



# Grievance Procedures

All Teachers and other professionals covered by SNCT terms and conditions

Date of implementation

Human Resources  
Employment Policies



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## **GRIEVANCE PROCEDURES FOR TEACHERS**

### **1. Introduction**

- 1.1 Every employee has a right to seek redress for grievances relating to their employment. Grievance procedures provide a mechanism whereby problems in relation to work, the working environment or working relationships can be raised and addressed.
- 1.2 Grievances are concerns, problems or complaints that an employee has regarding their employment and may wish to raise with their employer.
- 1.3 These problems should be dealt with speedily and fairly before they can develop into major problems or, potentially, collective disputes.
- 1.4 The following procedure has been developed in line with the recommendations of ACAS Code of Practice 1 – Disciplinary and Grievance Procedures (April 2009), SNCT Handbook and in consultation with recognised trades unions.

### **2. Scope**

- 2.1 This policy and procedure will apply to all teachers and others within the Council covered by the Scottish Negotiating Committee for Teachers (SNCT).
- 2.2 In agreement to the introduction of this procedure, both the Council and the Trades Unions have taken account the provisions of the Revised Framework (SNCT/Appendix 2.12 Grievance Framework).
- 2.3 The Council will ensure that good equal opportunities practice underpins the operation of this policy and will apply to all employees irrespective of age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

### **3. Key Principles**

- 3.1 This policy and procedure will be applied to West Dunbartonshire Council's employees fairly and consistently.
- 3.2 Notwithstanding the right to raise a formal grievance employees are encouraged to discuss day-to-day issues with their line manager so that concerns are heard and responded to as soon as possible.
- 3.3 Employees will be given the opportunity to state fully their grievance.
- 3.4 The process applies equally to groups of teaching staff i.e. collective grievances and the same stages should be utilised as for individual grievances. "Status quo ante" provisions should be included as appropriate.
- 3.5 Teachers / employees have the right to be accompanied at all stages in the grievance process by a companion. The companion may be a fellow worker, a trade union representative, or an official employed by a trade union. A trade

union representative who is not an employed official must have been certified by their union as being competent to accompany a worker.

- 3.6 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.
- 3.7 All meetings, unless in exceptional circumstances, should be held within the stated timescales. However, by mutual consent timescales may be modified.
- 3.8 Head Teachers / Managers will be trained and / or appropriately supported in the application of the policy and procedure to ensure they are familiar with the provisions of the grievance procedures and ensure fairness of treatment and consistency of approach.
- 3.9 Grievances will be treated with the highest degree of confidentiality by everyone involved in the process. All individuals participating in any investigatory meetings will be assured that what they say and the records of the meeting(s) will be kept confidential to the process and will be used only for the purpose of investigating the grievance and taking any action as a result of the investigation. Records will be treated as confidential to the process and kept no longer than necessary in accordance with the Data Protection Act 1998.  
\* Please note that although statements will not be made available to those outwith the process, those involved will have access to such statements.
- 3.10 It is neither possible nor desirable to specify precisely all 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
  - Equal Opportunities matters.

The policy and procedure also excludes a number of matters where separate policies and procedures exist, namely:

- Discipline – dismissal or action short of dismissal based on conduct (Disciplinary Policy and procedure)
- Issues of Harassment / Bullying (Dignity at Work Policy and procedure), however, issues of this nature can also be processed through the grievance procedure.
- Attendance – dismissal or action short of dismissal based on attendance (Maximising Attendance Policy)
- Malpractice or impropriety where it is believed that a matter of public interest should be investigated (Confidential Reporting Policy)
- Issues of competency should be raised through the Competency Framework (Appendix 2.13 SNCT)

- 3.11 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.

#### **4. Responsibilities**

- 4.1 In order to ensure fair and consistent application of the policy and procedure, all parties have responsibilities as follows:

##### The Council

- Will delegate responsibility to Executive Director for ensuring maintenance of grievance standards within their department.

