

Grievance Procedures

JNCT1.11 – Employees covered by SNCT Terms and Conditions

Human Resources
September 2025



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Version Control

Version Number	Effective Date	Details of Revision	Responsible Person	Review Date
1	September 2025	Update to process and procedure as per ACAS Code of Practice	L Boyd	September 2026

1. Introduction

- 1.1 South Ayrshire Council recognises that grievances will arise from time to time, even in the best managed services, and this agreement puts in place a formally documented procedure for investigating and resolving such problems as swiftly and as satisfactorily as possible.
- 1.2 Every teacher has a right to redress for grievances relating to their employment. As part of the agreement, 'A Teaching Profession for the 21st Century' the Scottish Negotiating Committee for Teachers (SNCT) devolved powers to Local Negotiating Committees for Teachers (LNCT's) to reach locally agreed grievance procedures within a framework agreed by the SNCT. The principles of the framework are contained within [Appendix 2.13](#) of the SNCT Handbook.
- 1.3 This local agreement also complies with both the Employment Act, 2002 and the ACAS Statutory Code of Practice (1) on 'Discipline and Grievance Procedures' and the requirements of Equalities legislation.

2. Key Principles

- 2.1 This procedure should be used by teaching staff and other staff covered by SNCT Pay and Conditions who have grievances arising from their employment other than those of a disciplinary nature which will be dealt with under JNCT 1.16 Disciplinary Procedures.
- 2.2 Before participating at any stage of the Council's Grievance Procedures, line manager / managers must have attended appropriate training on Discipline and Grievance policy and procedures. Further information on this is available from Organisational Development Organisational.Development@south-ayrshire.gov.uk
- 2.3 A grievance may be raised by an employee, or a group of employees and the same procedure should apply to a group grievance as to an individual grievance.
- 2.4 The fact finding process should ensure that any individuals named in the grievance have the opportunity to respond. It may be necessary for the Manager dealing with the grievance to conduct any necessary fact finding investigations prior to making a decision on the outcome.
- 2.5 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: the more traditional grievances around terms and conditions; health and safety; new working practices; organisational change but also and more frequently are about bullying and harassment, relationships at work and equalities matters.
- 2.6 Issues that will not be considered under this JNCT agreement are:
Matters of discipline which are covered separately under the disciplinary policy JNCT 1.16 [JNCT1.16 Disciplinary Procedures.pdf](#)
 - Any issues arising during the process of formal consultation. Such issues may only be raised once the formal consultation process has been exhausted.

In cases where there is doubt as to where the matter falls within the Grievance process, the matter shall be referred to the JNCT joint secretaries. Discussion with Chief HR Officer will also take place if required. If there is no agreement, the

matter shall be considered by the JNCT, with any final determination made by the SNCT.

- 2.7 There are a number of other Council procedures that contain inbuilt appeals / complaints procedures.
- The Council's Complaints Procedure where the complaint is about an employee of an external agency or contractor;
 - The Council's Policy for [Whistleblowing policy - The Core](#) where the complaint is of a whistle blowing nature;
 - The Council's [Recruitment and selection policy - The Core](#) where the complaint is about the recruitment process.
- 2.8 Following the introduction of the Council's [Equality at work policy - The Core](#) any matter relating to discriminatory, harassing, victimising or bullying behaviour should be addressed, both informally and formally, via the Grievance Policy and procedure. The Equality at Work Policy must be referred to in conjunction with this policy where equality related matters are being addressed. **Please refer to section 5 for further information on the process to be followed.**
- 2.9 Teaching staff should be made aware of the terms of this agreement and have ready access to a copy of this agreement.
- 2.10 Teaching staff have the right to be accompanied by a trade union representative or appropriate work colleague at all stages in the grievance procedure. Only reasonable paid time off with the agreement of the principal teacher shall be given to the teacher and their representative to prepare for and attend the hearing and to attend any fact finding meetings that require to be undertaken.
- 2.11 Every effort should be made to resolve a grievance or potential grievance using informal mechanisms e.g. through discussion with a line manager, senior colleague or through an informal approach by a trade union representative. Many problems can be raised and settled during the course of everyday working relationships. This also allows for problems to be settled quickly and prevents the matter escalating. However, if informal methods fail and the aggrieved party remains dissatisfied with the outcome or the response, or if the grievance matter is serious, the formal procedures outlined in section 3.3 below should be used. A summary of the full procedure can be found in Appendix 1.
- 2.12 All grievances should be dealt with quickly, fairly, consistently and confidentially within agreed time limits. Decisions in relation to a particular grievance should be taken at the lowest possible level within the hierarchy of stages at which the matter can be resolved. It is recognised, however, that a Head Teacher, for example, may not have the power or authority to sanction a particular resolution to a grievance and that the matter might require reference to a higher level of authority for consideration. It may also be beneficial, depending on the circumstances of the Grievance, to consider Mediation at an early stage in the process, rather than waiting until a matter has been raised formally.
- 2.13 **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.

