

**East Dunbartonshire Council**

# Education Procedure Manual 2/19 Toolkit

## **Grievance Procedure: Toolkit for Managers**

**For**

**Teachers and Employees on Scottish Negotiating Committee for**

**Teachers (SNCT) Conditions of Service**

Education, People & Business



## *Education Procedure Manual 2/19 Grievance Policy for Teachers and Employees on SNCT Conditions of Service Toolkit for Managers*

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### 1.0 PURPOSE

The toolkit is designed to assist managers in implementing the Council's Education Procedure Manual 2/19, Grievance Procedures consistently and effectively. The toolkit contains standard paperwork, letter templates and guidance to be used for hearings and related correspondence under the Grievance at Work Procedure Manual.

### 2.0 SCOPE

The Grievance Policy and Procedures applies to all Teachers and Employees on SNCT Conditions of Service.

### 3.0 UNDERPINNING PRINCIPLES

To outline the framework for dealing with grievance issues and the relevant steps that a line manager should undertake in line with the Grievance Procedures.

To provide comprehensive guidance on the process of dealing with issues from the informal stages to exhausting the internal procedures.

To implement a framework that provides standard formats for implementing practices which take account of legislative compliance and best practice.

The approach of the Council will be through the following principles:

- Confidentiality
- Objective Approach
- Sensitivity to the feelings of all employees involved
- Openness and Honesty
- Effective information gathering
- Willingness to resolve the issue
- Following the established procedures

**All Matters** should be dealt with in the following way:

- Consider an **informal approach** as the first step in resolving issues
- Issues should be raised and dealt with **promptly** without unnecessary delay
- Managers should act **consistently**
- **Appropriate fact findings** carried out to establish facts of each case where required
- Any grievance hearing will be conducted by a **manager not involved** in the matter giving rise to dispute.
- The **right to be accompanied** at any grievance hearing (relevant companions/representatives are outlined in "Section 4.Definitions" in the Grievance Procedures)
- The **right of appeal** against formal decisions made in matters which involve the employee

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**4.0 PROCESS**

**4.1 Process Overview**

The Toolkit will support Managers to move through the following stages of the process:

- Informal Action
- Grievance Hearing
- Fact Finding
- Grievance Appeals

**4.2 Key Skills**

There are key skills which can be considered to be essential in carrying out the responsibilities under the Grievance Procedure effectively:

**Listening Skills**

- Reassure and put the person at ease
- Ensure that there are no distractions that will have an impact on the meeting
- Use appropriate responses such as nodding and asking further questions where necessary
- Don't try to listen and speak at the same time
- Use appropriate levels of sensitivity
- Be patient throughout the meeting/conversation
- Control your own feelings
- Ask questions and seek appropriate examples where relevant

**Handling Difficult Conversations**

- Lead by example, do not react in a confrontational manner
- Recognise the importance of having good team relationships
- Focus on the root of the issue and the facts
- Take account of the information objectively
- Use active listening skills to get the employee(s) point of view
- Allow the employee(s) to express their views
- Aim to reach a solution through a joint approach
- Recognise the need for a break if the situation escalates, there are occasions the employee may be 'letting off steam' but know when to de-escalate the situation.

**Effective Note Taking**

The purpose of note taking is to summarise what was discussed in a meeting/hearing, record any actions that require to be taken forward and the responsibility for doing so. Some hints and tips in making written records at meetings:

- Don't try to record every word that is said in the meeting
- Concentrate on the main points of the discussions, actions agreed and who should follow up on any actions
- Remember that the notes/reports will need to be understood by someone else and may be used further on in the process and so where possible provide the necessary detail, for example name, surname and job title when talking about somebody's actions
- Remain objective throughout
- Consider the format and language used in preparing any reports.

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- Type up your notes when the meeting is still fresh in your mind
- If more than 1 person is present, ask for one person to speak at a time to allow an accurate record to be made
- Use headings or the questions asked to separate the information being presented
- Review the notes/ report prior to submitting to ensure that the content is clearly outlined and accurate

### **4.3 INFORMAL ACTION**

Informal action should always be the first step to consider in addressing an issue which has been raised by an employee to avoid the matter being progressed through formal procedures.

Line Managers are encouraged to address issues with the employee at the earliest point possible through dialogue with the employee. It is recognised that the circumstances of some cases may not allow for this approach and it may be appropriate not to use this approach.

The informal approach may involve:

- Talking in private to discuss the concern
- Listening to the employee to understand the root of the problem

Informal measures may have more positive long term effects in modifying future behaviour than moving to formal procedures. In some situations having a conversation with someone to find out a bit more about the issues will be enough. Managers should keep a brief note of informal approaches and agreed remedies.

In addressing issues raised in an informal way, there may be a requirement to introduce working practices such as:

#### **4.3.1 Coaching**

Coaching may be appropriate where an employee raises a concern or complaint in relation to the role that they perform. The types of coaching that may be used could involve on the job training, job shadowing. By introducing coaching at an early stage, the employee may have an issue addressed with a positive impact on the employee and the service. This usually lasts for a short period and focuses on specific skills and goals. This is a non-directive form of development.

- Focused on improving performance and developing individuals' skills
- Personal issues may be discussed but the emphasis is on performance at work
- Focused on individual and organisational goals
- Provides Feedback on strengths and improvement areas

#### **4.3.2 Mediation**

Mediation may be appropriate as a means of solving or working to improve relationships following disagreement or misunderstandings occurring. The mediator will be objective in the process and can help parties reach agreement where it is otherwise seen to be impossible. Mediation is conducted on the basis that parties involved want to reach a mutually agreeable outcome and solution. This is a

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voluntary process and will only take place if both parties agree. Mediation is a confidential process where the terms of discussion are not disclosed to any party outside the mediation hearing.

