



**FOR PUBLICATION**

**DERBYSHIRE COUNTY COUNCIL**

**APPOINTMENTS AND CONDITIONS OF SERVICE COMMITTEE**

**THURSDAY, 6 OCTOBER 2022**

**Report of the Director - Organisation, Development & Policy**

**Grievance Procedures for Teachers employed by the Local Authority  
and not attached to schools**

**1. Purpose**

- 1.1 To consider and approve the adoption of a Grievance Procedure for teachers employed by the Local Authority and not attached to schools.

**2. Information and Analysis**

- 2.1 In October 2016, a Local Agreement was reached with the representatives of teachers and headteachers employed by the Local Authority that the negotiation mechanism for the following policies and agreements developed specifically for teachers employed by the Local Authority and not attached to schools will be undertaken by Derbyshire County Council Schools' Joint Consultative Committee (SJCC):-

- Teachers' Pay
- Teacher Competence
- Teacher Appraisal
- Leave of Absence
- Disciplinary
- Grievance
- Sickness Absence
- Facilities Agreement

- 2.2 This is the first opportunity to bring to ACOS the grievance procedures following negotiation at SJCC.

- 2.3 The regulations governing teachers' terms and conditions of service are contained within the School Teachers Pay and Conditions Document (STPCD) and the Conditions of Service for School Teachers in England and Wales ('Burgundy Book').
- 2.4 The provisions of the School Teachers Pay and Conditions Document (STPCD) and the Conditions of Service for School Teachers in England and Wales ('Burgundy Book') need to be reflected in the authority's policies for the management of teachers employed centrally in the education support services.
- 2.5 HR policies which apply to local authority employees are negotiated by Derbyshire County Council and approved by ACOS, for noting at the Corporate Joint Committee (CJC). The accredited representatives of the recognised employee organisations who represent teachers and headteachers employed by the Local Authority are not members of the CJC and have sought a methodology which provides them with the right to be consulted on in relation to policies and procedures which apply to the staff that they represent. In light of this and as teachers are employed on different terms and conditions to other local authority staff, it is important to have a grievance procedure which reflects those differences and is tailored to reflect those differences.
- 2.6 The grievance procedure which is attached at Appendix 2 is consistent with the policy adopted for employees of the County Council wherever possible. This policy is consistent with the approach recommended to schools.
- 2.7 The Conditions of Service for School Teachers in England and Wales ('Burgundy Book') imposes a duty on Local Education Authorities to draw up appropriate procedures at a local level to deal with individual grievances for teachers.
- 2.8 The provisions within the proposed procedure reflects the national conditions of service for school teachers contained within the School Teachers Pay and Conditions Document (STPCD) which are incorporated into teachers' contracts of employment.
- 2.9 The procedure will be made available to relevant managers and employees so that they are aware of the specific procedures in relation to teachers employed by the Local Authority and not attached to schools.
- 2.10 It is anticipated the revised procedure will be implemented with effect from 1 November 2022.

### **3. Consultation**

- 3.1 The proposed procedures have been developed with extensive consultation at SJCC with the recognised teacher trade unions and professional associations and agreement has been reached.

### **4. Alternative Options Considered**

- 4.1 An alternative option would be to not have separate procedures for Teachers employed by the Local Authority and not attached to schools and continue to use the procedures which apply to all other employees employed by Derbyshire County Council. However this would not reflect all of the provisions of the School Teachers Pay and Conditions Document (STPCD) or the local negotiations.

### **5. Implications**

- 5.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

### **6. Background Papers**

- 6.1 School Teachers Pay and Conditions Document 2022

Conditions of Service for School Teachers in England and Wales ('Burgundy Book')

### **7. Appendices**

- 7.1 Appendix 1 - Implications  
7.2 Appendix 2 – Grievance Procedures for Teachers employed by the LA and not attached to schools.

### **8. Recommendation(s)**

That Committee approves the adoption of grievance procedures for Teachers employed by the Local Authority and not attached to Schools which will be implemented with effect from 1<sup>st</sup> November 2022.

### **9. Reasons for Recommendation(s)**

- 9.1 The procedures meet the council's obligations in relation to the statutory conditions of employment of school teachers for maintained schools in

England and Wales which includes provisions for school teachers employed by the Local Authority and not attached to schools are set out in the Conditions of Service for School Teachers in England and Wales ('Burgundy Book')

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### Implications

#### **Financial**

- 1.1 No additional costs or savings are associated with the adoption of procedures to deal with individual grievances for teachers employed by the Local Authority and not attached to schools.

#### **Legal**

- 2.1 General employment law requirements and good practice are that employers have appropriate measures to deal with grievances raised by employees. The Conditions of Service for School Teachers in England and Wales ('Burgundy Book') also impose a duty on Local Education Authorities to draw up appropriate procedures at a local level to deal with individual grievances brought by teachers.
- 2.3 Local authorities must abide by the statutory requirements and must have regard to the guidance issued, as a court or tribunal may take any failure to do so into account in any legal proceedings. Therefore, a grievance procedure is required and in light of the differences in contractual provisions between teachers and other employees, it is appropriate for there to be a specific procedure for teachers employed by the Council.
- 2.4 The procedure is a non-contractual document and does not therefore, require the agreement of the relevant workforce prior to application. However, this is a procedure which will apply to all relevant employees in accordance with their terms and conditions of employment. Therefore, the recognised trade unions have been consulted in accordance with the trade union recognition agreement.
- 2.5 The terms of reference for the Appointments and Conditions of Service Committee provide for the Committee to approve corporate employment policies and to determine terms and conditions on which staff hold office, including procedures for their dismissal.

#### **Human Resources**

- 3.1 There has been formal consultation at Schools' Joint Consultative Committee (SJCC) and agreement reached with the recognised trade unions and professional associations in relation to the proposed grievance procedure.

## **Information Technology**

- 4.1 There are no IT implications in applying a specific Grievance Procedures for Teachers employed by the Local Authority and not attached to schools.

## **Equalities Impact**

- 5.1 The provisions of the grievance procedures are compliant with the relevant provisions of anti-discrimination legislation contained in the Employment Relations Act 1999, the Equality Act 2010, the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 and the Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002. It is also consistent with the principles of public life – objectivity, openness, and accountability.
- 5.2 Monitoring of equalities will take place throughout the implementation of these procedures.

## **Corporate objectives and priorities for change**

- 6.1 The grievance procedures align with the Council's People Strategy and People Priorities.

## **Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)**

- 7.1 N/A