- 2.14 All parties should be aware that depending on the specific detail of the Grievance, (particularly if the complaint concerns relationship at work issues), there may be a requirement for the matter to be investigated to establish the facts of the case, with reference to and by following the fact finding principles contained in the Manager's Handbook – Fact Finding Investigations (add in LINK once approved). Following the fact finding investigation, a written report may be compiled that details and refers to actions taken, meetings, documentation and/or evidence gathered.
- 2.15 Parties involved in the complaint should be protected from ongoing victimisation or harassment during the investigation and grievance process. This may involve limiting contact between the parties involved.
- 2.16 In cases where the line manager is the subject of the grievance, individuals should be able to discuss their concerns with another manager or another appropriate person. In some cases, help from an independent mediator can help resolve problems especially those involving working relationships.
- 2.17 Time limits for replying to grievances or disputes may be extended by mutual agreement or where it is clearly impractical to make a decision within the time limit agreed. Any failure to comply with the stated time limits by either party unless by agreement will result in the matter progressing to the next stage of the procedure.
- 2.18 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. Should the employee who raised the grievance wish to have a supportive conversation about the reason for the withdrawal, they will have an opportunity to do so. The supportive conversation can be held by the Head Teacher, or the Manager appointed to hear the grievance or a HR Advisor.
- 2.19 Grievances raised should not be malicious or vexatious. Where there is clear evidence, following investigation, that the grievance has been made in bad faith, it may be treated as misconduct and through the Disciplinary process:

[JNCT1.16 DisciplinaryProcedures.pdf](#)

3. Grievance Procedure

- 3.1 In all of the procedures outlined below, references to the Head Teacher apply to staff employed in schools. Where the aggrieved party or appellant is employed in any other area of the service, then the appropriate nominated senior officer should substitute for the Head Teacher. The process for conducting a formal grievance hearing can be found in Appendix 2, please also refer to standard letters in Appendix 6 for arranging formal meetings and providing written outcomes and to the Fact Finding Investigations Manager's Handbook (add in LINK once approved).

3.2 Informal Procedure

Every attempt should be made to resolve the matter through informal discussion or through informal representation by a Trade Union representative or official. The Head Teacher or another appropriate nominated senior officer should respond as quickly as possible to an informal approach and should arrange to meet with the employee to establish all the facts. If the grievance can be resolved informally, then let the complainant know the outcome and any agreed actions in writing. HR can provide advice if required.

If, however, the aggrieved party is dissatisfied with the response or there is no response forthcoming within a reasonable period, the teacher should initiate the first stage of the formal grievance procedure. Where the grievance involves

relationships and/or equality at work, please refer to section 5 for additional information and guidance on processes to follow.

3.3 Formal Procedure

The formal procedure consists of **4 stages**:

Stage 1:

The teacher (or group of teachers) should submit a formal written statement of grievance to the Head Teacher (using the appropriate pro-forma Appendix 3) which should clearly outline the nature of the grievance. The written statement should include reference to the resolution sought by the aggrieved party. The Head Teacher 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 (or group of teachers) will have the right to be represented at the hearing. Depending on the facts presented at the grievance, there may be a requirement to adjourn the hearing and carry out a fact finding investigation into the complaint. This may involve interviews with witnesses, other parties involved in the complaint – please refer to the Fact Finding Investigations Manager's Handbook.

The Head Teacher will respond in writing to the formal statement of grievance within 5 working days of the date of the hearing outlining next steps to be taken. Where the grievance involves an investigation, then agree appropriate timescales for a response to allow matters to be looked at thoroughly before a decision is made.

Where the Head Teacher is the aggrieved party, the formal statement of grievance shall be submitted to the Director of Education. The Director of Education (or his/her nominee) shall respond within the same timescale as indicated above.

There may be other circumstances where the formal statement of grievance should be submitted to the Director of Education rather than the Head Teacher e.g. where the grievance is against the Head Teacher or where the Head Teacher does not have the power or authority to sanction a particular resolution.

Stage 2:

Where a teacher (or group of teachers) remains dissatisfied with the decision of the Head Teacher, there shall be a right to appeal to the Director of Education (or nominee). A statement of appeal must be submitted, in writing, within 10 working days of the receipt of the decision of the Head Teacher, explaining the reasons for continuing dissatisfaction. The Director of Education (or his/her nominee) will convene a formal appeal hearing within 10 working days (or otherwise by mutual agreement) of receipt of the written statement of appeal. The teacher (or group of teachers) shall have the right to be represented at the appeal hearing. The Director of Education (or his/her nominee) shall respond in writing to the aggrieved teacher (or group of teachers) within 5 working days of the hearing or other agreed timescale depending on the complexity of the grievance.

Stage 2A: Mediation

Where a teacher (or group of teachers) remains dissatisfied with the outcome of Stage 2, a written appeal may be submitted to the Central Education Team within 10 working days of notification of the decision at Stage 2, prior to a formal appeal to the Council's Appeals Panel.

