

**Conditions of Service for
Teachers and Managers in
*Lancashire Adult Learning***

Section 11

**MODEL PROCEDURE FOR SETTLING
INDIVIDUAL TEACHING STAFF
GRIEVANCES**



LANCASHIRE COUNTY COUNCIL

MODEL PROCEDURE FOR SETTING INDIVIDUAL TEACHING STAFF GRIEVANCES – LANCASHIRE ADULT LEARNING

PURPOSE

This procedure is intended to enable a grievance to be resolved fairly, at the earliest opportunity and at the lowest appropriate management/supervisory level. Before pursuing the formal grievance procedure, it is essential to distinguish whether the matter of concern has actually been raised as a grievance under the procedure or simply raised for clarification with management.

If the grievance arises as a result of a proposed action, then that proposed action will not be implemented until the procedures have been exhausted.

In order to allow consideration of a grievance, the undermentioned procedure will be followed:

GENERAL PRINCIPLES

1. The employee may be accompanied/represented, if he/she so wishes, by his/her professional association/union representative or other representative at any stage within this procedure.
2. At any meeting convened to consider a matter under this procedure there shall be nothing to prevent advice being provided by the Director of Adult and Community Services Directorate or his/her representative.
3. At any meeting convened under this procedure both parties shall be allowed access to an adjournment.

STAGE ONE - INFORMAL DISCUSSION

If an employee has a grievance about his/her employment or another member of staff, wherever possible he/she should discuss it informally with his/her line manager from Lancashire Adult Learning. In the case of a grievance by or against a line manager, this should normally be with the Principal's internal nominee wherever possible. It is hoped that the majority of concerns will be resolved at this stage, in order to minimise the prospect of damage to relationships within the college.

The line manager/Principal's nominee will reply orally to the employee as soon as possible but normally within five working days.

STAGE TWO - FORMAL STAGE

If the employee continues to be aggrieved and the matter has not been resolved through informal discussions, he/she should set out the full nature of the grievance in writing as set out in Annex A, along with any supporting documents and ask the Principal's nominee to transmit this to the Principal.

The Principal will call a meeting with the member of staff within 15 working days of receiving the written grievance and following appropriate investigation. A note will be taken of the meeting and the Principal's decision will be confirmed in writing within three working days. The procedure to be followed is set out at Annex A.

STAGE THREE - APPEAL STAGE

If the employee continues to be aggrieved, a statement of grievance submitted by the employee, together with any earlier documentation and decisions, will be transmitted to an Appeals Panel of the Authority that will be established for this purpose. The Panel will consist of two Officer members (at third tier level or higher) and one member of the Zone Governing Body (excluding staff/student Governors), nominated by the Chair of the Governing Body. The procedure to be followed at the meeting will be in accordance with that set out in Annex A.

The Appeals Panel will be arranged within ten working days with the interested parties. The meeting will be documented and the decision confirmed in writing within three working days.

GENERAL NOTES:

- a) The procedure will be used to deal with grievances and a hearing of the Appeals Panel will provide the final appeal right on such matters of teaching staff to the Authority. This procedure excludes matters relating to equal opportunity complaints. A separate procedure for resolving these complaints will be followed.
- b) If at any stage in this procedure, the matter has not yet been dealt within the prescribed time limits, the employee will be entitled to continue to the next stage (subject to (c) below).
- c) The parties may, where necessary and by mutual agreement, modify the time limits referred to in the Grievance Procedure. In addition, where the procedure is used to consider grading issues, it may be necessary to extend the time limits to enable investigations to be undertaken.

GRIEVANCE AGAINST THE PRINCIPAL

In the case of a grievance against the Principal of a Zone the informal discussions (Stage 1) will take place with a Principal from another Zone within the same timescales as identified above.

The Formal Stages (Stage 2) will be heard by the Head of Service, Lancashire Adult Learning, within the same timescales as above.

The Final Appeal (Stage 3) will be to Appeals Panel that will be established for this purpose. The Panel will consist to two Officer members (one of whom will be second tier level) and one member of the Zone Governing Body (excluding staff/student Governors), nominated by the Chair of the Governing Body. The procedure at the meeting will be in accordance with that set out in Annex A.

GRIEVANCE AGAINST THE AUTHORITY

STAGE ONE - INFORMAL DISCUSSION

Where a member of staff has a grievance that relates to the functions exercised by the Authority, for example in relation to conditions of service, the employee should discuss it informally with his/her line manager. It is helpful if a written statement of grievance setting out the details together with supporting documentation is prepared and sent to the Head of Service, Lancashire Adult Learning, who will seek to resolve the grievance within 20 working days of receipt.

STAGE TWO - FORMAL STAGE

Where the grievance is not resolved the employee will submit a formal written statement of grievance as set out in Annex A, together with any supporting documents to the Group Head, Adult Learning and Cultural Services. A meeting will be called within five working days. A note of the meeting will be taken and the decision confirmed in writing within 5 days.

STAGE THREE - APPEAL STAGE

Where the Group Head is unable to resolve the grievance the employee will have the right to submit a written statement of grievance (together with any supporting documentation and notes from previous meetings) to a meeting of the Appeals Sub-Committee of the County Council. The procedure to be followed at the meeting will be in accordance with that set out in Annex A.

Annex A

LANCASHIRE ADULT LEARNING GRIEVANCE PROCEDURE

PROCEDURE AT A GRIEVANCE HEARING/MEETING

1. The procedure at the meeting will provide for the employee and the other member of staff to be present at all times except when any matter falls solely to the Principal/Panel/Sub-Committee to consider or adjudicate upon.
2. A representative may accompany both parties and all references to the employee and to the other member of staff will be taken to include their representatives.
3. The Principal/Chairman will enable the employee and the other member of staff, in that order, to make written or oral submissions to the meeting. (Written submissions must be circulated to both parties ten working days in advance of the hearing).
4. The submission of relevant additional documentary evidence will be allowed at the discretion of the Chairman and only in exceptional cases i.e. whereby it was not possible to introduce the evidence previously.
5. The employee and the other members of staff, in that order, will have the right to call witnesses, who will be available for questioning by both the employee and the other member of staff and for questioning by the Principal/Panel/Sub-Committee. (Names of witnesses must be supplied by both parties ten working days in advance of the hearing).
6. The Principal/Chairman will ensure that Panel/Sub-Committee members may ask questions of the employee and/or other member of staff and witnesses.
7. Witnesses will only remain at the meeting for so long as they are giving evidence or being questioned.
8. The employee and the other member of staff will, in the order, have the right to make a final closing statement to the Panel/Sub-Committee.
9. All other parties shall then withdraw and the Principal/Panel/Sub-Committee will consider the grievance and reach a decision.
10. Advice will be available to the Principal/Panel/Sub-Committee on procedures and options. A written record will be made of the proceedings.
11. If for any reason the Principal/Chairman decides that further questions need to be asked, or clarification is required, the full meeting will be resumed.
12. When a decision has been reached the employee and the other member of staff will be asked to return to the meeting and the decision will be communicated to all parties.
13. The decision will be confirmed in writing to the employee and the representative and to the other member of staff and representative, within three working days of the meeting taking place, and will indicate the rights of appeal and the procedure for exercising those rights.