Your HR Case Adviser can support with advice in relation to mediation and arrangements where both parties agree this as a way of reaching a resolution.

### **4.4 Grievance at Procedures**

Grievances should be raised informally in the first instance where the circumstances allow for this approach. This can be done through an employee requesting a meeting with the line manager or the line manager taking action where an issue is apparent.

In some instances, the informal stage of procedures may not be appropriate due to the nature of the complaint. Where the grievance relates directly to the line manager, the employee can request advice from the HR Case Adviser.

Formal grievances should be raised using the Notification of Grievance Form – This form can be found in Standard Form PM2/19/1 (Page 14/15)

Managers should be aware that all records of meetings, completed forms and any other correspondence in relation to any matters can be used throughout the Grievance at Work process and may be considered on any appeals being received.

#### **4.4.1 Grievance Hearing**

- A Grievance Hearing should be arranged without unreasonable delay after a grievance is received. The employee will normally be provided with at least 7 calendar days' notice of the formal grievance hearing using Standard Letter PM 2/19/1
- The employee will be informed of the outcome of the Grievance Hearing in writing without unreasonable delay, using Standard letter PM 2/19/2
- Any relevant witness statements should be sent with the letter inviting the employee to a hearing.
- In certain cases, there may be a need for a grievance hearing to be postponed to establish the facts of the case. In such circumstances, continued communication with the employee is essential. If there is a requirement to establish and / or clarify the facts surrounding a grievance, the Head Teacher or the Chief Education Officer (or nominee), as appropriate, should conduct a fact finding using the appropriate Fact Finding Form (Standard Form PM2/19/3).

In exceptional circumstances, these timescales may vary however, ongoing communication must be made with the employee to ensure that they are kept up to date and aware of the reason for variation.

In the interests of consistency, within all grievance hearings and/or appeal hearings, the employee will always present the case first followed by management, with hearings following the format that is outlined below:

- The chair of the hearing/appeal hearing will outline the procedure and the purpose of the hearing

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- The employee or representative shall be asked to put their case first; calling any witnesses if and when appropriate
- The management side and the chair shall then have the opportunity to ask questions of the employee, their representative and/or any witness(es) called on the employees behalf
- The management side shall then have the opportunity to put forward their case and call any witnesses
- The employee or the employee representative and the chair of the hearing /appeal hearing shall have the opportunity to ask questions of the management side and any of their witnesses
- The management side followed by the employee shall have the opportunity to sum up their individual cases

Use Standard Form PM2/19/2 – Standard Form Record of Grievance Hearing to record the meeting.

**4.4.2 Appeal Hearing**

- The appeal should be submitted in writing within 14 calendar days of the response of the initial grievance using the Standard Form - Notification of Appeal Form PM2/19/4: Grievance Appeal Form
- The appeal hearing should be arranged without unreasonable delay with at least 7 calendar days' notice
- The outcome of the appeal will be confirmed to the employee in writing without unreasonable delay and within 7 calendar days.
- Any relevant witness statements should be sent with the letter inviting the employee to a hearing (Standard Letter PM 2/19/ 3 – Invite to Grievance Appeal Hearing)
- The employee should have the opportunity to respond to any witness statements that are considered at a hearing

Use Standard Form PM 2/19/5 – Record of Grievance Appeal Hearing to record the meeting.

In exceptional circumstances, these timescales may vary however, ongoing communication must be made with the employee to ensure that they are kept up to date and aware of the reason for variation.

**4.5 OPPORTUNITY FOR APPEAL**

| Grievance Action          | Authorised Level of Management to hear Appeals against Grievance Decision |
|---------------------------|---|
| Formal Grievance Hearing  | Head Teacher  |
| Appeal Hearing (Appeal 1) | Chief Education Officer (or nominee)                                      |
| Appeal Hearing (Appeal 2) | Education Appeals Board**   |

**For Grievances raised against Head Teacher**

| Grievance Action          | Authorised Level of Management to hear Appeals against Grievance Decision |
|---------------------------|---|
| Formal Grievance Hearing  | Chief Education Officer (or nominee)                                      |
| Appeal Hearing (Appeal 1) | Executive Officer/Depute Chief Executive                                  |

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|                           |                           |
|---------------------------|---------------------------|
| Appeal Hearing (Appeal 2) | Education Appeals Board** |
|---------------------------|---------------------------|

**For Chief Education Officer**

| Grievance Action          | Authorised Level of Management to hear Appeals against Grievance Decision |
|---------------------------|---|
| Formal Grievance Hearing  | Depute Chief Executive or Chief Executive                                 |
| Appeal Hearing (Appeal 1) | Chief Executive or Appeals Sub Committee                                  |
| Appeal Hearing (Appeal 2) | Education Appeals Board**   |

\*\*An Education Appeals Sub Committee or Appeals Board Committee will be made up of appropriate Elected Members.

**4.5.1 Appeal against Grievance Hearing Decision**

- Should be submitted within 14 calendar days of the response to the initial appeal hearing using Grievance Appeal Form PM 2/19/4
- The Appeal should be arranged without unreasonable delay by the next tier manager
- The outcome of the appeal will be confirmed in writing within 7 calendar days of the hearing

**4.5.2 Education Appeal Board (Appeal 2)**

- The Appeal should be submitted within 14 calendar days of response to the previous appeal
- The hearing will be arranged in line with the Education Appeals Board timetable
- Both Employee and Management submissions must be received **at least** 10 days prior to the Education Appeals Board
- The outcome of the Education Appeals Board will be confirmed to the employee
- Further guidance in Appendix 1 on the procedure for Education Appeals Board

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## Appendix 1: Education Appeals Board Procedure

### Introduction

The Council's Grievance Procedure for Teachers and Employees on SNCT Conditions of Service enables employees to pursue an appeal to the Education Appeals Board.

