

# WEST DUNBARTONSHIRE COUNCIL

## Report by Head of Personnel Services

### Joint Consultative Forum –1 March 2007

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**Subject: Discipline & Grievance Information**

#### **1. Purpose**

- 1.1** To provide JCF members with figures for discipline and grievance appeals held at departmental level (Stage 2) as requested at JCF on 31 March 2005. This report provides figures for the quarterly period 1 October 2006 – 31 December 2006.

#### **2. Background**

##### Discipline

- 2.1** Appeals for Oral, Written and Final warnings can be appealed to the Departmental Director for consideration, and end at this level. Punitive disciplinary action i.e., dismissal, demotion, suspension without pay, can be appealed to Elected Member level at Committee.

##### Grievances

- 2.2** Grievances are raised in 3 stages.

- Stage 1 is considered by the immediate supervisor
- Stage 2 is considered by the Director or nominated Officer
- Stage 3 is considered by Elected Members at Committee

##### Mediation

- 2.3** Prior to an appeal being heard at Stage 3, Personnel Services will normally convene a meeting of the parties concerned to try to resolve the matter through mediation. This does not prevent grievances progressing to Stage 3.

#### **3. Main Issues**

##### Disciplinary Hearings

- 3.1** A total of 12 disciplinary hearings were conducted during the period and a full departmental breakdown is provided in Appendix 1. One employee resigned prior to a disciplinary hearing being conducted. A summary of the position is shown at Table 1 overleaf:-

Table 1:

<b>Outcome of Disciplinary Hearing:</b>	
Addiction Referral	1
Oral Warning	4
Written Warning	0
Final Written Warning	6
Dismissal without notice	1
Resignation prior to hearing being concluded or held	1

Grievances Lodged During Period

- 3.2 A total of 5 grievances were lodged at departmental Stage 2 level during the period and are summarised in table 2 below.

Table 2:

<b>ID Ref</b>	<b>Grievance Issue</b>	<b>Department</b>	<b>Union</b>	<b>Date Lodged</b>
07/74	Conditions of Service/Pay	HRES	T&G/GMB	01/10/06
62	Conditions of Service/Pay	Education & Cultural Services	UNISON	02/10/06
71	Staffing Levels	HRES	T&G	13/10/06
77	Dignity - Bullying & Harassment	Social Work	UNISON	06/12/06
80	Contractual/Working Environment/Dignity	Chief Executive – L&A	UNISON	21/12/06

Grievance Hearings Held During Period

- 3.3 In total 7 hearings were held at departmental level during the period. Three of these were grievances lodged during the period and 4 were grievances lodged within the previous quarter. A full departmental breakdown is detailed in Appendix 2, and a summary of the outcomes of the departmental hearings is provided in Table 3 below:-

Table 3:

<b>Outcome of Stage 2 Hearings held during Quarter</b>	
Upheld	2
Upheld in part – case closed	0
Not upheld – not pursued	1
Not upheld - pursued to further level (mediation or Stage 3)	4

## Dignity at Work/Bullying and Harassment

- 3.4** As requested by JCF, grievances raised in relation to dignity at work/bullying and harassment are reported separately. These grievances are contained within Appendix 2, however a summary is shown below at Table 4.

Table 4

<b>ID Ref</b>	<b>Department</b>	<b>Union</b>	<b>Date Lodged</b>	<b>Stage 2 Hearing</b>	<b>Outcome</b>
73	HRES	T&G	20/09/06	02/10/06	Not upheld – pursued to Stage 3
70	HRES	GMB	29/09/06	13/10/06	Not upheld – not pursued
77	Social Work	UNISON	06/12/06	Not heard during quarter	Reported in next quarter
80	Chief Executive – L& A	UNISON	21/12/06	Not heard during quarter	Reported in next quarter

## Recording and Monitoring

- 3.5** Corporate Personnel have put in place arrangements for improved reporting on grievance and discipline to determine underlying issues which could be addressed through training.

## **4. Personnel Issues**

- 4.1** The number of disciplinary hearings and grievances submitted can impact on both the Council's image as a good employer, and the morale of employees. It is critical that the processes for the management of grievance and discipline are adhered to and that every effort is made to meet agreed timescales in order to avoid unnecessary delay to the resolution of issues which impact on the management of employees and service delivery.

## **5. Financial Implications**

- 5.1** At present there is no mechanism for measuring financial implications. Factors such as time spent on investigations; attending hearings and potential Employment Tribunal claims will however, have an indirect financial impact on the Council.

## **6. Risk Analysis**

- 6.1** Without a robust grievance procedure there is a risk to the Council of general unrest and disputes within the Council, and employees submitting claims to employment tribunals for failure to comply with the statutory grievance process.

## **7. Conclusions**

- 7.1** Overall the number of both discipline and grievance hearings in an organisation the size of West Dunbartonshire Council is low, representing less than 1% employees.

## **8. Recommendations**

- 8.1** Forum members are asked to note the contents of this report.

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**Appendices:** Appendices 1-2

**Background Papers:** Not applicable

**Wards Affected:** Not applicable

### Departmental Breakdown of Disciplinary Hearings and Outcome –1 October 2006 – 31 December 2006

<b>Outcome</b>	<b>Education &amp; Cultural Services</b>	<b>Chief Executives</b>	<b>Social Work Services</b>	<b>H.R.E.S.</b>	<b>Total</b>
<b>Disciplinary Hearings</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>12</b>	<b>13</b>
• Addiction Referral	0	0	1	0	1
• Oral	0	0	0	4	4
• Written	0	0	0	0	0
• Final	0	0	0	6	6
• Dismissal	0	0	0	1	1
Resignation before Hearing concluded	0	0	0	1	1

<b>Appeals</b>	<b>Education &amp; Cultural Services</b>	<b>Chief Executives</b>	<b>Social Work Services</b>	<b>H.R.E.S.</b>	<b>Total</b>
Appealed – Departmental Level	0	0	0	0	0
Upheld	0	0	0	0	0
Appealed – Committee Level	0	0	0	0	0
Upheld	0	0	0	0	0

**Departmental Breakdown of Grievances Lodged and Hearings Held During the Period  
– 1 October 2006 – 31 December 2006**

<b>ID Ref</b>	<b>Department</b>	<b>Union</b>	<b>Grievance Issue</b>	<b>Date Lodged</b>	<b>Date Stage 2 Hearing</b>	<b>Outcome</b>
07/74	HRES	T&G/GMB	Conditions of Service/Pay	01/10/06	31/10/06	Not upheld – pursued to Stage 3
62	Education & Cultural Services	UNISON	Conditions of Service/Pay	02/10/06	21/11/06	Upheld
71	HRES	T&G	Staffing Levels	13/10/06	13/10/06	Upheld
77	Social Work	UNISON	Dignity - Bullying & Harassment	06/12/06	Not held during quarter	Reported in next quarter
80	Chief Executive – L& A	UNISON	Contractual/Working Environment/Dignity	21/12/06	Not held during quarter	Reported in next quarter
72	HRES	T&G	Conditions of Service/Pay	TBC	13/10/06	Not upheld – pursued to Stage 3
73	HRES	T&G	Dignity-Bullying & Harassment	20/09/06 (previous quarter)	02/10/06	Not upheld – pursued to Stage 3
67	HRES	GMB	Conditions of Service/Pay	29/08/06	24/10/06	Not upheld - pursued to Stage 3
70	HRES	GMB	Dignity- Bullying & Harassment	29/09/06	13/10/06	Not upheld – not pursued