##### The Head Teacher / Manager

- Implement and communicate policy and procedure to employees.
- Responsible for management and leading on grievance issues and seeking advice from HR&OD Employee Relations Team.
- Ensure fair, effective and consistent treatment of employees and act reasonably when dealing with grievance complaints, applying the procedures of the policy.
- Deal with grievances promptly and without unreasonably delay.
- Undertake training as appropriate, and keep skills and knowledge up-to-date.

##### Employee

- Accept and understand the terms and conditions of the policy and procedure.
- Raise grievance complaints quickly and following the established process, sticking to the facts of the matter.
- Co-operate with management during investigations and throughout the grievance process.

##### HR&OD Services

- Will support Managers in the process and provide advice and guidance on grievance issues, and facilitate processes.
- Will provide corporate training courses on grievance procedures.
- Will monitor action taken within departments on an equality and diversity basis.

##### Trades Unions

- Provide support and guidance to their members.
- Represent members at grievance meetings if requested by member.
- Work within the processes provided by the policy and procedure.

## 5. Mediation

- 5.1 An independent third party or mediator can sometimes help resolve grievance issues. Mediation is a voluntary process where the mediator helps two or more people in dispute to attempt to reach an agreement. Any agreement comes from those in dispute and not the mediator.
- 5.2 Where mediation is deemed by both parties to be an appropriate method of resolving the dispute the grievance procedure can be held in abeyance. In-house trained mediators will be used.
- 5.3 Mediation may be considered in instances such as:
- Conflict involving colleagues of a similar job or grade, or between a line Manager and their staff.
  - To rebuild relationships after a formal dispute has been resolved.
  - To address a range of issues, including relationship breakdown, personality clashes, and communication problems.
- 5.4 Mediation may not be suitable if:
- Used as a first resort – as employees are encouraged to speak to each other and talk to their line Manager before seeking a solution via mediation.
  - It is used by the Manager to avoid their Managerial duties.
  - A decision about right or wrong is needed, for example where there is possible criminal activity.
  - The parties do not have the power to settle the issue.
  - Both sides are not in agreement to using the process.
- 5.5 While mediation is voluntary to resolve issues management intervention such as facilitated meetings may be appropriate and form part of management intervention and instruction.

## 6.0 Informal Action

- 6.1 Where an employee has a concern, problem or complaint about their employment, they should try to resolve the problem by raising the matter directly with the appropriate person, if they feel able to do so and this is an appropriate approach. Alternatively they can discuss their concern, problem or complaint with their line Manager (or the line Manager's Manager if the complaint is against the line Manager) to explore whether they can deal with the matter at an informal level. The employee should indicate to the line Manager how they think the concern or problem could be resolved, and the line Manager will seek to assist the employee achieve a resolution to the grievance. The employee must raise the grievance as soon as possible.
- 6.2 The Manager will keep a confidential file note of any relevant discussions which should include:
- The nature of the grievance
  - What was decided and any action taken
- 6.3 As it is in all parties best interests to resolve the grievance promptly the line Manager should progress the grievance as quickly as possible ensuring

ongoing communication with the employee and providing an outcome within 2 working days. Where a solution cannot be achieved (for whatever reason) this should be advised to the employee in writing, providing details of action undertaken and any other relevant information.

- 6.4 However, if informal methods do not succeed and the aggrieved party remains dissatisfied with the outcome or response, the formal procedures should be utilised.

## **7. Formal Procedure**

- 7.1 The procedure provides a clear framework and outlines the steps to be taken at an early stage to tackle any problem identified in order to reach a speedy and satisfactory resolution. The procedure outlines the process to be undertaken when dealing with grievance issues.

### Stage 1

- 7.2 The employee should submit a formal written statement of grievance to the head teacher or nominated person within the school (using *pro forma grievance 1*) which will outline clearly the nature of the grievance. The form must also include reference to the resolution sought by the aggrieved party. On receipt of the written grievance, the Head Teacher or nominated person will arrange for the grievance to be heard.

This hearing will normally take place as soon as possible and within 5 working days of receipt of the employee's written grievance. Only in exceptional circumstances should the meeting take place outwith this time limit.