The enclosed procedures are as per the SNCT Conditions of Service

### Process

The Education Appeals Board will be assisted at the hearing by the Director of Governance & Regulation and the Depute Chief Executive of Education, People and Business or their nominated officers.

If a complaint has not been satisfactorily resolved at the stage involving the Chief Education Officer / Executive Officer, the employee has 14 calendar days to intimate that they wish to exercise their further right of appeal to the Education Appeals Board.

The employee must notify this decision via the Depute Chief Executive of Education, People and Business.

An Education Appeals Board will be set up in line with the pre-determined timetable of hearings. Management and employee submissions must be prepared in advance in order that the information can be circulated to all concerned.

Employees and Management must ensure that the Notification of Grievance Form and Notifications of Grievance Appeal Forms are fully completed.

Employees have the right to be represented by their trade union or a fellow worker. Every opportunity must be given to allow the employee representation.

### Guidance Notes for Managers

#### Preparing for an Education Appeals Board

The Assistant to the Depute Chief Executive of Education, People and Business will contact the Head of Service/Director/Manager immediately by phone, e-mail or in person when an appeal to the Education Appeals Board is received. A copy of the letter invoking the appeal will be forwarded as soon as possible. The Assistant will be in contact again, usually by phone or e-mail to check the availability for the management side to attend the hearing. The final arrangements will be confirmed in writing.

The Head of Service/Director/Manager should as a priority:

1. Identify who will present the management case at the hearing:
2. Lead role; this would normally be the Head of Service/Director/Manager who heard the grievance at the previous stage
3. Other members in the management side might include any or all of the following:
  - The manager who heard it at an earlier stage than above
  - The Business Partner involved at previous stage(s)

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- Witness(es) who must be available even if they are not called in to the main hearing on the day
- If the grievance is about another employee, that employee should also be available even if they are not called in to the main hearing on the day

Liaise with Assistant to the Depute Chief Executive of Education, People and Business as follows:

Provide the names of those to be involved in the management case

Ensure all documents for consideration by the Board are forwarded to the Assistant. These must include:

- The original grievance and appeal forms from previous stages
- Managements' letters responding to each of the previous stages
- Other documents which might include other relevant correspondence, documents, minutes and records

Please ensure that any copies of documents submitted are:

- Single-sided
- Legible – where appropriate, hand-written documents should be reproduced in type print
- Without staples

Provide a management report which, depending on the type of grievance, and whether the above documents give a comprehensive account of the grievance, may be either:

- An executive summary (relying mainly on the above documents to present the case)
- A comprehensive report (detailing the grievance with minimal reference to the above documents)

**Please note that it is the Head of Service/Director/Manager's responsibility to ensure that all his/her management side, including witnesses are aware of the arrangements for the hearing.**

The management submission must be with the Assistant to the Depute Chief Executive of Education, People and Business **at least** 10 working days before the date of the hearing.

The management submission will be collated along with the appellant's submission. Committee Administration will circulate copies to the Board and the HR Case Management Team. The Assistant to the Depute Chief Executive of Education, People and Business will distribute copies to the management team, the appellant and his/her representative within 5 days of the hearing.

The Education Appeals Board comprises eight elected members; a minimum of three must attend on the day to form a quorum. A representative from the Director of Governance & Regulation and the Depute Chief Executive of Education, People and Business or their nominated representatives will also be on the panel to act as advisers to the Board.

### **The Education Appeals Board Hearing – Manager's Guidance**

The appellant, the appellant's representative, the management side and/or any witness (es) will be called in to the hearing at the appropriate time.

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1. The Convener will outline the procedure, the purpose of the hearing and seek to establish who is presenting the case on either side.
2. The appellant or his/her representative shall be asked to put the appellant's case first.
3. The management side and the Board shall then have the opportunity to ask questions of the appellant, his /her representative, and/or any witness(es) called on his/her behalf.
4. The management side shall then have the opportunity to put forward their case and call any witnesses.
5. The appellant or his/her representative and the Board shall have the opportunity to ask questions of the management side and any of their witnesses.
6. The management side followed by the appellant, shall have the opportunity to sum up your individual cases.
7. The management side, the appellant and witnesses should all withdraw to allow the Board to deliberate in private. Either party may be recalled to clarify points of uncertainty on evidence already received but if recall is necessary, both parties should return notwithstanding only one is concerned with the point giving rise to doubt.

If practicable, the Board shall announce its decision to the management side and the appellant at the conclusion of the hearing.

In any event, the decision shall be confirmed in writing by the Human Resources & Organisational Development Manager within 10 working days of the hearing. The Human Resources & Organisational Development Manager will also advise the management side of the outcome.

Please contact the HR Case Adviser Team for further support and advice at any stage of the above procedure.

Following the conclusion of this process the internal grievance procedures will be exhausted.

## **Guidance Notes for Employees**

### **Preparing for an Education Appeals Board**

The Assistant to the Depute Chief Executive of Education, People and Business will acknowledge receipt of your letter initiating an appeal to the Education Appeals Board. Arrangements will be made to schedule the case for an Education Appeals Board in line with the pre-determined timetable. The Assistant will be in contact again, usually by phone or e-mail to check your availability to attend the hearing. The final arrangements will be confirmed in writing.

In the meantime you (the appellant) should as a priority:

#### **Consider representation and witness(es):**

1. You have a right to be accompanied by a trade union representative or fellow worker at the hearing even if you have chosen not to be accompanied at earlier stages of the grievance.
2. If you do wish to be accompanied you must consider whether you wish to present your own case or whether you would prefer your representative to do so on your behalf. Whatever your preference you should contact and discuss the grievance with your representative as soon as possible and certainly prior to the hearing.

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3. Whether you wish to call any witnesses who must be available, even if you choose not to call them in to the main hearing on the day.

