

EAST AYRSHIRE COUNCIL

JOINT NEGOTIATING COMMITTEE FOR TEACHERS – 4 DECEMBER 2003

JNCT CIRCULAR 9 – ANNEX TO SNCT 23

GRIEVANCE PROCEDURES

A. GRIEVANCE FRAMEWORK FOR EAST AYRSHIRE TEACHERS

1. Introduction

- 1.1 Every teacher has a right to seek redress for grievances relating to their employment. The following framework which is based on the initial agreement (SNCT/23) has, therefore, been locally agreed (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 this 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 underpin this 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.

B. THE EAST AYRSHIRE COUNCIL FORMAL GRIEVANCE PROCEDURE FOR TEACHERS

- 1.1 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.
- 1.2 Stage 1 – The teacher should submit a formal written statement of grievance to the headteacher (using the attached Grievance Appeal form T/GRIEV) which should outline clearly the nature of the grievance. 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.

- 1.3 Stage 2 – If the teacher is dissatisfied with the reply and wishes to pursue the grievance further, the teacher as appropriate should report the matter to the local representative of the Trade Union of which the teacher is a member. The teacher or, if appropriate, the employee's Trade Union representative shall, **within 10 working days** of receipt of the reply, raise in writing on Form T/GRIEV the issue with the Director of Educational and Social Services. The Director of Educational and Social Services (or the nominated senior officer) shall convene a meeting to hear the grievance in the presence of the employee and if appropriate the Trade Union representative. The meeting shall be held **within 10 working days** of notification to the Director of Educational and Social Services (or the nominated senior officer).

After having fully investigated the circumstances surrounding the issue, the Director of Educational and Social Services (or nominated senior officer) shall reply in writing to the employee and if appropriate the Trade Union representative as soon as possible after the meeting and in any case **within 5 working days**, giving the reason for the decision and advising the teacher of the next stage of the procedure.

- 1.4 Stage 3 – If the teacher remains dissatisfied with the reply the teacher or the teacher's Trade Union representative shall intimate in writing within **10 working days of receipt of the reply** to the Director of Educational and Social Services (or nominated senior officer) their continuing dissatisfaction. The Director of Educational and Social Services (or nominated senior officer) will arrange for the matter to be heard by the Appeals Sub-Committee of the Education Committee. The meeting shall be held **within 20 working days** of notification to the Director of Educational and Social Services.

The decision of the Committee or Sub-committee when approved shall be communicated to the teacher and if appropriate their Trade Union representative in writing by the Chief Executive **within 5 working days of the decision being made**. If practicable the decision or recommendation shall be intimated verbally to both parties at the conclusion of the meeting.

- 1.5 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).

2. The Conduct of Formal Grievance and Appeal Hearings

- 2.1 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 Personnel 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.

3. General Provisions

- 3.1 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.
- 3.2 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.
- 3.3 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.

4. The Grievance Stages, Appeals and Time Limits

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	20 working days to arrange appeal hearing 5 working 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 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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EAST AYRSHIRE COUNCIL**GRIEVANCE PROCEDURES****NOTIFICATION OF GRIEVANCE APPEAL**

NOTE: If completing by hand, please do so **clearly** and in **black ink**.
If you require any assistance in completing this form, please contact the Personnel Manager (Schools)

PERSONAL DETAILS

Name			
N.I. Number			
Designation			
Work Location		Work Phone No.	
Home Address			

TRADE UNION DETAILS

Name of Trade Union		Trade Union or Other Representative	
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STAGE OF APPEAL

	Tick Appropriate Box
STAGE 1 – To Head Teacher	<input type="checkbox"/>
STAGE 2 - Director of Educational & Social Services	<input type="checkbox"/>
STAGE 3 – Appeals Sub-Committee of the Education Committee	<input type="checkbox"/>
STAGE 4 - Joint Secretaries of the SNCT	<input type="checkbox"/>

NATURE OF GRIEVANCE

Please state fully the nature of the grievance (continue on separate sheet if necessary)

NATURE OF GRIEVANCE (Cont'd)

Please state what answer was provided at the previous stage.
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[illegible]

Please indicate in your opinion how the grievance could be resolved.
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[illegible]

Signature Date

Use separate sheet if necessary

FOR OFFICIAL USE:

Date Received: _____ Initials _____

RETAIN FOR: Appropriate:	Minimum 1 Year	COPIES FOR: Where	

Appropriate:

Applicant
Department
Personnel Manager (Schools)
Education Appeals Sub-

Committee