The Head Teacher or nominated person will consult with a member of HR who may also attend the meetings/hearings in an advisory capacity.

- 7.3 Where the Head Teacher is the aggrieved party, the formal statement of grievance should be submitted to the Executive Director who will nominate an appropriate person (e.g. manager or Head of Service) to hear the grievance. In line with paragraph 7.2 above, there may be other circumstances where it would not be appropriate for the headteacher to hear the grievance at Stage 1 e.g. where the grievance is against the Head Teacher him/herself, in which case the grievance should be submitted directly to the Executive Director who will nominate an appropriate person (Head of Service) to hear the grievance.
- 7.4 The Head Teacher or nominated person within the school/establishment referred to in paragraph 7.2 may, where necessary, take appropriate action prior to the first formal grievance meeting to establish information and gather relevant facts. However where a formal investigation as referred to in section 8 below is necessary, this should not take place until after the first formal grievance meeting has been convened.
- 7.5 The Head Teacher or nominated person within the school/establishment may require to adjourn the meeting to undertake a fact finding exercise or a formal investigation. If this is necessary the fact finding/investigation should take place promptly and without unreasonable delay.

- 7.6 Following any fact finding/investigation the meeting will be reconvened as promptly as possible.
- 7.7 As soon as possible and within 5 working days of the meeting, the Headteacher or nominated person will issue his or her decision in writing in respect of the grievance, providing reasons for the decision and advise the employee of their right to raise their grievance at Stage 2 of the procedure.
- 7.8 A written record of the grievance case will be kept. Records should include:-
- The nature of the grievance
  - What was decided and actions taken
  - The reasons for the actions

Copies of meeting records will be given to the employee, including copies of any management notes which may have been taken. In exceptional circumstances, for example, to protect a witness, certain information might be withheld. The rationale for this decision would be communicated with the Union.

### Stage 2

- 7.9 If the employee is not satisfied with the Stage 1 decision, the procedure may be invoked at Stage 2.  
A statement of appeal, (using *pro forma grievance 1*), must be submitted in writing within 10 working days of receipt of the Headteacher or nominated person's decision explaining the reasons for continuing dissatisfaction. The Executive Director or nominated person will convene a formal appeal hearing within 10 working days of receipt of the written statement of appeal. The Executive Director or nominee shall respond in writing to the aggrieved employee within 5 working days of the date of the hearing.
- 7.10 An HR Adviser will arrange for copies of all appropriate paperwork to be sent to the relevant stage 2 hearing manager as specified in the attached 'Scheme of Delegation' schedule in advance of the meeting.
- 7.11 The Executive Director or nominated person to hear Stage 2 of the Grievance Procedure might allow or require the attendance of relevant parties to the Stage 2 hearing. In situations where the employee intends to call a witness (or witnesses) to the hearing the Director or nominated person should be notified by the employee of the witnesses who will be called in advance of the meeting. It is the responsibility of the employee or their Union Representative to call any such witnesses.
- 7.12 The hearing will take place as soon as possible and normally within 5 working days of the receipt of the employee's written request to move to Stage 2 of the Procedure. Only in exceptional circumstances should the meeting take place outwith this time limit.



- 7.13 The employee has the right to be accompanied at any grievance meeting (refer to section 9).
- 7.14 The Executive Director or nominated person may require to adjourn the meeting to undertake a fact finding exercise or a formal investigation. If this is necessary the fact finding/investigation should take place promptly and without unreasonable delay
- 7.15 Following any fact finding/investigation the meeting will be reconvened as promptly as possible. In some circumstances it may be appropriate for the Head Teacher /Manager to write directly to the employee detailing their findings.
- 7.16 A written record of the grievance, the Stage 2 meeting and the outcome will be kept. Records will include:
- The nature of the grievance
  - What was decided and actions taken
  - The reasons for the actions

Copies of meeting records will be given to the employee, including copies of any management notes which may have been taken. In exceptional circumstances, for example, to protect a witness, certain information might be withheld. In this instance such action would be discussed with the Union.

