

# WEST DUNBARTONSHIRE COUNCIL

## Report by the Head of Personnel Services

Joint Consultative Forum: 1 March 2007

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**Subject: Outstanding Grievances**

### **1. Purpose**

- 1.1** To provide the Joint Consultative Forum (JCF) with an update on the position with regard to outstanding grievances.

### **2. Background**

- 2.1** Figures for discipline and grievance appeals held at Stage 2 (Departmental level) are reported to the JCF on a 6 monthly basis. Legal & Administrative Services provide separate figures in relation to discipline and grievance appeals which have been submitted at Stage 3 (Appeals Committee) level.
- 2.2** At the JCF meeting on 28<sup>th</sup> November 2006 it was agreed that Corporate Personnel would meet with the trades unions to provide them with information in relation to outstanding discipline and grievance appeals. A meeting was held in January 2006 and it was agreed that Personnel would provide a report on the outstanding grievances to the next JCF.

### **3. Main Issues**

- 3.1** Concerns have been raised by the trades unions regarding the length of time which it takes for a grievance to be progressed at both the Stage 2 and Stage 3 level, and that timescales set within the grievance procedures are not adhered to. An examination of outstanding grievances undertaken in January outlined that there are currently 16 grievances which remain outstanding and these are detailed below.

#### Stage 2 (Departmental Level) – Considered by Director of Nominated Officer

- 3.2** At the time of collating the information to discuss with trades unions, 2 grievances were ongoing at departmental level. One of these has now been upheld on 23<sup>rd</sup> January 2007 and the delay had been due to difficulties in obtaining information from COSLA and other local authorities in relation to Strathclyde Regional Council agreement. The other case is currently ongoing as the department is trying to negotiate a financial settlement. The parties in this case are aware of this and have not submitted a Stage 3 grievance.

#### Stage 3 – Considered by Elected Members at Committee

- 3.3** Currently 14 grievances are outstanding to be considered by the Appeals Committee, and 1 dismissal appeal is outstanding.

### Reasons for Delays

- 3.4** There had been several key reasons which have resulted in delays in the grievance process, and these include:-
- 5 day timescale to set grievance date
  - Complexity of cases may require further information to be sought before a decision can be made
  - Incomplete grievance submission or submitted at wrong stage
  - Mediation process not clear which resulted in delays in submitting grievances to Legal & Admin for Stage 3 hearing
  - Fixing dates for Stage 3 hearing
  - One particular ongoing case which had been set for 2 days and taken up a considerable amount of time due to postponements, cancellations etc.

### Way Forward

- 3.5** All parties agree that an improved reporting system is required and that timescales contained within the grievance procedures are not being met. Personnel and Legal & Admin have met and proposed dates have been allocated to a number of outstanding grievances (see Appendix 1). In normal circumstances an appeal against dismissal will be given priority, however it has been agreed that where possible these will be set outwith the fixed dates.
- 3.6** Due to the elections in May and the change to the Council it has not been possible to fix any further dates until after the election. The remaining outstanding, and any subsequent grievances will therefore be allocated dates after May.

### Review of Grievance Procedures

- 3.7** Arrangements are in place to establish a Project Group, which will be lead by Sharon Coyle, Personnel Officer, comprising of management and trades unions representatives, to review the Grievance Policy/Procedures, and address the difficulties in relation to timescales. It is anticipated that the first meeting of this group will be held in March 2007.

### Reporting System

- 3.8** Reports will be submitted to JCF and CMT on a quarterly basis providing details on all outstanding grievances, including reasons and proposed hearing dates, and in addition trades unions will be provided with a monthly update on grievances.

## **4. Personnel Issues**

- 4.1** Personnel acknowledge the importance of ensuring that employees are treated fairly and have a recognised course of actions should they have a

complaint. Whilst the Council's Grievance Procedures do comply with the statutory 3 stage minimum procedures, timescales set out in the procedures are not being met. This issue should be addressed through the review of the procedures.

## **5. Financial Implications**

- 5.1** A survey carried out by CIPD in 2007 "Managing Conflict at Work" reported that managing each grievance case within the public sector takes an average of 10 days of management and HR time. Financial implications are associated with the loss of productivity, management time, and preparation for employment tribunals and potential compensation costs.

## **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** The Council's Grievance Procedures provide employees with a course of actions should they have a complaint, however due to a number of key reasons grievances have not been resolved within the set timescales. Steps have been taken to address the backlog of outstanding grievances, improve reporting systems and review the grievance procedures.

## **8. Recommendations**

- 8.1** The JCF are asked to note the contents of the report.

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**Appendices:** Appendix 1

**Background Papers:** Minutes of JCF meeting on 28 November 2006

**Wards Affected:** Not applicable

### Outstanding Appeals as at 31<sup>st</sup> January 2007

Table 1: Proposed Dates

<b>ID/Ref</b>	<b>Union</b>	<b>Dept</b>	<b>Issue</b>	<b>Date of Appeal Hearing</b>
44	UNISON	ICT & Business	Dismissal	16 February 07
06/13	GMB	Social Work Services	Dismissal	6 March 07
23	UNISON	Social Work Services	Conditions of Service/Pay	15 March 07
59	UNISON	Social Work Services	Dignity-Bullying and Harassment	22 March 07
53	GMB	Social Work Services	Various issues	19 April 07
38	UNISON	Social Work Services	Withdrawal of Admin Support	26 April 07 (a.m.)
27	UNISON	Social Work Services	Conditions of Service/Pay	26 April 07 (p.m.)

Table 2: Outstanding Appeals to be Arranged after Elections

<b>ID/Ref</b>	<b>Union</b>	<b>Dept</b>	<b>Issue</b>
01	UNISON	Social Work Services	Working Environment
15	T&G	HRES	Conditions of Service/Pay
07/74	T&G/GMB	HRES	Conditions of Service/Pay
67	GMB	HRES	Conditions of Service/Pay
61	T&G	HRES	Allowances
73	T&G	HRES	Dignity-Bullying and Harassment
72	T&G	HRES	Conditions of Service/Pay
80	UNISON	Chief Executives	Contractual issue