The Central Education Team will arrange a meeting between the employee and management in an effort to resolve the dispute without the need to make a formal

appeal to the Appeals Panel. A decision should be confirmed in writing to both parties within 5 working days of the mediation meeting and detail the right of appeal if the issue is not resolved to the employee's satisfaction.

Mediation should also be considered at an earlier stage in the process as this may be an effective way to resolve the dispute. Further guidance on Mediation can be found in Appendix 4.

Stage 3:

If the teacher (or group of teachers) remains dissatisfied with the response from the mediation, there shall be a right of appeal to the Appeals Panel. Any request for such a hearing should be intimated to the Chief Governance Officer within 10 working days from the receipt of the decision. A statement of appeal shall be submitted on the appropriate pro-forma Appendix 5. A meeting of the Appeals Panel shall be called within 20 working days of the request for a hearing being received. The teacher (or group of teachers) shall have the right to be represented at the appeal hearing. Procedures for the conduct of the hearing will be provided by Committee Services, further detail can be found in Appendix 2. The Appeals Panel shall intimate its decision, after deliberation, on the day of the hearing and shall confirm that decision in writing within 5 working days of the date of the hearing.

Stage 4:

Where the subject matter of the original grievance relates to the interpretation or implementation of a national SNCT agreement, a teacher (or group of teachers) who remains dissatisfied with the decision of the Appeals Panel may submit the matter to the Joint Secretaries of the Scottish Negotiating Committee for Teachers (SNCT) for their consideration. The SNCT Appeals Procedure Appendix 2.14 can be found [here](#).

4. Overlapping Grievance and Disciplinary Cases

- 4.1 Where a teacher 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. In these circumstances, advice should be sought from Human Resources.

5. Grievance Relating to Equality at Work

- 5.1 Following the introduction of the Council's Equality at Work Policy any matter relating to discriminatory, harassing (including prevention of sexual harassment), victimising or bullying behaviour should be addressed both informally and formally via this Grievance procedure with the following considerations and guidance where it is intended to encourage the resolution of such issues at the informal and earliest stage possible.
- 5.2 Where a teacher has a concern or complaint in relation to equalities at work where they feel they have been subjected to discriminating, harassing, victimising or bullying behaviour, they should try, in the first instance to resolve the problem using an informal approach where they feel comfortable and able to do so. Support at this stage is available from Trade Union representative. In the first instance, they should request the person(s) to stop the offending behaviour. Often this can be sufficient to put a stop to the behaviour in question as the person may not be aware of the impact their behaviour is having on the employee.

- The teacher should specify clearly what behaviour they wish to stop and how this can be achieved. The discussion should take place in private and as soon as possible after the incident.

Some useful points for the teacher to consider are as follows:

- What is the behaviour they dislike and are there specific example(s) of when this behaviour took place;
- How does it affect them personally;
- What would they like to happen as a result of the informal discussion;
- How the desired outcome(s) would benefit them;
- Confirmation from the person being complained about that the behaviour will stop.

- 5.3 Should the teacher feel intimidated or apprehensive about approaching the person(s), they should discuss the matter initially with their Head Teacher (or another appropriate nominated senior officer) or if it is unsuitable they can contact Human Resources or their Trade Union Representative for support in trying to resolve matters using an informal approach. If the grievance is against the immediate line manager's alleged conduct, the employee should discuss matters with the next level of manager.
- 5.4 On receiving an equality at work complaint, or a complaint involving relationships at work, the Head Teacher should seek advice from their HR Advisor on how best to resolve matters. Every effort should be made by the Head Teacher (or their nominee) to resolve the situation informally through informal discussion with the parties involved and their Trade Union Representatives, as timeously as possible, this may involve formal or informal mediation between the parties involved in the Grievance. Resolution at the earliest stage is encouraged at all times. The Head Teacher will seek to understand and support the teacher as appropriate and once matters are resolved, it is also important to agree how matters will be monitored and that the unacceptable behaviour has ceased.
- 5.5 However, there may be circumstances where an equality at work complaint requires a fact finding investigation, this should be carried out by following the principles and procedure contained within the Managers Handbook – Fact Finding Investigations. It is important not to make assumptions at the outset about the facts of the case or the parties involved. The Head Teacher (or nominee) who receives the complaint, can also carry out the fact finding if this is appropriate or depending on the complaint, an investigation can be carried out by a manager who has not previously been involved in the grievance as they may be viewed as having a degree of independence. Please discuss with your HR Advisor to ensure the investigation process is planned and carried out effectively.
- 5.6 During a fact finding interview, it is important to note that by recounting experiences the complainant may find it upsetting or difficult. Therefore, they should not be asked to repeatedly recount the events if not necessary, however, as the views of all parties involved in the grievance are important, sufficient time should be given to allow a full explanation of the circumstances to ensure a full understanding of the complaint.
- 5.7 Confidentiality is highly important, and all individuals involved have responsibility to maintain this. Any breach of confidentiality will be viewed seriously and if any parties contact each other or potential witnesses this could be viewed as harassment which

would be taken into account during any investigation and may prejudice any future investigation.