Liaise with the Assistant to the Depute Chief Executive of Education, People and Business as follows:

Ensure all documents that you wish the Board to consider are forwarded to the Assistant. These might include:

- Letters from previous stages
- Any other relevant correspondence including emails
- Records
- Minutes
- You may wish to submit an optional written statement to the Education Appeals Board which highlights/summarises the points which you wish to be considered.

Please ensure that any copies of documents submitted are:

- Single-sided
- Legible – where appropriate, hand-written documents should be reproduced in type print
- Without staples

**Please note it is your responsibility to ensure that your representative and any witnesses you may wish to call are aware of the arrangements for the hearing.**

Your full submission must be with the Assistant to the Depute Chief Executive of Education, People and Business **at least** 10 working days before the date of the hearing.

Your submission will be collated along with the management submission. Committee Administration will circulate copies to the Board and the HR Case Management Team. The Assistant to the Depute Chief Executive of Education, People and Business will distribute copies to you, your representative and the management team within 5 days of the hearing.

The Education Appeals Board comprises eight elected members; a minimum of three must hear the grievance. A representative from the Director of Governance & Regulation and the Depute Chief Executive of Education, People and Business will also be on the panel to act as advisers to the board.

### **The Education Appeals Board Hearing – Employee Guidance**

The appellant, the appellant's representative, the management side and/or any witness(es) will be called in to the hearing at the appropriate time.

1. The Convener will outline the procedure, the purpose of the hearing and seek to establish who is presenting the case on either side.
2. You or your representative shall be asked to put your case first; calling any witnesses if and when appropriate.
3. The management side and the Board shall then have the opportunity to ask questions of you, your representative and/or any witness(es) called on your behalf.

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4. The management side shall then have the opportunity to put forward their case and call any witnesses.
5. You or your representative and the Board shall have the opportunity to ask questions of the management side and any of their witnesses.
6. The management side followed by you shall have the opportunity to sum up your individual cases.
7. You, your representative, the management side and witnesses should all withdraw to allow the Board to deliberate in private. Either party may be recalled to clarify points of uncertainty on evidence already received but if recall is necessary, both parties should return notwithstanding only one is concerned with the point giving rise to doubt.

If practicable, the Board shall announce its decision to you and the management side at the conclusion of the hearing.

In any event, the decision shall be confirmed in writing by the Human Resources & Organisational Development Manager to you within 10 working days of the hearing. The Human Resources & Organisational Development Manager will also advise the management side of the outcome.

#### **HR Case Adviser Team**

Please contact the HR Case Adviser Team for further support and advice at any stage of the above procedure.

**Following the conclusion of this process the internal grievance procedures will be exhausted.**

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**Standard Form PM2/19/1: Notification of Grievance Form**

The form should be completed by the employee and submitted following the procedure outlined in the Grievance Procedure. Employees can contact the HR Case Adviser Team for assistance in completing the form. The form is available in alternative format where required by contacting the HR Case Adviser Team

| Personal Details   |                     |
|--|---------------------|
| Name:  | Employee Reference: |
| Designation:   | Department:         |
| Location:  | Contact Number:     |
| Any correspondence related to the grievance should be forwarded to the address below:<br>Please outline a work/home address. |                     |

| Companion Details     |                  |
|-----------------------|------------------|
| Trade Union Name:     | Trade Union Rep: |
| Other Representative: |                  |

| Informal Resolution & Proposed Informal Remedy |
|--|
| Informal approach taken                        |
| Actions/Remedy Proposed                        |
| Reason for moving to formal written grievance  |

| Details of Complaint |
|----------------------|
|                      |

| Proposed Remedy |
|-----------------|
|                 |

| Employee Signature |
|--------------------|
|                    |

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**Standard Form PM2/19/2: Record of Grievance Hearing**

The Notification of a Grievance Form should have been completed and submitted following the procedure outlined in the Grievance Procedure. The form below should be used to record the proceedings at the formal hearing.

| <b>Personal Details</b>  |                     |
|--|---------------------|
| Name:  | Employee Reference: |
| Designation:   | Department:         |
| Location:  | Contact Number:     |
| Any correspondence related to the grievance should be forwarded to the address below:<br>Please outline a work/home address. |                     |
|  |                     |

| <b>Companion Details</b> |                  |
|--------------------------|------------------|
| Trade Union Name:        | Trade Union Rep: |
| Other Representative:    |                  |
|                          |                  |

| <b>Informal Resolution &amp; Proposed Informal Remedy</b> |
|---|
| Informal approach taken                                   |
|   |
| Actions/Remedy Proposed                                   |
|   |
| Reason for moving to formal written grievance             |
|   |

| <b>Pre-Hearing Information</b> |                  |
|--------------------------------|------------------|
| Date Received:                 | Date of hearing: |
|                                |                  |

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|                                  |  |                |  |
|----------------------------------|--|----------------|--|
| Timescales Met:                  |  | Letter Issued: |  |
| <b>Present at Hearing</b>        |  |                |  |
| Management and HR Representative |  |                |  |
| Name                             |  | Designation    |  |
|                                  |  |                |  |
|                                  |  |                |  |
|                                  |  |                |  |
| Employee & Companion Details     |  |                |  |
| Name                             |  | Designation    |  |
|                                  |  |                |  |
|                                  |  |                |  |
|                                  |  |                |  |

|  |
|--|
| <b>Details of Grievance</b>              |
| <br><br><br><br><br><br><br><br><br><br> |

|  |
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| <b>Proposed Remedy</b>                   |
| <br><br><br><br><br><br><br><br><br><br> |

|                                   |
|-----------------------------------|
| <b>Parties / Witnesses called</b> |
| <br><br><br><br>                  |

|                           |         |
|---------------------------|---------|
| <b>Evidence Submitted</b> |         |
| Submitted By              | Details |
|                           |         |
|                           |         |
|                           |         |

