

# GRIEVANCE PROCEDURE FOR TEACHERS

## 1 INTRODUCTION

- 1.1 Perth & Kinross Council is committed to providing a working environment which values diversity, promotes good relations between groups, ensures all teachers are treated with dignity and respect and encourages rapid resolution of teacher complaints at an early stage.
- 1.2 Every teacher has the right to seek redress for complaints relating to their employment in cases where normal management/employee communication has failed to resolve matters. Grievance procedures provide a mechanism through which problems in relation to work, the working environment, working relationships or dignity at work issues 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.
- 1.3 The following procedures have been agreed through the Joint Negotiating Committee for Teachers. They comply with both the Employment Act 2008 and with the ACAS Code of Practice (Number 1) entitled 'Disciplinary and Grievance Procedures'.

## 2 PRINCIPLES

- 2.1 All staff should be provided with a reasonable and prompt opportunity to obtain reasonable redress on any complaint. A complaint may be submitted individually or collectively by a group of employees and the same stages should be utilised in both cases. Teaching staff are entitled to be accompanied and represented at all stages in the formal grievance process by a representative of a professional association/trade union recognised by the Council or by a fellow employee. .
- 2.2 It is neither possible nor desirable to specify all of the issues which may give rise to a complaint, but the main areas would include: terms and conditions of employment, health and safety issues, new working practices, equal opportunity matters, (i.e. non - grade related issues), the application of a national or local agreement reached between the Council and its recognised trade unions and dignity at work issues (i.e. bullying and harassment).
- 2.3 Every effort should be made to resolve a complaint or potential complaint using informal mechanisms e.g. discussion with a senior colleague including, as appropriate, the head teacher, or through an informal approach by a trade union representative. However, if informal methods do not succeed and the teacher remains dissatisfied with the outcome or response, the formal procedure can be accessed.

- 2.4 Decisions in relation to a particular complaint should be taken at the lowest level within the hierarchy of stages at which the matter can be resolved. At school level this should be the head teacher. It is accepted however that a head teacher may not have the authority to sanction a particular resolution to a complaint which may be available to staff at, for example, directorate level. If a complaint is lodged in respect of the working relationship between a teacher and his/her head teacher or some action taken by a head teacher, the complaint should be passed for action to a nominated Service Manager as appointed by the Head of Service.
- 2.5 Teaching staff should be made aware of the terms of this local Grievance Procedure and have ready access to a copy of it within school.

### **Dignity at Work**

- 2.6 All teachers have a responsibility for their own behaviour and how it affects others. It is the responsibility of all teachers to ensure compliance with this procedure with a view to developing and maintaining a working environment free from all forms of bullying and harassment and promoting good relations between teachers, irrespective of their gender, race, disability, religion or belief, sexual orientation, age, marital status, pregnancy or gender reassignment.
- 2.7 Managers have a responsibility to ensure that teachers receive fair and equal treatment in the workplace and to ensure that they treat all complaints of bullying or harassment seriously, sensitively and confidentially and take timely action in accordance with this procedure.

### **Standards of Behaviour**

- 2.8 Perth & Kinross Council expects all teachers to adopt positive behaviour whilst undertaking their normal course of duties.
- 2.9 All employees must adhere to the standards set out in the [Employee Code of Conduct](#).
- 2.10 Harassment is defined as unwanted conduct at the place of work and/or in the course of employment that has the purpose or effect of violating people's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. For a complaint to be considered under this procedure it must relate to harassment on the grounds of a protected equalities characteristic, i.e. gender, race, disability, religion or belief, sexual orientation, age, marital status, pregnancy or gender reassignment.
- 2.11 Bullying or victimisation is defined as persistent, offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient, at the place of work and/or in the course of employment.

- 2.12 In cases of complaints relating to harassment, bullying or victimisation, there should be a reasonable basis for the complaint. This will be determined after the initial meeting with the person making the complaint.

### **Informal complaint**

- 2.13 As already noted, every attempt must be made to resolve a complaint informally in the first instance. Teachers must raise an informal complaint with the person concerned or immediate manager without unreasonable delay, detailing the grounds of their complaint and reasonable redress or resolution sought. If the complaint concerns the teacher's immediate manager they should approach an alternative manager, normally at an equivalent level within the Service. Managers may find it helpful to discuss mediation or facilitated discussions as an option for resolving the situation. Further information can be obtained from Human Resources.
- 2.14 If for any reason the teacher feels unable to do this, support is available from their trade union representative or a Dignity at Work Contact. A list of Contacts can be obtained from Human Resources and is also available on *eric*.
- 2.15 The manager should respond as quickly as possible to an informal approach. This response may be delivered orally or in writing but must be within 5 working days of the complaint being raised.
- 2.16 Where the complaint concerns the actions or conduct of another employee, that employee will be made aware of the complaint as soon as practicable and how this will be progressed.
- 2.17 A teacher who is dissatisfied with action taken to resolve their informal complaint will normally have recourse to the formal procedure.