- 5.8 Records of meetings capturing the key points of any fact finding interview should be taken paying particular attention to alleged behaviours, dates, times, locations and witnesses to incidents (witnesses must be able to add to the investigation, e.g., what did they see and hear first hand rather than hearsay). Summary notes should be signed off by witnesses and parties involved in the grievance. There will also need to be a report compiled of the findings to then ascertain next stages.
- 5.9 If the matter can be resolved under the Grievance procedure, the Head Teacher (or nominee) should meet with the complainant to confirm and explain the resolution actions that will be taken, this may include for example, formal mediation between the parties in dispute. If the matter is more serious and it is found that the grievance complaint is upheld and it can't be resolved through the Grievance process, the complainant should be informed of the next stages and the Head Teacher (or nominee) must submit their report to the Director of Education who should consider whether the facts of the case may require further investigation under the Disciplinary procedure and thereafter, appoint an appropriate investigating officer.
- 5.10 Where the outcome of the Grievance leads to Disciplinary proceedings, the Grievance report and witness statement will be shared with the employee who raised the grievance and with the employee the complaint is against.

If the grievance is not upheld, the reason should be clearly explained to the complainant, and depending on the circumstances, and the needs of the individuals involved, they may be provided with a summary outcome rather than the full report specifically where it is felt that providing the full report may make matters worse.

However, if the complainant, appeals, they would have the right to the full report as would the person the complaint is against. In these circumstances, the person the complaint was against would need to be provided with any information that impacted them, as they may be called to a further meeting as part of the appeal. These cases are complicated and would need to be looked at individually and at times, there may be a requirement for advice/input from legal colleagues, particularly if the complainant has already lodged an ET claim.

- 5.11 If a Head Teacher has received a complaint from another teacher, on behalf of a colleague, as a result of witnessing inappropriate behaviour, the Head Teacher should consider the impact on the teacher raising the concern, in addition to the impact on the recipient of such behaviour. If the inappropriate behaviour has also had a negative impact on the teacher raising the concern the Head Teacher will meet with both teachers to understand the basis of the complaint and to consider actions going forward. Please seek advice on next steps from Human Resources.
- 5.12 If it is less clear or there has been no impact on the employee raising the concern e.g., they are merely bringing it to the Head Teachers attention, they must view the information with the same seriousness and may deal with any alleged behaviour through the informal/formal procedure as may be appropriate.
- 5.13 If a teacher raises a complaint but asks for it not to be taken any further, Head Teachers must still take steps to ensure that the matter is resolved. For example, keeping a record of the complaint and encouraging informal resolution, keeping the situation under review and if no improvement, then it will be necessary to address the issue more formally, for the wellbeing of the employee and that of the other colleague.
- 5.14 Advice and guidance can be sought from Human Resources at any point in the

procedures.

6. Summary of The Grievance Stages, Appeals and Time Limits

Stage	Heard By	Time Limit
Informal and Complaints regarding Equality at Work	Head Teacher or appropriate nominated senior officer	As soon as is practicable
1	Head Teacher	10 working days to arrange formal hearing 5 working days to issue written response Appeal to next stage within 10 working days of decision at stage 1
2	Director of Education (or Nominee)	10 working days to arrange appeal hearing 5 working days to issue written response Appeal to next stage within 10 working days of decision at stage 2
2A	Mediator	10 working days to arrange mediation meeting 5 working days to issue written response Appeal to next stage within 10 working days of decision at stage 2A
3	Appeals Panel	10 working days to appeal to Panel 20 working days to arrange Appeals Panel hearing (subject to Appeals Panel availability) 5 working days for written confirmation of decision of Appeals Panel
4	Appeal to SNCT Joint Secretaries (only applicable to matters relating to national agreements)	Timescales will be determined by SNCT Joint Secretaries. Appendix 2.14 of SNCT Handbook.

All timescales can be extended subject to agreement of all parties involved.

7. Records

- 7.1 Records of all grievances received and of actions resulting from progress through the procedure shall be held in the Council's HR and Payroll [system \(Oracle FUSION\)](#).

8. Modified Grievance Procedure

- 8.1 A modified two step grievance procedure can be used in circumstances where the employment has already terminated.
- 8.2 Step 1. The employee must set out, in writing, the grievance and the grounds for the grievance and send the statement to the council.
- 8.3 Step 2. The Council must send its response, in writing, to the employee. Once this response has been sent, the grievance procedure is concluded.

APPENDIX 1

SUMMARY OF GRIEVANCE PROCESS

INFORMAL STAGE - discussion with Head Teacher to raise and resolve the grievance.
(If Equality at Work issue, follow the procedure at section 5)

IF RESOLVED THEN PROCEDURE ENDS, IF NOT RESOLVED THEN MOVE TO:
FORMAL STAGE 1 TO HEAD TEACHER/NOMINATED SNR OFFICER

STAGE 1 – FORMAL -Teacher (or group of teachers) submit Grievance Form, invite teacher(s) to a formal meeting, can be accompanied by TU representative or work colleague, employee can re-state their grievance and how they would like to see it resolved. Meeting may need to be adjourned to allow a fact finding investigation to be carried out

IF RESOLVED THEN PROCEDURE ENDS, IF NOT RESOLVED THEN MOVE TO:
FORMAL STAGE 2 TO DIRECTOR OF EDUCATION

STAGE 2 – FORMAL - Teacher (or group of teachers) submit appeal and Grievance Form, invite teacher to a formal meeting can be accompanied by TU representative or work colleague, teacher can re-state their grievance or part of their grievance that is still in dispute and how they would like to see it resolved.

