

Report to:	Corporate Resources Committee
Date of Meeting:	7 July 2009
Report by:	Executive Director(Corporate Resources)

Subject:	Discipline and Grievance Policies - Amendments
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1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ advise the Corporate Resources Committee of the changes made to the Discipline and Grievance Policies in line with the revised Acas Statutory Code of Practice on Discipline and Grievance.

2. Recommendation(s)

2.1. The Committee is asked to approve the following recommendation(s):-

- (1) that the changes made to the Discipline and Grievance Policies to reflect the revised Acas Statutory Code of Practice on Discipline and Grievance, as detailed in the report, are noted.

3. Background

- 3.1. On 6 April 2009, the statutory dispute resolution procedures that introduced a mandatory "3 step" process to be followed to deal with workplace disciplinary and grievance issues were repealed. The principles for handling disciplinary and grievance situations in the workplace are now set out in the Acas Statutory Code of Practice on Discipline and Grievance.
- 3.2. In addition to complying with our own processes, the Employment Tribunals are legally required to take the Acas Code of Practice into account when considering relevant cases. Tribunals will be able to adjust any compensatory awards made by up to 25% for unreasonable failure to comply with any provision of the Code. In light of this, a review of the Council's disciplinary and grievance policies/procedures was undertaken to ensure compliance with the revised Code.
- 3.3. The review began in January 2009 with a short-life working group made up of the Resource Personnel Managers, led by the Head of Personnel Services and advised by a senior representative of Acas as required. Detailed consultation meetings were also held with the Trades Union to discuss and agree the proposed changes.

4. Disciplinary Policy/Handbook

4.1. A summary of the changes to the Disciplinary Policy and Handbook are outlined below:

- ◆ The right to be accompanied by a companion has been clarified as a fellow worker, accredited trade union representative or an official employed by a trade

union. This means employees can no longer bring a person of their choice which includes a Solicitor to any hearings.

- ◆ The Oral Warning sanction has been removed and replaced with a Formal Warning. This more accurately reflects the warning status while retaining the 3 warning stages.
- ◆ Increased flexibility in respect of officers involved in the disciplinary process, achieved by clarifying roles and responsibilities at each stage in the process. Specifically fact finding officers and disciplining officers can be of the same seniority/level. However, officers hearing appeals should be at a higher grade.
- ◆ Specific examples of gross misconduct have been added to the policy for clarity.
- ◆ The importance of providing relevant information/documents during the process and in a timely fashion has been re-emphasised to ensure fairness.
- ◆ The Code introduces a focus on mediation in an attempt to encourage resolution at an early stage and as informally as possible. Mediation is a voluntary process where the mediator helps 2 or more people to attempt to reach a compromise to address minor work issues. This is more likely to be used to deal with grievance issues.
- ◆ The Managers' Handbook has been updated to reflect the changes. Further guidance for managers has been added, including revised template letters.

5. Grievance Policy

5.1. A summary of the changes to the Grievance Policy are outlined below:

- ◆ The right to be accompanied by a companion has been clarified as a fellow worker, accredited trade union representative or an official employed by a trade union. This means employees can no longer bring a person of their choice which includes a Solicitor to any hearings.
- ◆ As highlighted above, mediation will be offered where it is deemed appropriate and the Council will train a number of employees to act in this regard. Mediation can help employees resolve grievances at an informal stage and thus reduce the number of formal grievances. Guidance on the circumstances when mediation would be appropriate is contained within the policies.
- ◆ Clarity has been provided in terms of matters referred to the Grievance and Disputes Panel. If, following the outcome of a Stage 2 appeal, the resolution sought is outwith the Panel's gift or is contrary to Council policies and/or agreements, this will be deemed as the end of the internal process, so avoiding the need to convene the Panel.

6 Next Steps

- 6.1. The Conditions of Service have been updated and will shortly be communicated. Relevant sections will be posted on the Intranet with a limited number of hard copies distributed.
- 6.2. A Management Bulletin and Personnel Circular will be issued to inform employees and managers of the changes.
- 6.3. Training for mediators will be arranged by Corporate Personnel Services and work is underway to amend the corporate training events to reflect the changes.

7 Employee Implications

- 7.1. Providing employees and managers with robust policies and guidance that follow good practice on disciplinary and grievance issues will ensure a framework for a more efficient method of dispute resolution. This should enable disputes to be resolved earlier, with less lost time, expense and stress for all parties.

8 Financial Implications

- 8.1. Costs associated with the mediation training will be met by Corporate Personnel Services.

9 Other Implications

- 9.1 None.

10 Equality Impact Assessment and Consultation Arrangements

- 10.1. An initial equality impact assessment has identified the need to collect and analyse monitoring data to enable a full assessment to be completed. An action plan has been developed to do this and a full assessment will be carried out within 12 months.
- 10.2. Discussions regarding the changes have taken place with each Resource through the Personnel Managers' Group and with the Trades Union through the JTUC Executive.

Robert McIlwain

Executive Director (Corporate Resources)

2 June 2009

Link(s) to Council Objectives/Values

- ◆ excellent employer
- ◆ people focused
- ◆ fair and open
- ◆ working with and respecting others

List of Previous References

List of Background Papers

- ◆ ACAS Code of Conduct
- ◆ ACAS Guide to Discipline and Grievances at Work
- ◆ South Lanarkshire Council Disciplinary Policy and Handbook
- ◆ South Lanarkshire Council Grievance Policy

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

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