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| Decision Made              |        | Reason   |
|----------------------------|--------|----------|
| Upheld                     |        |          |
| Not Upheld                 |        |          |
| Adjournment Required       |        |          |
| Reconvened Date            |        |          |
| Remedy or Actions Required |        |          |
| Action                     | By Who | Deadline |
|                            |        |          |
|                            |        |          |
|                            |        |          |
|                            |        |          |

| Confirmation to Employee           |        |
|------------------------------------|--------|
| Letter Sent                        |        |
| Timescales of 7 calendar days met? | Yes/No |
| Reason                             |        |

| Officer Information |  |
|---------------------|--|
| Name                |  |
| Designation         |  |
| Telephone Number    |  |
| Signature           |  |
| Date                |  |

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**Standard Form PM2/19/4: Notification of Grievance Appeal**

The form should be completed by the employee and submitted where an employee is unhappy with the outcome of the grievance hearing. Employees can contact the HR Case Adviser Team for assistance in completing the form. The form is available in alternative format where required by contacting the HR Case Adviser Team.

| Stage of Appeal                                      |  |
|--|--|
| Appeal against Grievance Hearing Decision (Appeal 1) |  |
| Appeal against Appeal Hearing Decision (Appeal 2)    |  |

| Personal Details   |                     |
|--|---------------------|
| Name:  | Employee Reference: |
| Designation:   | Department:         |
| Location:  | Contact Number:     |
| Any correspondence related to the grievance should be forwarded to the address below:<br>Please outline a work/home address. |                     |
|  |                     |

| Companion Details     |                  |
|-----------------------|------------------|
| Trade Union Name:     | Trade Union Rep: |
| Other Representative: |                  |

| Details of Previous Hearing        |                     |
|------------------------------------|---------------------|
| Date Held:                         | Grievance heard by: |
| Grievance Outcome Letter Received: |                     |

| Nature of Original Grievance |
|------------------------------|
|                              |

| Proposed Remedy at Grievance Hearing by Manager |
|---|
|   |

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**Reason for Appeal**

|  |
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**Proposed Remedy by Employee at Appeal Stage**

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|--|
|  |
|--|

**Employee Information**

|           |  |
|-----------|--|
| Signature |  |
| Date      |  |



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**Standard Form PM2/19/5: Record of Grievance Appeal Hearing**

The form should be completed by the officer hearing the appeal and submitted following the appeal hearing. The HR Case Adviser Team can provide assistance in completing the form. The form is available in alternative format where required by contacting the HR Team.

| Stage of Appeal  |  |
|--|--|
| Appeal against Grievance Hearing Decision:<br>To the next level of management from those who heard initial grievance |  |
| Appeal Against Appeal Hearing Decision:<br>To Strategic Lead   |  |

| Personal Details   |                     |
|--|---------------------|
| Name:  | Employee Reference: |
| Designation:   | Department:         |
| Location:  | Contact Number:     |
| Any correspondence related to the grievance should be forwarded to the address below:<br>Please outline a work/home address. |                     |
|  |                     |

| Companion Details     |                  |
|-----------------------|------------------|
| Trade Union Name:     | Trade Union Rep: |
| Other Representative: |                  |
|                       |                  |

| Details of Previous Hearing |                     |
|-----------------------------|---------------------|
| Date Held:                  | Grievance heard by: |
| Timescales Met:             | Letter Issued:      |

| Present at Hearing               |             |
|----------------------------------|-------------|
| Management and HR Representative |             |
| Name                             | Designation |
|                                  |             |
|                                  |             |
| Employee & Companion Details     |             |
| Name                             | Designation |
|                                  |             |
|                                  |             |

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|  |
|--|
| <b>Nature of Grievance</b>   |
|  |
| <b>Proposed Remedy at Grievance Hearing (Manager &amp; Employee)</b> |
|  |
| <b>Reason for Appeal</b>   |
|  |
| <b>Proposed Remedy at Appeal Stage (Manager &amp; Employee)</b>      |
|  |

| Decision Made              | Reason  |          |
|----------------------------|---------|----------|
| Upheld                     |         |          |
| Not Upheld                 |         |          |
| Partially Upheld           |         |          |
| Adjournment Required       |         |          |
| Reconvened Date            |         |          |
| Remedy or Actions Required |         |          |
| Action                     | By Whom | Deadline |
|                            |         |          |
|                            |         |          |
|                            |         |          |

| Appeal Officer Information |  |
|----------------------------|--|
| Name                       |  |
| Designation                |  |

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|                  |  |
|------------------|--|
| Telephone Number |  |
| Signature        |  |
| Date             |  |

**Standard Letter PM2/19/1: Invitation to Grievance Hearing Letter**

**Private & Confidential**

**Name**  
**Address**  
**Postcode**

**Date**

**Invitation to Grievance Hearing**

I refer to the grievance which you submitted on (Date) the grounds for which being (reasons).

I invite you to attend a Grievance Hearing to discuss the matter on (Date) at (Time) in (Location). The Hearing will be chaired by (Name) with (HR Adviser) in attendance.

You have the right to be accompanied and I would be obliged if you could confirm your companion's details and any witnesses that you intend to call to the HR Case Adviser prior to the Hearing taking place. An appropriate representative/companion may be:

- Fellow worker
- Trade Union Representative
- Official employed by a Trade Union

Individual representatives from appropriate support groups may be considered as a companion by prior arrangement.

Please Note: A representative acting in a legal capacity **will not** be considered an appropriate companion throughout internal procedures

A copy of the letter has been forwarded to your Trade Union Representative (if appropriate) and to the Executive Officer – Organisational Transformation.

I would be grateful if you could confirm receipt of the invitation to the hearing by returning the tear off slip below to (Name). Please also confirm your attendance and whether you will have representation and/or witnesses at the hearing.