- 7.17 The Executive Director or person nominated to hear Stage 2 of the procedure will notify the employee who raised the grievance of the outcome of the hearing and set out any action intended to be taken to resolve the grievance. The outcome of the hearing will be issued in writing within **5** working days of the hearing and will advise of the right of appeal (see section 11).

### Stage 3

- 7.18 If the grievance has not been upheld at Stage 2 of the procedure, the aggrieved party may raise an appeal at Stage 3 of the Procedure (see section 8). The appeal will be heard by the Council's Children's Services Disciplinary and Grievance Sub Committee as indicated under the 'Scheme of Delegation' Appendix 3.
- 7.19 The appeal must be submitted in writing using Pro-Forma Grievance 1 to the employee's Executive Director. It must:
- Be received by the Executive Director within 10 working days of the date of the letter notifying the employee of the outcome of Stage 2.
  - Set out reasons why the employee is not satisfied with the outcome of Stage 2
  - Not contain any additional complaints not initially notified
  - Provide an indication of the employee's preferred resolution

### Stage 4 – Matters relating to National Agreement

- 7.20 In exceptional circumstances, if the subject matter of the original grievance relates to the interpretation or implementation of a national agreement promulgated by the SNCT, 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 (see paragraph 7 of the SNCT constitution at Appendix 1). Appeals at Stage 4 should be copied to the Director of Education.

## **8. Investigation**

- 8.1 Consideration will be given to adjourning a grievance meeting where it is deemed by the Hearing Officer that is necessary for a full investigation of the matter to be undertaken. In such circumstances the employee will be notified that the hearing will be reconvened when the investigation has been completed. All investigations will be undertaken promptly and completed as quickly as possible.
- 8.2 When investigating a grievance matter care must be taken to deal with employees in a fair and reasonable manner. All investigations will be undertaken thoroughly, objectively and expediently and should be confined to establishing the facts of the case.
- 8.3 The investigatory stage will be the collation of evidence by the employer for use at the grievance hearing. In some cases this may require the appointment of an Investigation Officer to undertake a full investigation. In such cases the Investigation Officer will be trained or appropriately supported to undertake this role.
- 8.4 The employee(s) concerned will be informed as soon as practicable that an investigation is being carried out and the reasons for it.
- 8.5 The Investigating Officer will be concerned only with obtaining facts and information relevant to the grievance. This may include, for example, relevant reports by Internal Audit, or other relevant documentation. The aggrieved employee and/or any witnesses may be asked to provide a written statement and to sign and date their statements. The employee and/or witnesses should not be refused the right to be accompanied at the meeting, but this should not unreasonably inhibit the progress of the investigation. Normally the proposed alternative date should be within 5 days of the initial proposed date.
- 8.6 The investigation officer will be concerned only with establishing the facts of the case, defining the problem, the persons affected by the problem and obtaining all relevant facts and information.
- 8.7 The investigating officer should then produce a report that will enable another representative of the employer to decide whether the matter should be progressed through the formal process.
- 8.8 The Investigating Officer shall forward to the Hearing Officer a copy of the report and any accompanying statements are taken.

## **9. Right to be Represented / Accompanied at the Grievance Meeting**

- 9.1 Employees have a statutory right to be accompanied at the grievance meeting by a companion, who may be:
- A fellow worker
  - An official employed by a trade union
  - A workplace trade union representative, as long as they have been reasonably certified in writing by their union as having experience of, or having received training in, acting as a worker's companion at disciplinary or grievance hearings. Certification may take the form of a card or letter

## 10. Scheme of Delegation

- 10.1 Executive Directors have delegated responsibility for ensuring the maintenance of the grievance procedures within their department, through their Managers. Appendix 3 provides a Scheme of Delegation which identifies the level of Officer authorised to deal with grievances at each stage.