IF RESOLVED THEN PROCEDURE ENDS, IF NOT RESOLVED AND GRIEVANCE MEETS POLICY CRITERIA MOVE TO MEDIATION at **Stage 2A**. IF NOT RESOLVED THEN MOVE TO:

FORMAL STAGE 3 TO APPEALS PANEL

STAGE 3 – FORMAL – Teacher (or group of teachers) submit appeal and Grievance Form to Head of Legal, HR and Regulatory Services and request for a hearing to be heard by Appeals Panel. The Teacher (or group of Teachers) can re-state their grievance or part of their grievance that is still in dispute and how they would like to see it resolved.

IF RESOLVED THEN PROCEDURE ENDS, IF NOT RESOLVED AND GRIEVANCE MEETS POLICY CRITERIA MOVE TO:

FINAL STAGE 4 SNCT JOINT Secretaries

STAGE 4 – SNCT – Teacher (or group of Teachers) submit appeal and Grievance Form to the Joint Secretaries of the Scottish Negotiating Committee for Teachers (SNCT) for consideration. This is the final stage of the Grievance Process and there is no further right of appeal.

APPENDIX 2

The Conduct of Formal Grievance and Appeal Hearings

(In all of the procedures outlined below references to the Head Teacher apply to staff employed in schools. Where the aggrieved part or appellant is employed in any other area of the service then the appropriate Line Manager should substitute for the Head Teacher.)

NB – At all stages of the grievance procedures, where the appeal is from a group of teachers they should select one from their number to act as the spokesperson for the appellants and only that individual should be present throughout the above proceedings, whether representing themselves or accompanied by an appropriate representative. The other appellants may, of course, be called as witnesses.

Stage 1: Formal – Grievance Hearing heard by Head Teacher

The teacher(s) or the teacher(s) representative, shall present evidence in support of his/her/their grievance and may call such witnesses as may be required.

The Head Teacher shall have the opportunity to ask questions of the teacher(s) or his/her/their representative and of any witnesses called by the teacher(s) or his/her/their representative.

The teacher or his/her/their representative shall have the opportunity to ask further questions of any witness, to make points of elucidation arising from questions from the Head Teacher.

The Head Teacher shall have the opportunity to put forward his/her reasons for any decision or action which is the subject of a grievance and call such witnesses as may be required.

The Head Teacher may be advised by an appropriate officer from Educational Services or other professional adviser e.g. a Depute Head Teacher.

The teacher or his/her/their representative shall have the opportunity to ask questions of the Head Teacher or witnesses called by the Head Teacher.

The Head Teacher shall have the opportunity to ask further questions of any witness, to make points of elucidation arising from questions from the teacher(s) or his/her/their representative.

The Head Teacher and the teacher(s) or his/her/their representative shall have the opportunity, if they wish, to sum up their case, introducing no new material.

The Head Teacher shall convey his decision in writing within 5 working days of the hearing as stated in 3.3 above.

The Head Teacher shall decide that EITHER:

The grounds for the grievance have been substantiated and the grievance be upheld. OR

That the grounds for the grievance have been substantiated in part and the appeal is upheld to the extent thatOR

That the grounds for the grievance have not been substantiated and is not upheld.

Stage 2: Formal – Grievance Hearing heard by Director of Education (or nominee)

The teacher(s) or the teacher(s) representative, shall present evidence in support of his/her/their appeal and may call such witnesses as may be required.

The Director of Education (or nominee) shall have the opportunity to ask questions of the teacher(s) or his/her/their representative and of any witnesses called by the teacher(s) or his/her/their representative.

The teacher or his/her/their representative shall have the opportunity to ask further questions of any witness, to make points of elucidation arising from questions from the Director of Education (or nominee).

The Director of Education (or nominee) shall have the opportunity to put forward his/her reasons for any decision or action which is the subject of an appeal and call such witnesses as may be required.

The Director of Education (or nominee) may be advised by an appropriate officer from Educational Services or another professional adviser.

The teacher or his/her/their representative shall have the opportunity to ask questions of the Director of Education (or nominee) or witnesses called by the Director of Education (or nominee).

The Director of Education (or nominee) shall have the opportunity to ask further questions of any witness, to make points of elucidation arising from questions from the teacher(s) or his/her/their representative.

The Director of Education (or nominee) and the teacher(s) or his/her/their representative shall have the opportunity, if they wish, to sum up their case, introducing no new material.

The Director of Education (or nominee) shall convey his decision in writing within 5 working days of the hearing as stated in 3.3 above.