Yours sincerely

Name  
 Role

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Contact Details

.....  
I confirm receipt of the invitation to the grievance hearing on (Date), (Time), (Location) in accordance with the Council's Grievance Procedure. I shall attend and will bring (representative and/or witnesses) .....

Name:

Date:

**PLEASE RETURN TO THE ABOVE NAMED INDIVIDUAL**

*Education Procedure Manual 2/19*  
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*Toolkit for Managers*

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**Standard Letter PM2/19/2: Outcome of Grievance Hearing**

**Private & Confidential**

**Name**

**Address**

**Postcode**

**Date**

**Outcome of Grievance Hearing**

I refer to the grievance which you submitted on (date) the grounds for which were (reason).

The Grievance Hearing was held on (date) at which you, (Employee Rep), (Management) and (HR Adviser) were present. The hearing provided opportunity for you to present your case and it allowed for witnesses to be called in relation to your grievance.

Having given careful consideration to all evidence presented and representations made in the course of the hearing, I can confirm my decision to (uphold the grievance/uphold the grievance in part/not to uphold the grievance). The reasons for this are

(Please detail reasons)

[Any subsequent actions by manager/employee should be highlighted here.]

If you feel that this decision is unfair or inappropriate, you have the right to appeal this decision and should do so by completing the enclosed Grievance Appeal Form and submitting it within 14 calendar days to (Initial Appeal: Manager of next tier or Second Appeal: Executive Officer). You will receive confirmation of receipt of your appeal thereafter.

A copy of the letter has been forwarded to your Trade Union Representative (if appropriate) and to the Executive Officer – Organisational Transformation.

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**Standard Letter PM2/19/3: Grievance Appeal 1 Letter**

Private & Confidential

Name

Address

Postcode

Date

**Grievance Appeal 1**

I write to acknowledge receipt of your appeal against the decision made at the grievance hearing which took place on (Date) with (Chair).

You have appealed the outcome of the grievance hearing on the grounds of (reason).

I can confirm that the appeal against this decision at your Grievance has been arranged to take place (Date), (Time) (location) with (Chair). You have the right to be accompanied and I would be obliged if you could confirm your companion's details and any witnesses that you intend to call to the HR Case Management Team prior to the hearing taking place. A representative/companion may be:

- Fellow worker
- Trade Union Representative
- Official employed by a Trade Union

Individual representatives from appropriate support groups may be considered as a companion by prior arrangement.

Please Note: A representative acting in a legal capacity **will not** be considered an appropriate companion throughout internal procedures

A copy of the letter has been forwarded to your Trade Union Representative (if appropriate) and to the Executive Officer – Organisational Transformation.

**Yours sincerely,**

**(Insert name)**

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**Standard letter PM 2/19/ 4: Invite to Grievance Appeal 2 Letter**

**Private & Confidential**

**Name**  
**Address**  
**Postcode**

**Date**

**Grievance Appeal 2**

I write to acknowledge receipt of the appeal against the decision made at the Appeal 1 Grievance hearing which took place (Date) with (Chair).

You have appealed the outcome of the grievance hearing on the grounds of (reason) at the initial appeal hearing stage.

I can confirm that the hearing in respect of this grievance appeal hearing 2 has been arranged to take place (Date), (Time) (Location) with the (Executive Officer) with a HR Representative in attendance.

To allow for detailed background information to the case I would ask that any papers are submitted by (Date) in line with the guidance detailed in the Grievance Procedure. Failure to submit papers within the time limits may result in the hearing date being rescheduled.

You have the right to be accompanied and I would be obliged if you could confirm your companion's details and any witnesses that you intend to call to the HR Case Adviser Team prior to the hearing taking place. A representative/companion may be:

- Fellow worker
- Trade Union Representative
- Official employed by a Trade Union
- 

Individual representatives from appropriate support groups may be considered as a companion by prior arrangement.

Please Note: A representative acting in a legal capacity **will not** be considered an appropriate companion throughout internal procedures

A copy of the letter has been forwarded to your Trade Union Representative (if appropriate) and to the Executive Officer – Organisational Transformation.

Yours sincerely,

(Insert name)

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**Standard Letter PM/2/19/5: Outcome of Grievance Appeal Hearing**

**Private & Confidential**

**Name**

**Address**

**Postcode**

**Date**

**Dear**

**Outcome of Grievance Appeal Hearing**

I refer to the hearing held (Date) to consider the appeal against (action taken at grievance hearing) issued to you on XXX

Having given careful consideration to all evidence presented and representations made in the course of the hearing on (date), I can confirm that I have taken the decision to (not uphold, uphold, partially uphold) your appeal.

In accordance with the Grievance Procedures, you will have the right to appeal to the (appropriate Executive Officer) within 14 calendar days of receipt of this letter.

A copy of this letter has been forwarded to your Trades Union Representative (if appropriate).

Yours sincerely,

(Insert Name)

(Job Title)

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**Standard Form PM2/19/3: Fact Finding Recording Form**

| Fact Finding Meeting Recording Form  |  |
|--|--|
| <b>Allegation</b>  |  |
| <b>Date</b>  |  |
| <b>Location</b>  |  |
| <b>Present</b>   |  |
| <b>Introduction</b>  |  |
| <ul style="list-style-type: none"> <li>• All parties are aware of why the meeting is taking place.</li> <li>• Confirm that written notification has been received by the employee.</li> <li>• Parties have been informed that notes will be taken of the meeting to ensure that an accurate record is held. No electronic recording devices are permitted within any hearing.</li> <li>• The employee should be made aware that they have the right to be accompanied.</li> <li>• Parties have been made aware that fact findings are taking place in line with the agreed Grievance Procedure.</li> <li>• All relevant witnesses to be interviewed are invited to attend a fact finding.</li> <li>• Outline how the meeting will progress: questions will be asked, notes will be taken, adjournments possible, asked to sign agreement.</li> </ul> |  |
| <b>In Gathering the Facts of the case:</b>   |  |
| <ul style="list-style-type: none"> <li>• All parties are given an opportunity to put forward their case.</li> <li>• Additional/new witnesses cited to ensure a full and fair fact finding has been carried out.</li> <li>• Consider the facts presented and whether you have a full picture of the incident.</li> </ul>  |  |
| <b>Question</b>  |  |
|  |  |
| <b>Response</b>  |  |
|  |  |
| <b>Question</b>  |  |
|  |  |
| <b>Response</b>  |  |
|  |  |
| <b>Question</b>  |  |
|  |  |

