



LOCAL NEGOTIATING COMMITTEE – TEACHING STAFF: 30 MAY 2012

REVISED DISCIPLINARY FRAMEWORK AND GRIEVANCE PROCEDURE

Report by Chief Executive

PURPOSE OF REPORT To inform the Committee of the GTC Framework on Teacher's Competence and agree procedures for dealing with alleged under-performance of promoted teachers.

COMPETENCE

- 1.1 There are no legal, financial or other constraints to the recommendation being implemented. An initial Equalities Impact Assessment has been completed and there are no equalities issues.

BACKGROUND

- 2.1 Following the abolition of the statutory dispute resolution procedures the Scottish Negotiating Committee for Teachers has amended the Disciplinary Framework and Grievance Procedure for teachers

DISCIPLINARY FRAMEWORK

- 3.1 The Disciplinary Framework is made up of the Disciplinary Procedure and the GTC Framework on Teacher Competence (FTC). The FTC replaces the Code of Practice on Teacher Competence. It was issued by the General Teaching Council for Scotland and came into effect on 2 April 2012.
- 3.2 The FTC sets out broadly similar procedures for dealing with under-performance to the Code of Practice, i.e. a preliminary/informal stage, support stage, disciplinary procedure and ultimately dismissal and a referral to GTC Scotland.
- 3.3 The FTC states that;

“where the alleged under-performance relates to administrative/managerial duties of a promoted teacher, similar procedures may be applied but always in the knowledge that GTC Scotland procedures and Fitness to Teach Panel outcomes can only relate to teaching competence and not to administrative/managerial competence.”

- 3.4 Under the previous procedures alleged under-performance of promoted postholders was assessed against the postholder's job description and/or the Standard for Full Registration. It is therefore proposed that this practice continues with the recognition that any failure to fulfil administrative/managerial duties, although this may ultimately result in dismissal, will not necessarily result in a referral to GTC Scotland.

- 3.5 The Comhairle's Disciplinary Procedure for Teaching Staff has been amended to incorporate the new Framework on Teacher Competence. A section on absence has also been deleted as it is covered by the Comhairle's Sickness Absence Procedure.

GRIEVANCE PROCEDURE

- 4.1 The Grievance Procedure has been updated to a national level to include a modified 2 stage procedure for teacher's whose employment has already terminated. A pro-forma for submitting a grievance has also been included.

RECOMMENDATION

- 5.1 **It is recommended that, insofar as the Committee's interests are concerned, that the Committee agree:**
- (a) to note the new GTC Framework on Teacher's Competence;**
 - (b) that where alleged under-performance relates to administrative/managerial duties of a promoted teacher, the procedure in the Framework on Teacher's Competence, as detailed at Appendix 2 to the Report, will be applied but the teacher will be assessed against their job description rather than the Standard for Full Registration;**
 - (c) the Disciplinary Procedure for Teaching Staff as detailed at Appendix 1 to the Report;**
 - (d) the Grievance Procedure for Teaching Staff as detailed at Appendix 3 to the Report.**

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Appendices

- Appendix 1 Disciplinary Procedure - Teachers
Appendix 2 GTC Framework on Teacher's Competence
Appendix 3 Grievance Procedure - Teachers