



GRIEVANCE PROCEDURE – TEACHERS

Introduction

- 1.1 Every teacher has a right to seek redress for grievances relating to their employment. The following procedure has been agreed by the Local Negotiating Committee for Teachers and should 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.

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 procedure 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.
- 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.

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 which should outline clearly the nature of the grievance. 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. A statement of appeal 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 the Personnel Appeals Panel. The Personnel Appeals Panel should hear the case within 20 working days of the notice to appeal. The teacher will have the right to be represented at the hearing and the Panel will respond in writing to the appeal within 5 working days of the date of the hearing.
- 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).

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 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.

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.

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.