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|  |
| <b>Response</b>  |
| <p><b>Concluding the Meeting</b></p> <ul style="list-style-type: none"> <li>• Confirm that there are no further questions to ask</li> <li>• Ask the employee if they have any further questions or anything to add</li> <li>• Inform all employees involved that the matter should be dealt with confidentially and that facts of the case will initially only be disclosed to the relevant officer in line with the table of delegated authority. Explain that if the matter does result in any further action, the employee's statement may be shared with other individuals involved in the matter</li> <li>• For the employee at the centre of the allegation or issue, outline that they should expect to receive correspondence confirming the next stage of the process</li> <li>• Thank the employee for their time and attendance</li> <li>• Provide a copy of notes taken to the employee on their signing to confirm accuracy. (This may be following the meeting if possible or at another appropriate time when they have been typed up)</li> </ul> <p><b>Following the Meeting</b></p> <ul style="list-style-type: none"> <li>• All notes presented in a report giving all relevant information. This report will include:                         <ul style="list-style-type: none"> <li>- All information from the case put forward by employee(s) (Signed &amp; Dated)</li> <li>- Any relevant paperwork presented/submitted</li> <li>- Witness Statements (Signed &amp; Dated)</li> </ul> </li> </ul> <p>The Fact Finding Officer presents the facts of the case and the matter will now be the responsibility of the relevant delegated officer to determine the next course of action.</p> |
| <p><b>EMPLOYEE DECLARATION</b><br/>                 I confirm that the information above is an accurate and fair representation of the discussions that took place and the information I provided during the fact finding meeting.</p> <p>Name:</p> <p>Signature:</p> <p>Date:</p>   |
| <p><b>FACT FINDING OFFICER DECLARATION</b><br/>                 I confirm that the information above is an accurate and fair representation of the discussions that took place and the information provided by the above employee during the fact finding meeting.</p> <p>Name:</p> <p>Signature:</p>  |

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Date:

| Action Required | Responsibility | Progress/Complete |
|-----------------|----------------|-------------------|
|                 |                |                   |
|                 |                |                   |
|                 |                |                   |

**THE EMPLOYEE MUST BE PROVIDED WITH A COPY OF THE SIGNED STATEMENT**

| Fact Finding Report Form            |             |                 |                                  |
|-------------------------------------|-------------|-----------------|----------------------------------|
| Fact finding officer(s)             | Designation | Contact Details | Fact Finding Start & End Date(s) |
|                                     |             |                 |                                  |
|                                     |             |                 |                                  |
|                                     |             |                 |                                  |
| Incident/Allegation Summary         |             |                 |                                  |
|                                     |             |                 |                                  |
| Evidence Gathered                   |             |                 |                                  |
|                                     |             |                 |                                  |
| Mitigating Circumstances / Concerns |             |                 |                                  |

**Confirmation**

I have completed the Fact Finding Process in respect of the issue outlined above and have attached all relevant information related to the Fact Finding procedures carried out.

Name:

Date:

**Standard Letter PM 2/19/6: Invitation to Fact Finding Meeting**

**Private & Confidential**  
**Name**  
**Address**  
**Postcode**

**Date**

**Dear**

**Invitation to Fact Finding Interview**

I write to advise you that in accordance with the Grievance Procedure, you are required to attend a fact finding meeting.

The meeting will be conducted by **(Fact Finding Officer)** on **(Date)** at **(Time)**. The purpose of the meeting is to establish the facts surrounding the following issue of:

- **(Reason)**

This meeting will allow you the opportunity to present views on the allegation/issue outlined. You have the right to be accompanied by an appropriate representative which can be:

- Fellow worker
- Trade Union Representative
- Official employed by a Trade Union

Individual representatives from appropriate support groups may be considered as a companion by prior arrangement.

Please Note: A representative acting in a legal capacity **will not** be considered an appropriate companion throughout internal procedures

A copy of the letter has been forwarded to your Trade Union Representative (if appropriate) and to the Executive Officer – Organisational Transformation

Yours sincerely,

(INSERT NAME)

**Standard Form PM2/19/5: Grievance Hearing Checklist**

**Grievance Hearing Checklist**

Grievance hearings offer the opportunity to address issues raised formally by employees. The hearing may be appropriate when:

- Informal action has not proven successful and the issue has been raised formally
- Informal action has not been suitable from the outset and would perhaps make matters worse
- The employee raising the complaint has requested the formal process from the point of submitting the complaint

**Introductions**

- Employee welcomed to the hearing
- All those present introduced
- Confirm that the employee received written notification of the hearing
- Employee reminded of their right to be accompanied (if unaccompanied)
- Employee made aware that notes will be taken to ensure an accurate record of the hearing is held. No electronic recording devices are permitted in any hearing

**Information Gathering**

- Ask the employee to outline the details of their grievance and how they feel this could be resolved
- Ensure that any additional questions asked are relevant to gathering more information on the issue
- Ask the employee if they have anything further that they wish to add

**Adjournments**

- If required, postpone the hearing to speak to any other employee involved or to confirm any mitigating factors raised. If it is apparent that a longer adjournment is necessary inform the employee that you will keep in touch with any updates on the reconvened hearing
- On resuming the hearing you should summarise the details of the issue which has been presented