## 11. The Conduct of Formal Grievance and Appeal Hearings

- 11.1 The employee must be given every opportunity to present evidence in support of his/her grievance and the employee and/or representative can call witnesses, submit additional written information and/or use verbal presentation. In situations where the employee intends to call a witness (or witnesses) to the hearing the Manager should be notified by the employee of the witnesses who will be called in advance of the hearing.
- 11.2 In addition, the headteacher or director (with advice from an appropriate adviser) must be given every opportunity to justify a decision which is subject to appeal.
- 11.3 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. The procedures to be followed at hearings of the Disciplinary & Grievance Sub Committee are attached as Appendix 2.

## 12. The Grievance Stages, Appeals and Time Limits

- 12.1 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 or nominated person (Head of Service)	5 working days to arrange hearing and 5 days from hearing to issue written response
2	Executive Director or Nominated person (Head of Service)	5 working days to arrange appeal hearing, 5 days from hearing to issue written response
3	Discipline & Grievance Sub Committee	Normally 25 working 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.

**13. Overlapping Grievance and Disciplinary Cases**

**13.1** Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

**14. Review and Monitoring**

**14.1** The policy and procedure will be reviewed on an annual basis, or earlier if legislative changes are required.

**APPENDIX 1**Appeals to the Scottish Negotiating Committee for TeachersPART 2: APPENDIX 2.14  
SNCT APPEALS PROCEDURE**1. PURPOSE**

- 1.1 The SNCT has a conciliation and appeals mechanism to permit disputes on conditions of service matters to be settled at national level. Where an employee has a grievance with his/her employing council which relates to national conditions of service and which remains unresolved after the Council's grievance/appeals procedure has been exhausted, then he/she may refer the case to the SNCT.

**2. COMPETENCE**

- 2.1 Every case will first of all be considered by the Joint Secretaries representing the Convention of Scottish Local Authorities (COSLA), i.e. the Employers' Side, and the Teachers' Side. 2.2 The Joint Secretaries will consider whether the appeal is competent by reference to the National Scheme of Salaries and Conditions of Service for Teachers and Associated Professionals (SNCT Handbook: Part 2). 2.3 It shall not be competent to appeal matters devolved to Local Negotiating Committees for Teachers (LNCTs) as listed in Part 1: Appendix 1.3, Local Framework Recognition and Procedure Agreements.

**3. APPEAL TO SNCT****3.1 Appeal Procedure**

- 3.1.1 Notice of appeal to the SNCT must be lodged, in writing, by the appellant, or his/her representative, with both the Joint Secretary Employers' Side and the Joint Secretary Teachers' Side within 20 working days of the outcome of the final local appeal being notified to the appellant. This notification should be accompanied by a copy of all the supporting papers. 3.1.2 Within 5 working days of receipt of the notification of appeal the Joint Secretary (Employers' Side) will write to the employing body involved (the respondent) to notify that there is an appeal and to request that they provide papers in support of their case. A copy of the supporting papers should be provided to both Joint Secretaries (Employers' Side and Teachers' Side) within 20 working days of receipt of notification. 3.1.3 The supporting papers, i.e. the evidence and papers submitted in support of a case, shall be those presented at the local hearing unless otherwise agreed by both parties. Where more than one teacher is involved in an appeal, separate submissions should be made unless the details are identical.
- 3.1.2 Within 5 working days, following receipt of the respondents' response, the Joint Secretary (Teachers' Side) and the Joint Secretary (Employers' Side) shall meet to consider the case. Where the Joint Secretaries consider the appeal is not competent the Appellant and Respondent shall be so advised. Where the appeal is competent the Joint Secretaries shall seek to reach agreement on joint advice. A response providing the joint advice shall normally be issued within 5 working days of the Joint Secretaries' meeting unless additional

information is sought from the appellant or the respondent. In such circumstances the response to both parties will be within 10 working days of the receipt of the additional information.