The Director of Education (or nominee) shall decide that EITHER:
The grounds for the grievance have been substantiated and the grievance be upheld. OR
That the grounds for the grievance have been substantiated in part and the appeal is upheld to the extent thatOR
That the grounds for the grievance have not been substantiated and is not upheld.

Stage 3: Formal – Appeals Panel

Procedures Prior to the Hearing:

Details of the procedures adopted by the Panel shall be supplied to the appellant(s) and his/her/their representative, including advice as to the right to be represented at the Hearing and to call witnesses, if necessary. This shall be done as soon as possible after lodging the appeal.

Together with the written notification of lodgement of the appeal, the teacher(s) or his/her/their representative should specify the grounds for the appeal and may include a brief statement of the case to be made, together with supporting documents.

The relevant representative of Educational Services shall be invited similarly to submit a brief statement of the case to be made, together with supporting documents.

If either side wishes to take advantage of the opportunity to submit a brief written statement, this should be submitted within 5 working days of lodgement of the appeal.

At least 10 working days' notice of the hearing of the Appeals Panel shall be given. Such notice shall include copies of any papers submitted by the parties.

If either side intends to submit or refer to any further documentary evidence, then this should be in the hands of the Head of Legal, HR and Regulatory Services no later than 3 days prior to the Hearing. The Head of Legal, HR and Regulatory Services shall ensure, where practicable, copies are available at the Hearing and that parties are notified of the intention to submit or refer to this further documentary evidence.

In exceptional circumstances, if either side intends to submit or refer to any further documentary evidence **after papers have been issued**, it will be for the Elected Member Appeals Panel to decide whether to consider these as part of the case to be heard. Committee Services will ensure, where practicable, copies are available at the Hearing and that parties are notified of the intention to submit or refer to this further documentary evidence.

Stage 4: Formal – Appeal to the SNCT Joint Secretaries

1. If a teacher considers that he/she has a dispute with the Council regarding the application and/or interpretation of the national SNCT agreements he/she must exhaust the Council's internal procedures in the first instance.
2. If a teacher is dissatisfied with the outcome of the Council's procedures, then he/she may ask for the case to be considered by the Joint Secretaries representing the Convention of Scottish Local Authorities (COSLA) and the Teachers' Side.
3. The Joint Secretaries will consider whether the appeal is competent. If the Joint Secretaries hold the appeal to be competent they can issue advice to both parties to assist resolution. Such advice cannot be binding. 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.

APPENDIX 3



GRIEVANCE NOTIFICATION FORM (Teachers)

CONFIDENTIAL

Please Note: If you require any assistance in completing this form, please contact your trade union representative or HR team. Please submit completed form to Head Teacher or nominated senior officer and retain a copy for your records. The information in Section C - Nature of Grievance will be shared, where appropriate, with other parties involved in the complaint. The form will be updated by Human Resources after each stage of the process.

SECTION A

EMPLOYEE DETAILS:

Name:		Post Title:	
Employee Number:		School:	
Home Address:			
Phone (Home/Mobile):		Phone (Work):	
Email:			
Trade Union:		Trade Union Rep:	

SECTION B

EQUALITY AT WORK:

Does the grievance fall within the Council's Equality at Work Policy	YES		NO	
If yes, specify the behaviour(s) that you relate to this grievance:	Discrimination		Victimisation	
	Harassment		Bullying	
If yes please provide further detail in Section C below.				

SECTION C

NATURE OF GRIEVANCE:

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SECTION D**PLEASE STATE IN YOUR OPINION HOW THE GRIEVANCE CAN BE REOLVED****EMPLOYEE SIGNATURE:**

Employee Signature:

Date:

For HR Use:

The sections below should be completed to record the outcome of each stage of the grievance where applicable. Additional information can be attached as per the procedure.

SECTION E

Please state what answer was provided at each stage:

STAGE 3

--

This form is used to help assess and investigate the grievance. It will be securely stored where only authorised personnel will have access to it. It is our responsibility to keep your information safe. To find out what to expect when the Council collects your personal information, please visit our website- [Privacy notices - South Ayrshire Council](#)

For office use only:

Stage 1	Date Received:		Date of hearing:		Chaired by:	
Stage 2	Date Received:		Date of hearing:		Chaired by:	
Stage 2A	Date Received:		Date of hearing:		Chaired by:	
Stage 3	Date Received:		Date of hearing:		Chaired by:	
Stage 4	Date Submitted to SNCT Joint Secretaries:		Date of hearing:		Chaired by:	