**Concluding the Hearing**

- Thank the employee for their time and cooperation in dealing with this grievance
- Outline that the employee will receive confirmation of the decision in respect of the grievance in writing within **7** calendar days (where possible)
- **If a clear decision is made**, you can communicate this to the employee and confirm that this will be followed up in writing within **7** calendar days of the hearing taking place
- Advise the employee that they will have the right of appeal using Grievance Appeal Form and this should be submitted within **14 calendar** days of the decision being received in writing
- If a **decision is not reached** at the hearing, inform the employee that they will be advised of the outcome in writing within **7** calendar days (where possible)

| <b>Questioning: Hints &amp; Tips</b>   |
|--|
| <p><b>This guidance provides hints and tips for questioning in the Grievance Hearing and for any questioning required within additional fact finding exercises related to the grievance. These do not represent an exhaustive list and will not be relevant in all cases. Therefore, these should be adapted depending on individual cases.</b></p> <p><b>Is this the first incident?</b><br/>           If <b>yes</b>, you should proceed to the fact finding questions planned.</p> <p>If <b>not</b>, you should ask the employee:</p> <ul style="list-style-type: none"> <li>• How many times they have experienced these incidents?</li> <li>• Have they taken any action on an informal basis?</li> </ul> |
| <p><b>What?</b></p> <ul style="list-style-type: none"> <li>• The actual details of the incident/allegation.</li> <li>• Clarification should be sought in this meeting on any points which are unclear.</li> <li>• If there is an allegation of persistent offences or incidents related to the grievance, you should ask for every detail of each occurrence in chronological order.</li> <li>• Ask whether they have reported this to any other employee.</li> </ul> <p><b>What happened then?</b><br/>           This will allow for further information to be gathered.</p>   |
| <p><b>Where?</b></p> <ul style="list-style-type: none"> <li>• The location of the alleged incident(s)</li> <li>• If someone is unclear on the exact location, you could ask them where they were immediately before the incident occurred.</li> </ul>  |
| <p><b>When?</b></p> <ul style="list-style-type: none"> <li>• Date and time of the incident(s). If the employee cannot recall, ask for approximate times.</li> </ul>  |
| <p><b>Who?</b></p> <ul style="list-style-type: none"> <li>• Witnesses and any other people present at the time of the incident.</li> <li>• The role of each individual in the incident.</li> <li>• Any comments or contributions made by other individuals.</li> </ul>   |
| <p><b>Best Practice in Fact Finding</b></p> <ul style="list-style-type: none"> <li>• Conducted as soon as possible following an issue/complaint being raised</li> <li>• Fact Finding Officers are impartial with no prior involvement in the issue</li> <li>• Consider the location of where you will conduct the fact finding</li> <li>• Flexibility over the timing and location of the meetings</li> <li>• Taking an adjournment if employees become distressed or abusive</li> <li>• Using a facilitator or interpreter where there are language barriers</li> <li>• Communication with the employee following the conclusion of fact findings</li> </ul>  |

The Hints & Tips above may also be relevant whereby additional fact finding exercises are essential to dealing with the Grievance. The relevant point for the fact finding to take place will be determined by the nature of the case.

If a Trade Union representative is subject to fact finding, the matter must be discussed with the full time official before proceeding.

## How should additional Fact Findings be conducted?

### Essentials

- Advanced notice may be required where it is apparent that there is a need to speak to additional employees involved in the grievance
- The employee is aware of the right to appropriate representation
- Accurate recording of fact finding meetings using the Fact Finding Recording Form is essential to ensure that the principles of transparency and consistency are maintained throughout the process
- Resolving a grievance issue cannot be taken under **any** circumstances at a fact finding meeting, the fact finding must be concluded prior to communicating the outcome
- Statements and reports from interviews with employees **must be** signed for accuracy

### Adjournments

It is good practice to consider an adjournment when interviewing to allow for information to be reviewed and for any further questions to be considered to ensure as much information as possible is gathered.

Adjournments should be mutually agreed and used if:

- The employee gets upset or confrontational within the meeting
- Further fact finding required into issues raised
- The employee or representative requests an adjournment
- More time is required to assess the information presented

### Follow up

On concluding any additional fact finding exercises, all relevant information should be attached to the report including the Fact Finding Recording Form attaching all witness statements, copies of documentation and any other information essential to the report.

### The Fact Finding Report

In reviewing the responses to the fact finding you should consider the information that you will present in the report to the relevant officer in line with the table of delegated authority. The report will present the findings of the fact finding stage giving as much information as possible. This can be attached to the Record of Grievance Hearing and referred to in the form.

In completing all paperwork related to the Grievance Procedure you should consider:

- The format of the report
- The language used
- Making your approach to the issue and facts surrounding the case clear
- The sensitivity of the information being presented

### Complex Cases

In carrying out fact finding, in some complex cases it may be appropriate to appoint two Fact Finding Officers who will work together at all times to address the issues. This may be appropriate where the nature of the issue requires numerous employees to be interviewed or where the nature of the case would benefit from additional officers being present to conduct the fact finding.

## **Employee Complaints Procedure**

This need for additional fact finding may be appropriate for allegations made under the Complaints Procedure which may be of a more complex nature. The Complaints Procedure may be used by an employee to report allegations of bullying, discrimination, harassment and/or victimisation.

The use of the Complaints Procedure does not exclude or replace any rights of an employee from taking formal action through the Grievance Procedure. Employees have the opportunity to pursue an issue under the Grievance Procedure where they are not satisfied with the outcome via the Employee Complaints Procedure.

In some cases where issues are of a complex nature there may be a requirement to extend the fact finding periods to ensure that all the facts are known. This may require variation in the time limits to be agreed with the employee and where appropriate the companion. This may also be the case where mitigating factors are highlighted within a hearing which will require clarification by the relevant appointed officer.