- 3.1.3 Where the Joint Secretary (Teachers' Side) and the Joint Secretary (Employers' Side) cannot agree joint advice they will write to both parties to inform them of this and to provide a date for the Appeal Hearing. The Appeal Hearing will normally be held within 25 working days from the date of this notification.
- 3.1.4 Where joint advice is issued but is not accepted by either or both of the parties the Joint Secretaries should be advised of this, in writing, within 10 working days of the joint advice being received. The Appeal Hearing will normally be held within 25 working days from notification from either or both parties of a failure to agree.
- 3.1.5 Notification of witnesses to be called in support at the Appeal Hearing must be provided, in writing, to the Joint Secretaries at least 10 working days before the date for the Appeal Hearing.
- 3.1.6 The SNCT expects the time limits prescribed in this procedure to be strictly adhered to. The SNCT also expects both parties to ensure that the summary of their case, both in written form and in presentation at the Appeal Hearing, is as concise as is reasonably practicable.

## **3.2 Appeals Panel**

3.2.1 The SNCT Appeals Panel will consist of one member from each of the three sides of the SNCT; Employers' Side, Teachers' Side and Scottish Government. No member of the panel shall have a previous involvement with the case being considered. 3.2.2 A chairperson will be appointed for each case heard. Each side will take the chair by rotation. 3.2.3 The decision of the Appeals Panel will be final and is binding on all parties to the Appeal. This does not restrict the appellant's right to seek redress through tribunal or court.

## **3.3 Appeal Hearing**

- 3.3.1 The appellant, or his/her representative, will state the appellant's case, calling any witnesses. Any persons attending as witnesses shall not normally speak except to answer questions.
- 3.3.2 The representative of the respondent will then be given the opportunity of questioning the appellant, his/her representative, or any witness.
- 3.3.3 The members of the Appeals Panel may then question the appellant, his/her representative, or any witness to clarify areas of uncertainty. The witness will then withdraw.
- 3.3.4 The representative of the respondent will then state the respondent's case, calling any witnesses. Any persons attending as witnesses shall not normally speak except to answer questions.
- 3.3.5 The appellant, or his/her representative, will then be given the opportunity of questioning the representative of the respondent employer or any witness.

- 3.3.6 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 will then withdraw.
- 3.3.7 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.
- 3.3.8 The representative of the respondent will then sum up the employer's case and may reply to any points raised at the hearing but may not introduce fresh evidence.
- 3.3.9 The appellant, or his/her representative, will then sum up his/her case and may reply to any points raised in the course of the hearing but may not introduce fresh evidence.
- 3.3.10 After the case for the appellant has been summed up, all parties will withdraw.
- 3.3.11 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.
- 3.3.12 The parties will not normally be called back to hear the decision of the Appeals Panel.

#### **3.4 Decisions of the Appeals Panel**

- 3.4.1 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.
- 3.4.2 Within 10 working days both parties will be informed of the decision of the Appeals Panel. This information will be provided, in writing by the Joint Secretaries.

#### **3.5 Report to the SNCT**

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

Retrieved from "[http://www.snct.org.uk/wiki/index.php?title=Appendix\\_2.14](http://www.snct.org.uk/wiki/index.php?title=Appendix_2.14)"

## APPENDIX 2

### Procedure to Be Followed At Hearings of the Children's Services Disciplinary & Grievance Sub Committee

1. All appeals will be heard by the Children's Services Disciplinary & Grievance Sub Committee. On hearing both sides on the matter, the Sub Committee will decide on an appropriate course of action.
2. Where an employee appeals, such appeal should preferably be through a recognised trade union. This however does not preclude an employee appealing in person, or through any other person.
3. A formal written statement of grievance to the Sub Committee (perhaps using a prepared *pro forma*) should be completed by the trade union or the appellant if not represented, which outlines the basis of the appellant's case. This should be forwarded to HR Services for inclusion in a brief report to the Sub Committee. A copy of the appellant's submission will be issued to the employing department so that the department may submit its response which will also be included in the report for the Sub Committee.
4. The appellant and his/her representative will be given notice in writing at least 7 days in advance, unless otherwise mutually agreed, of the time and place of the hearing.
5. At the appeal there may be present at all times, the appellant, his/her representative and the department's representative(s).
6. A person or persons, acting in an advisory capacity to the appellant, his/her representative, or to the department's representative, may also be present at the hearing, provided such persons are made known to the Sub Committee prior to the hearing commencing.
7. The appellant's representative or the appellant (if not represented) will put forward his/her case, based on the submission already prepared for the Sub Committee, in the presence of the department's representative.
8. The department's representative(s) will have the opportunity to ask questions of the appellant's representative and the employee.
9. The members of the Sub Committee will then have the opportunity to ask questions of the appellant's representative and the employee.
10. A departmental representative will then present the department's case, based on the submission already prepared for the Sub Committee, in the presence of the appellant and his/her representative.