APPENDIX 4

Mediation Guidance

1. The aim of the Stage 2A Mediation is to attempt to mediate in the grievance to find a resolution and to avoid the need to refer the matter for decision by the Appeals Panel of Elected Members at Stage 3. It is most effective when used in the early stages of a disagreement. HR will be available to assist in seeking to resolve the issue.
2. Finding a suitable venue for the mediation meeting to take place is fundamental to the process. A neutral location can help to protect confidentiality of the parties involved and removes parties from the environment that may be associated with the conflict. There should also be break out rooms to allow parties time out when things get heated as this can be a demanding process.
3. In order to resolve an issue requiring mediation, it will be necessary to interview the parties to establish the complaint and the facts and perceptions surrounding it. Open questions “*What, Where, Why, When, How and Who*” should be used to encourage the parties to tell the facts in their own words. Closed questions requiring a “yes” or “no” answer can be used to check facts and understanding as a summarising tool and to close the interview.
4. Where an employee involves their representative in mediation, it is important that during the process, the emphasis is on all parties finding an acceptable resolution.
5. The mediation meeting should have a number of stages as outlined below:

- **FIRST CONTACT WITH THE PARTIES:**

The HR representative or person nominated as mediator should meet parties separately. This will allow each individual involved to explain their position and detail their desired outcome.

- **JOINT MEETING:**

The HR representative or person nominated as mediator will bring parties together and invite them to explain their respective sides of the story. At this stage, the HR representative or person nominated as mediator will question and seek clarification from the parties and begin to summarise the main areas of agreement and disagreement. Having identified the issues to explore, the mediation is about encouraging communication between the parties, to shift the focus from the past to the future and begin to look for constructive solutions.

- **ENCOURAGING AGREEMENT:**

As the process develops, the HR representative or person nominated as mediator should encourage and support joint problem solving ensuring that agreements are workable.

- **CLOSING THE MEDIATION:**

Where a mutually acceptable resolution can be found, the decision reached will be binding on both parties. However, should a mutually acceptable resolution not be achieved, a statement will be prepared by the HR Representative or person nominated as mediator, outlining what facts are in dispute, areas of agreement and the remaining areas of disagreement. The outcome will be confirmed in writing to both parties within 7 days and will detail the right of appeal to Appeal Panel if the issue is not resolved to the employee's satisfaction.

APPENDIX 5 - Complainant(s) can use the following report template at Stage 3 formal appeal stage to summarise what has been resolved and what is still in dispute.

SOUTH AYRSHIRE COUNCIL

Grievance Report

Date

Subject of Grievance

1. Background

Give a summary of the background to the grievance.

2. Terms of Reference

Give a summary of reference documents, employment policies or working arrangements that are causing the detriment.

3. Informal discussion

Summarise main points of discussion, findings and any points that have been resolved satisfactorily.

4. Stage 1: Formal

Summarise main points still in dispute.

5. Stage 2: Formal

Summarise main points still in dispute.

6. Stage 3: Formal Appeals Panel

Statement of appeal to be submitted on appropriate pro-forma.

7. Stage 4: Final SNCT Joint Secretaries

Statement of appeal to be submitted to Joint Secretaries of the Scottish Negotiating Committee for Teachers.

APPENDIX 6

Standard Letters

The following letters are for general guidance only and will require minor adjustment to take account of individual circumstances.

Grievance 1 – Letter inviting teacher to grievance hearing

Grievance 2 – Letter inviting employee complaint is against to a fact finding

Grievance 3 – Letter inviting witness to a fact finding

Grievance 4 – Letter intimating outcome of informal grievance meeting

Grievance 5 – Letter intimating formal grievance upheld

Grievance 6 – Letter intimating formal grievance not upheld, teacher can appeal and/or request to omit a stage by agreement

Grievance 7 – Letter to teacher, grievance does not meet JNCT criteria

Grievance 8 – Letter acknowledging appeal

Grievance 1 – Letter inviting teacher to grievance hearing stage 1 or 2 *add in clauses
- use as appropriate

Dear

Grievance – Stage *(1 or 2)

I refer to the Notification of Grievance form that you submitted on (date) *(and previous correspondence dated xx). In accordance with the Grievance Procedure (JNCT1:11), you are invited to attend a grievance hearing on (date), at (time) in (location).

You will be given the opportunity to explain your grievance and how in your opinion the grievance could be resolved. If you wish, you may be accompanied by your Trade Union representative or work colleague.

*(The meeting may be attended by an HR representative)

It would be helpful, if you would confirm both your attendance, the name of anyone accompanying you to the interview *(and the names of any witnesses you intend to call on your behalf).

Yours sincerely

cc Trade Union Representative

Grievance 2 – Letter inviting employee complaint is against to a fact finding

Dear NAME

Fact Finding – Employee Complaint

I am writing to notify you that a formal grievance has been raised against you by another employee. This is a complaint concerning XXX and has been raised by EMPLOYEE NAME.

****Please add any details here regarding any specific allegations even just a couple of bullet points if that's possible****

The grievance will be processed under JNCT 1.11 and with reference to the ACAS statutory Code of Practice (1) on 'Discipline and Grievance Procedures', I have been appointed as the Grievance Manager and as such, I am conducting an investigation into the allegation(s). I am therefore contacting you to arrange a fact finding meeting to allow you the opportunity to respond to the allegation and to provide any information or names of witnesses in connection with this matter who can support your case. You should bring any relevant information or documents to this meeting.

The investigation meeting will be held on *[insert date]* at *[insert time]* at *[insert location]*.

