

# HR & OD POLICIES

human resources and organisational development



## Grievance procedure Teachers and Associated Professionals

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## 1. INTRODUCTION

It is important that each case is dealt with by following this Procedure in a fair, reasonable and consistent manner and within agreed time scales.

Every effort should be made to resolve a grievance or a potential grievance using informal mechanisms e.g. Discussion with line manager/head teacher 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.

If it is not possible to adhere to the time scales outlined in this Procedure then all parties must be informed, in writing, of any delay, and the reasons for it.

The Council recognises that, especially when a grievance relates to another employee, there may be very sensitive issues raised. The aggrieved party may seek support and help from other colleagues in relation to the grievance. The Council assures that at all stages, information discussed will be held in the strictest confidence and the Council will treat any improper disclosure as an act of gross misconduct under the [Disciplinary Policy and Procedure](#).

An aggrieved employee may, at any stage, withdraw from this Procedure by giving notice of his/her intention to do so. This must be done in writing and in such circumstances the employee will be deemed to have abandoned the grievance.

Where a grievance has already been raised but not resolved to the satisfaction of the employee, even at the completion of all stages of this Procedure, the employee cannot restart the Procedure in relation to the same matter.

All time scales are defined in calendar days to avoid confusion for employees who work part time. Any related correspondence indicating time scales must be defined in calendar days.

Please also refer to [Guidance on Bullying and Harassment](#) which details further information on the support available in these types of situations.

## 2. INFORMAL STAGE

Any employee who is aggrieved on any matter should discuss the issue initially with his/her line manager/head teacher. Alternatively, where the matter concerns the line manager/head teacher, the problem should be referred to the next level of management. The form [Written Statement of Grievance](#) may be used for this purpose if required.

The employee will have the right to be represented at any grievance hearing by a trade union representative or work colleague.

Every attempt should be made to resolve the matter through informal discussion or through informal representation by a trade union official or work colleague. An

informal meeting with the employee and/or his/her representative will be arranged by the line manager/head teacher. This meeting will be arranged with the employee's agreement and a response to the employee's grievance will be given within 14 calendar days of notification of the grievance. If this time scale is not possible the reason for the delay should be notified to the employee and his/her representative within the original time scale.

All parties involved should keep a written note (e.g. in the form of a brief diary entry, agreed resolutions), of the outcome of any informal meetings held to address the grievance. No formal note of the meeting should be taken or used in later stages of the procedure.

If, after attempting to resolve the grievance informally, the employee is dissatisfied with the response or if no response has been forthcoming within 14 calendar days, the employee should initiate the first stage of the formal Grievance Procedure.

It should be noted that where every attempt is made to resolve the matter informally an employee can proceed directly to Stage 1 of the formal procedure. He/she is not required to first try to reach a resolution informally.

### 3. FORMAL STAGES

#### Stage 1

The employee must raise the matter, in writing by submitting a [Written Statement of Grievance](#), found in the Resource Pack, to his/her immediate line manager/head teacher, clearly stating the details of the grievance. The exact nature of the grievance and the resolution sought by the aggrieved party must also be stated.

Where it is not appropriate to put the Formal Written Statement of Grievance to the employee's immediate line manager/ head teacher it should go to next level of management. This may be necessary when the immediate line manager/head teacher is part of the employee's grievance or if the line manager/head teacher does not have the authority to resolve issues raised in the grievance.

The person to whom the Formal Written Statement of Grievance has been addressed will convene a formal grievance hearing, within 14 calendar days from receipt of the letter. [Letter 1](#), including the Acknowledgment of Formal Written Statement and invite to a hearing, sample wording should be sent to the aggrieved employee. [Letter 2](#) (with a copy of the formal written statement of grievance) sample wording should also be sent to the person the complaint was made against. If agreed by all parties involved in the grievance that it is not possible to meet the prescribed time scale, the reason for the delay should be notified in writing to the employee and his/ her

representative within the original time scale and a mutually convenient alternative date sought.

The employee will have the right to be represented at any grievance hearing by a trade union representative or work colleague.

Both parties have the right to call witnesses to the hearing and it is the responsibility of the chair to arrange for the witnesses to be invited (refer to [Letter 3](#)). The chair should be notified of the names of the requested witnesses as soon as possible.

The chair should follow the steps outlined in [How to Undertake a Grievance Hearing](#).

