

**EDUCATIONAL SERVICES GRIEVANCE AND
DISCIPLINARY APPEALS SUB-COMMITTEE**

At a Meeting of the Educational Services Grievance and Disciplinary Appeals Sub-Committee held in the Council Chambers, Municipal Buildings, Station Road, Dumbarton on Wednesday, 31 March 2010 at 9.30 a.m.

Present: Councillors May Smillie, Jonathan McColl and John Millar.

Attending: Nigel Ettles, Principal Solicitor.

Apologies: Apologies for absence were intimated on behalf of Councillor Patrick McGlinchey and Mrs Barbara Barnes.

APPOINTMENT OF CHAIR

There being no Chair, it was agreed that the meeting be chaired by Councillor Jonathan McColl. Accordingly, Councillor McColl assumed the Chair for the duration of the meeting.

DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest.

EXCLUSION OF PRESS AND PUBLIC

The Committee approved the following resolution:-

“That under Section 50A(4) of the Local Government (Scotland) Act 1973, the press and public be excluded from the meeting for the following item of business on the grounds that it may involve the likely disclosure of exempt information as defined in Paragraph 1 of Part I of Schedule 7A to the Act”.

GRIEVANCE APPEAL

There were submitted background papers relating to an Appeal which had been submitted to the Council in relation to a grievance. There was also submitted a copy of the Grievance Procedures for Teaching Staff.

The Appellant was present and was represented by Stewart Paterson of the EIS. The department in which the Appellant was employed was represented by Raymond Lynch, Solicitor.

The Appellant and Mr Paterson presented the case for the Appellant. Mr Paterson and the Appellant were then questioned by Mr Lynch and Members of the Sub-Committee.

Mr Lynch called as a witness Dave Clarke, Head of Service (Resources). Mr Clarke was questioned by Mr Lynch, Mr Paterson and Members of the Sub-Committee.

Mr Lynch and then Mr Paterson and the Appellant summed up their respective cases and thereafter both parties withdrew from the meeting.

After the Sub-Committee had deliberated the matter in private, both parties were re-admitted to the meeting and advised that:-

- (1) the Appeal had been upheld because, prior to receiving an application for accelerated incremental progression from the Appellant, the Council had made no attempt to ascertain whether the Appellant had relevant experience that could have led to the awarding of additional points;
- (2) the additional 2 points and the sum due to the Appellant were to be backdated to the date in 2003 when the Appellant commenced employment with the Council as a temporary teacher;
- (3) the Sub-Committee were of the view that in SNCT/35 there was nothing which put the onus on teachers to apply for additional points and nothing which required additional points to be awarded from the date of application; and
- (4) the Sub-Committee had been informed at the Hearing that arrangements were now in place to include accelerated incremental progression as a specific topic at meetings held for teachers during their probationary periods. The Sub-Committee were of the view that Management should also ask teachers for details of previous relevant experience. It was for Management, in consultation with the Trade Unions, to decide when, and by what means, that information should be sought.

The meeting closed at 12.25 p.m.