11. The appellant's representative will have the opportunity to ask questions of the departmental representative.
12. The members of the Sub Committee will then have the opportunity to ask questions of the department's representative.
13. The department's representative and thereafter the appellant's representative, or the appellant, if not represented, will have the opportunity, if they so wish, to sum up the case in final clarification, introducing no new material.
14. The appellant and his/her representative, the department's representative(s), any advisers present and any individual formally involved in the case will then withdraw.
15. The Sub Committee, in the presence of the Officer(s) appointed to assist then will then deliberate in private, only recalling, if necessary, the department's representative, the appellant and his/her representative, to clarify points of uncertainty on evidence already given. If recall is necessary, both parties are to return notwithstanding only one is concerned with the point giving rise to doubt.
16. The Sub Committee will recall the department's representative, the appellant and his/her representative and announce their findings and recommendations which will be confirmed in writing to both sides in the case.

**APPENDIX 3****Scheme of Delegation****AUTHORITY TO TAKE ACTION FOR GRIEVANCE HEARINGS**

<b>Level of Action</b>		<b>Employees Grade 1-8</b>	<b>Headteachers</b>
Informal		Headteacher or nominated person within school	Executive Director who will nominate appropriate person (Head of Service)
Stage 1		Headteacher or person nominated by Executive Director	Executive Director who will nominate appropriate person (Head of Service)
Stage 2		Executive Director or nominated person	Executive Director
Stage 3 Appeal		Children's Service Disciplinary and Grievance Sub Committee	Children's Service Disciplinary and Grievance Sub Committee
Stage 4 Appeal – for matters relating to National Agreement		Joint Secretaries of the Scottish Negotiating Committee for Teachers	Joint Secretaries of the Scottish Negotiating Committee for Teachers

This list is for illustrative purposes and levels may be changed to reflect structure arrangements.

## **APPENDIX 4**

### **STAGE 1&2 – Grievance Hearing Procedure**

#### Attendees

- The appellant
- Appellant's representative (rep)
- Nominated Senior Officer (Hearing Officer)
- Department's representative if stage 2 hearing i.e. officer who made Stage 1 decision
- Employee Relations Team HR Officer
- Any witnesses (if appropriate)
- Note-taker

#### The Process

- Appellant or their trade union representative puts forward their case, based on the information already provided in their grievance submission, and call any witnesses as required.
- If an investigation had been undertaken the investigating officer should be called to present the findings of the investigation. Either side can ask the investigating officer questions to seek clarity.
- Where the grievance is in relation to the actions of a specific employee(s) the individual (s) may be called by the Hearing Officer to respond to the allegations and may call witnesses if appropriate. The individual (s) will be entitled to a representative of their choice.
- The Hearing Officer can then ask questions to clarify points from the appellant and/or his her/representative, as well as any respondent or witnesses called.
- The appellant's representative; or the appellant (if not represented) will have the opportunity to ask further questions of the witnesses, to clarify points arising from questions from the Hearing Officer.
- Witnesses and any respondents as outlined above shall withdraw from the proceedings on completion of questioning.
- If a stage 2 hearing then the officer who made the decision at stage 1 will detail the actions taken at Stage 1 and reasons for this.
- Both parties provide summing up – introducing no new evidence. Department's rep should include any points now discredited/discounted. The appellant and his/her representative will then withdraw from the meeting.
- The Hearing Officer will then deliberate, recalling if necessary any party to clarify points of uncertainty. The Hearing Officer will then recall the appellant and his/her representative to advise of the outcome.