The outcome of the grievance hearing will be conveyed to both parties in writing within seven calendar days of the date of the hearing taking place. Please find sample wording [Letter 4](#) to be sent to the employee and [Letter 5](#) to be sent to the employee who the grievance was raised against.

Where the line manager/head teacher is the aggrieved party, or in other circumstances where it would not be appropriate for the line manager/head teacher to hear the grievance the Formal Written Statement of Grievance should be submitted to the next level of management/Director of Education or his/her nominee.

## Stage 2

Where the employee is dissatisfied with the decision at Stage 1 there shall be a right for the matter to be heard by his/her Head of Service (or his/her nominee).

Where the Head of Service in Stage 1 heard the grievance, the employee shall have the right for the matter to be heard by his/her Director of Education or his/her nominee.

The employee or his/her trade union representative shall then submit in writing a statement of appeal to the employee's Director of Education or his/her nominee. The form [Formal Written Statement of Grievance Appeal](#) can be used for this purpose.

The statement of appeal must explain the reasons for continuing dissatisfaction and must be submitted within 14 calendar days of receipt of the decision at Stage 1.

The Director of Education (or his/her nominee), on receipt of this, will convene a formal grievance hearing within 14 calendar days. Please see sample wording [Letter 6](#) for the aggrieved employee. The Chair should follow the steps outlined in [How to Undertake a Grievance Appeal](#).

The grievance appeal should refer to the reasons why they remain dissatisfied with the outcome of Stage 1. No new grievance can be raised at this stage. The appeal hearing should not be seen as a re-run of the original hearing.

Any officer providing information to the Director of Education (or his/her nominee) should not be the officer/head teacher who originally heard the grievance.

The Director of Education (or his/her nominee) shall respond in writing to the aggrieved employee conveying his/ her decision within seven calendar days of the date of the hearing. Please find sample wording [Letter 8](#) of the outcome for the aggrieved employee in the Resource Pack.

### Stage 3

If the grievance is not satisfactorily resolved and the employee remains dissatisfied with the decision of the Director of Education (or his/her nominee), the matter may be referred by the employee, or his/her representative, to the Appeals Committee of the Council for consideration.

A referral to the Appeals Committee should be submitted in writing by the employee or his/her trade union representative to the Head of Service (Legal & Governance) within 14 calendar days of receipt of confirmation of the decision at Stage 2. This document must specify exactly the grounds for the appeal. You may use the [Written Statement of Formal Grievance Appeal](#) (Appeals Committee) found in the Resource Pack.

A meeting of the Appeals Committee should normally be held within 28 calendar days of the Appeal being registered, unless otherwise mutually agreed. The Clerk to the Committee will undertake all correspondence in relation to the arrangements and outcome of the appeals committee. The Appeals Committee will hear the appeal in accordance with agreed Aberdeenshire Council Procedures.

A written decision of the Appeals Committee should be communicated to the aggrieved party within seven calendar days of the Appeal Hearing.

## Internal Stages of Grievance Procedure

Informal Stage	<b>Normally heard by:</b> Line Manager/ Head Teacher. <b>Suggested time scales:</b> 14 calendar days to meet and respond.
Stage 1	<b>Normally heard by:</b> Line Manager/ Head Teacher or next level of management if grievance against immediate line manager.  Suggested time scales: 14 calendar days to arrange hearing, 7 calendar days to issue written response.
Stage 2	<b>Normally heard by:</b> Director of Education (or their nominee). <b>Suggested time scales:</b> 14 calendar days to arrange hearing, 7 calendar days to issue written response.
Stage 3	<b>Normally heard by:</b> Appeals Committee. <b>Suggested time scales:</b> 28 calendar days to arrange formal appeal hearing, 7 calendar days to issue written response.

## Next Steps

The internal Grievance Procedure is exhausted after the Appeals Committee and the decision of this Committee will be final and binding to all parties involved. For teachers and associated professionals the decision of the Appeals Committee can be submitted to the Joint Secretaries of the Scottish Negotiating Committee for Teachers please refer to the [SNCT Handbook, Appendix 2.14.](#)

The application of this Policy and Procedure will not infringe employees' statutory rights, e.g. of appeal to an Employment Tribunal.

## 4. CONDUCT OF GRIEVANCE HEARING

### Preparing for a Hearing

Employees have the right to be represented by a trade union representative or work colleague at all stages of the Grievance Procedure and managers must ensure that they inform employees of this right prior to any hearing.

