to help in their deliberations, both parties will be recalled, even if questions are to be asked of one party only.
- 5.3.12 The parties will not normally be called back to hear the decision of the Appeals Panel, but will be informed in writing, by the Joint Secretary (Employers' Side), within 10 days of the decision.

5.4 Decisions of the Appeals Panel

- 5.4.1 The Appeals Panel shall reach its decisions by voting, each member having one vote. Where the majority of the panel decide in favour of the appellant, the appeal shall be upheld. Where a majority of the panel decide against the appellant, the appeal shall be rejected.

5.5 **Report to SNCT**

5.5.1 Decisions of the Appeals Panel will be reported to the next full meeting of the SNCT.

6. **LNCT Failure to Agree**

6.1 Where conditions of service matters are devolved to LNCTs under Annex F of the 2001 National Agreement, "A Teaching Profession for the 21st Century" the LNCT constitution shall determine what happens in the event of a dispute being declared.

6.2 It shall be open to either side to refer the failure to agree to the SNCT for conciliation. If the conciliation is unsuccessful the Joint Chairs of the SNCT may recommend further procedures for resolution of the difference, including external conciliation, mediation or binding arbitration.

Scottish Negotiating Committee for Teachers

COSLA
Rosebery House
9 Haymarket Terrace
Edinburgh

Tel: 0131 474 9200
Fax: 0131 474 9292
Email: dan@cosla.gov.uk

Teachers' Panel
46 Moray Place
Edinburgh
EH3 6BH

Fax: 0131 220 3151
Email: kwimbor@eis.org.uk

Scottish Executive
Education Department
Teachers Division
2-A North

EH12 5XZ Tel: 0131 225 6244 Victoria Quay
Edinburgh
EH6 6QQ
Tel: 0131 244 0230
Fax: 0131 244 0957
Email: stephanie.walsh@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)
Stephanie Walsh (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.
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