I will conduct the meeting and NAME (HR Advisor/Co-ordinator) will be in attendance in an HR advisory capacity and as note taker.

Due to the ongoing nature of this matter, you should treat this as confidential and should not discuss any aspect of this grievance with your colleagues.

If you would find it helpful, a trade union representative or appropriate work colleague may accompany you. Please confirm by replying to this email that you are able to attend the meeting and who, if anyone, you intend to invite to accompany you.

In the meantime, if you have any queries regarding the contents of this letter, please do not hesitate to contact me.

Yours sincerely

cc Trade Union Representative

Grievance 3 – Letter inviting witness to a fact finding

Dear

INVITATION TO FACT FINDING INVESTIGATION

I write to confirm that an investigation is being undertaken into the following matter:

****Please add any details here regarding any specific allegations even just a couple of bullet points if that's possible****

I am therefore writing to ask you attend a fact finding interview on (insert date) at (insert time) in (insert location) at which you will be given the opportunity to provide further information to support the investigation. You should bring any relevant information or documents to this meeting.

I will conduct the meeting and NAME (HR Advisor/Co-ordinator) will be in attendance in an HR advisory capacity and as note taker.

Due to the ongoing nature of this matter, you should treat this as confidential and should not discuss any aspect of this grievance with your colleagues.

If you would find it helpful, a trade union representative or appropriate work colleague may accompany you. Please confirm by replying to this email that you are able to attend the meeting and who, if anyone, you intend to invite to accompany you.

Yours sincerely

cc Trade Union Representative

Grievance 4 – Informal outcome letter

Dear

I refer to the informal grievance meeting which was held on date. Please find attached a summary note of the meeting and what had been agreed as part of this informal resolution process.

I hope that this matter is now concluded, however if you are dissatisfied with the response, you should initiate the first stage of the formal grievance procedure.

Yours sincerely

Grievance 5 – Letter intimating formal grievance upheld *add in clauses - use as appropriate

Dear

Grievance Upheld Stage x

I refer to the grievance hearing which was held on (date). Please find attached a summary note of the meeting/ grievance report.

In terms of the Grievance Procedure (JNCT1:11) the outcome of the hearing is that your grievance has been upheld.

(Add in detail of action to be taken in response to the specific points in the grievance)

Yours sincerely

cc Trade Union Representative

Grievance 6 – Letter intimating formal grievance not upheld, OR partially upheld – teacher can appeal (various stages) *add in clauses - use as appropriate

Dear

I refer to the grievance hearing which was held on (date). Please find attached a summary note of xx the meeting or the main points of the grievance xx.

In terms of the Grievance procedure (JNCT1:11) the outcome of the hearing is that

*the grounds for the grievance have been substantiated in part and the grievance is upheld to the extent that

OR

*the grounds for the grievance have not been substantiated and therefore the grievance is not upheld.

The reason for this decision is (detail of specific reason).

*I have to advise you the grievance procedure entitles you to appeal to *(specify name and address of Head Teacher for stage 1/ Director of Education or nominated senior officer for stage 2) * (Chief Governance Officer for stage 3 (Appeals Panel) and *(SNCT Joint Secretaries for (SNCT stage 4) within 10 working days of receipt of this letter.

If you do appeal, you will be given the opportunity to explain your reasons at a meeting with * (name for stage 2 and 2A) *(the Appeal Panel for stage 3), at which you may be represented by your trade union representative or appropriate work colleague.

OR

*As you will be aware, the Grievance procedure includes a Mediation stage 2A prior to the grievance proceeding to the Appeals Panel. If you choose to appeal and in view of the nature of your Grievance, I propose to dispense with stage 2A on this occasion and proceed to stage 3 where your Grievance will be heard by the Appeals Panel.

I would be grateful for your view on my proposal.

Yours sincerely

cc Trade Union Representative

Grievance 7 – Letter to teacher, grievance does not meet JNCT criteria *add in clauses - use as appropriate

Dear

Grievance – Stage *(1 or 2)

I refer to the Grievance hearing that was held on (date).

Please find attached the note of the meeting which summarises the discussion.

Your Grievance relates to (insert reason for Grievance) and having heard the substance of your Grievance, it is my view, that you have not demonstrated that the Council has failed to apply its procedures nor that the procedures were unfairly or improperly applied to you.

Therefore, I confirm that your grievance does not meet the criteria under JNCT 1.11 and there is no further right of appeal under these procedures.

Yours sincerely

cc Trade Union Representative

Grievance 8 – Letter acknowledging appeal stage 1 or 2 *add in clauses - use as appropriate

Dear

Grievance – Stage *(1 or 2)

I refer to your Grievance Form dated (insert date) *(and correspondence dated) indicating you wish to appeal against the decision taken by (insert name) at *Stage 1/2 of the Grievance Procedures under JNCT 1.11.

Arrangements are being made for a meeting at *Stage 2/Stage 2A of the Grievance Procedure and your Trade Union Representative will be advised accordingly.

Yours sincerely

cc Trade Union Representative