A representative from Human Resources should be present at any formal grievance hearing during Stages 1-3 of this Procedure. This does not preclude a representative from Human Resources being present at the informal stage if this is deemed necessary.

Organising and controlling a grievance hearing is the responsibility of the Chair. Any information required prior to the grievance hearing (e.g. whether similar grievances have been raised before, how they were resolved, and any action taken) is the responsibility of the Chair.

### Grievance Hearing

The format for a grievance hearing is outlined below:

1. At the outset of a grievance hearing the Chair should confirm to all parties present the stage at which the hearing is being held and that it is within the agreed formal Procedure.
2. The employee and/or his/her representative presents evidence in support of his/her grievance. The employee and/or his/her representative can request that witnesses attend, submit additional written information and/or use verbal presentation. If it is intended that witnesses are to be called, then the Chair should be advised of this prior to the hearing. It is the responsibility of the Chair to invite witnesses to the grievance hearing. Please see [Letter 3](#) sample wording in the Resource Pack.
3. Where the employee has exhausted Stage 1 of the Grievance Procedure and is now presenting his/her grievance at Stage 2 of this Procedure he/she or his/ her representative should only refer to the reasons why they remain dissatisfied with the outcome of Stage 1 of the Grievance Procedure. No new grievances may be raised at this stage. This hearing should not be seen as a re-run of the original grievance raised under Stage 1.
4. Witnesses for the aggrieved party are called (where appropriate). They may have to answer questions from both parties and/or their representatives and the Chair.

5. Questions may be asked by management and or colleagues involved in the grievance to the employee and/or his/her representative. Where the employee has taken his/her grievance to Stage 2 of this Procedure he/she may be asked questions by the line manager/head teacher who originally heard the grievance.
6. Management/colleagues state their case and respond to any allegations and or questions from the employee and/or his/ her representative. They also can request to call witnesses if required. Where the employee is taking his/her grievance to Stage 2 of this Procedure, it will be the line manager/head teacher who heard the grievance originally under Stage 1 that states his/her case indicating how he/she came to his/her decisions.
7. Witnesses are called (where appropriate) by the Chair. They may have to answer questions from both parties and/or their representatives and the Chair.
8. Questions from the Chair. Such questions should be to seek clarification rather than to intimate personal viewpoints.
9. Both parties or their representative should be asked to sum up.
10. Having heard both sides but before reaching a decision or proposing a solution, the Chair should then seek clarification on any points and summarise his/her understanding of the grievance.
11. After summing up, the Chair should adjourn with his/her advisers to consider his/her decision.
12. The decision of the Chair must always be conveyed in writing to both parties in accordance with the agreed time scales. At the hearing, the employee should be advised of the time scale for a written decision, bearing in mind the time limits set out in this Procedure and her/his right to progress to a further stage of this Procedure.
13. The decision should, where possible, also be conveyed orally at the hearing. Only the employee and his/her representative raising the grievance are called back to be advised of the decision.

## 5. FORMAL DISPUTES

In the event of a formal dispute being declared by either the Authority or the trade union(s) involved, the provisions of the Local Recognition and Procedure Agreement shall be applied.

In the event of a formal grievance being lodged in response to a proposed change of 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.

## 6. ROLE OF THE HEAD OF SERVICE (LEGAL AND PEOPLE)

The Head of Service (Legal and People) shall be informed of any case, which is likely to lead to formal dispute. He/she or his/her nominated representative, shall participate in any enquiries or interviews to the extent that he considers necessary.

The Head of Service (Legal and People) and his/her staff will be available to offer advice at any stage of the Grievance Policy and Procedure.

Confidential 24 Hour support is also available to all employees through the Councils [Employee Assistance Programme](#).

For further advice and guidance on any of the above please contact [Human Resources and Organisational Development](#).

# Grievance

## Index of Documents

### Procedure

<b>Revision Date</b>	<b>Previous Revision Date</b>	<b>Summary of Changes</b>
28-06-2011		Creation of all Documents
24-11-2011	28-06-2011	Teachers and Associated Professionals added
08-08-2015	24-11-2011	Format Update
22-09-2016	08-08-2015	Procedure for Teachers and Associated Professionals only
25-07-2018	22/09/2016	Reference to mediation removed