## **3 THE FORMAL GRIEVANCE PROCEDURE**

- 3.1 **Stage 1** - The teacher should submit a formal written statement of complaint to the head teacher. If the complaint relates to the head teacher then a formal written statement should be submitted to the relevant Service Manager. This statement should outline clearly the nature of the complaint and the reasonable redress or resolution being sought. The head teacher or relevant Service Manager as appropriate, will normally convene a formal grievance Hearing within 10 working days (or otherwise by mutual agreement) of receipt of the written statement of complaint. The head teacher or relevant Service Manager will normally respond in writing to the formal statement of complaint within 5 working days of the date of the Hearing.
- 3.2 In circumstances where it is necessary for the head teacher or relevant Service Manager to carry out further investigation, it may not be possible to adhere to this timetable and the parties concerned should discuss and reach mutual agreement on an appropriate extension of time, this should be confirmed in

writing.

### 3.3 **Stage 2 (Appeal) –**

Should the teacher be dissatisfied with the outcome of Stage 1, they have the right of appeal to the Executive Director of Education & Children's Services. A statement of appeal must be submitted in writing within 10 working days of receipt of the response from Stage 1 explaining the reasons for continuing dissatisfaction, providing any additional information relevant to the original complaint and the reasonable redress or resolution being sought. The Executive Director will normally nominate an officer, such as a Head of Service to convene a formal appeal Hearing within 10 working days (or otherwise by mutual agreement) of receipt of the written statement of appeal.

3.4 The Executive Director or nominated officer shall respond in writing to the statement of appeal within 5 working days of the date of the Hearing.

3.5 In circumstances where it is necessary for the Executive Director or nominated officer to carry out further investigation, it may not be possible to adhere to this timetable and the parties concerned should discuss and reach mutual agreement on an appropriate extension of time which should be confirmed in writing.

3.6 **Stage 3 (Appeals Sub Committee)** - If the teacher remains dissatisfied with the response provided at Stage 2 they have a right of appeal to the Appeals Sub-Committee of the Education & Children's Services Committee. A statement of appeal should be submitted to the Executive Director of Education & Children's Services, within 10 working days of receipt of the response from Stage 2. This statement should explain the reasons for continuing dissatisfaction; provide any additional information relevant to the complaint and reasonable redress or resolution being sought.

3.7 Appeals Sub Committee will normally meet to consider the teacher's appeal. Notification of the appeal date will normally be within 20 working days of notice of appeal from the employee. The decision of the Appeals Sub-Committee will normally be provided in writing within 5 working days of the date of the Hearing.

3.8 **Stage 4** - The final decision of the Appeals Sub-Committee can be submitted to the Joint Secretaries of the Scottish Negotiating Committee for Teachers through its appeals process but only if the subject matter of the original grievance relates to the interpretation or implementation of a national agreement promulgated by the SNCT.

## **4 THE CONDUCT OF FORMAL GRIEVANCE AND APPEAL HEARINGS**

- 4.1 The teacher must be given the opportunity to present evidence in support of his/her complaint and provide an explanation of the redress that could reasonably address the complaint.
- 4.2 The nominated officer chairing the Hearing/appeal Hearing should be given the opportunity to question or seek clarification on any evidence presented by the teacher and/or representative to allow them to justify a decision and set out the reasons for any decisions taken. Where possible, the officer providing advice to the Executive Director or the Executive Director's nominee should be different from the officer who provided advice to the head teacher or Head of Education Services at an earlier stage.

### **Potential Outcomes**

- 4.3 There are three potential outcomes for formal grievances/appeals submitted under this procedure:
- The complaint is substantiated or the appeal is upheld
  - The complaint is unsubstantiated or the appeal is not upheld including situations where there is insufficient information on which to make a decision or proceed
  - The complaint is partially substantiated or the appeal is upheld in part
- 4.4 Potential actions may include:
- No action is required
  - The original decision that prompted the complaint/grievance is overturned either in part or fully.
  - Training for either or both parties
  - In respect of dignity at work issues, mediation or facilitated discussions between parties may be an appropriate outcome

This list is not exhaustive and other outcomes may be considered as appropriate.

## **5 OTHER PROVISIONS**

- 5.1 **Status Quo Ante** - In the event of a formal complaint being lodged in response to a proposed change to terms and conditions of employment and when practicable, where a complaint 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 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 complaint.

## **6 FORMAL GRIEVANCE STAGES**

### 6.1 The Grievance Stages, Appeals and Time Limits

<b>Stage</b>	<b>Heard By</b>	<b>Time Limit (in normal circumstances)</b>
1	Head teacher or relevant Service Manager	10 working days to arrange formal hearing. 5 working days to issue written response.
2	Head of Service	10 working days to arrange appeal hearing. 5 working days to issue written response.
3	Appeals Sub-Committee	10 weeks to arrange appeal hearing. 5 working days to issue written response.
4	SNCT	Determined by SNCT

## **7 APPEALS TO THE SCOTTISH NEGOTIATING COMMITTEE FOR TEACHERS**

- 7.1 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.
- 7.2 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.
- 7.3 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.
- 7.4 The decision of the Appeals Panel will be final and binding on all parties to the appeal.