

WEST DUNBARTONSHIRE COUNCIL

Report by Joint Secretary (Management) to the LNCT

Local Negotiating Committee for Teachers: 15 March 2011

Subject: Review of Teachers Discipline and Grievance Procedures

1. Purpose

- 1.1** To seek approval from the Committee for the implementation of the revised Discipline and Grievance Policies for Teachers. These documents have been reviewed and updated in line with the recent review of the Council's Discipline and Grievance Policy for all other employees of the Council.

2. Background

- 2.1** On 26 May 2010 the Corporate and Efficient Governance Committee agreed revisions to the Discipline and Grievance and Dignity at Work procedures for local government employees and craft workers. These policies were reviewed to reflect the key principles of the ACAS Code of Practice which came into effect in April 2009 and include both an informal and formal process for dealing with grievance and disciplinary matters. See Appendix One for detailed rationale (paper presented at Corporate and Efficient Governance Committee on 26 May 2010).
- 2.2** The Corporate Dignity at Work policy already incorporates teachers and others within the Council covered by the Scottish Negotiating Committee for Teachers (SNCT). However the SNCT employees have separate Disciplinary and Grievance Policy and Procedures and these policies were last reviewed in December 2004.
- 2.3** It was acknowledged that there were a number of similarities between the policies and that over recent years procedures had become more similar. It was therefore agreed that the teachers' policies should also be reviewed and should mirror the local government policy in terms of layout and content as closely as possible. This was done in partnership with the trade unions, incorporating SNCT and ACAS guidance.

3. Main Issues

- 3.1** The current policies are in line with SNCT guidance and are fit for purpose. However the reviewed policy provides more clarity regarding process and principles and also includes pro forma paperwork. There is now reference to the mediation process and there is clarity concerning the roles of management, unions and employees.

- 3.2 The scheme of delegation was also amended to provide clarity on the appropriate levels of action.
- 3.3 These policies now follow the same structure and layout as the Local Government policy.

People Implications

- 4.1 It is a contractual requirement that employees are aware of the discipline and grievance process. The changes to the procedures will be communicated to managers and employees via the Core Brief, and the intranet.

The ACAS code of practice is for all employees and employers and is incorporated into all Authority policies. Due to the similarities between Local Government and SNCT policies, managers have been invited to attend the Corporate Discipline and Grievance training as outlined above. Trainers are aware of the slight differences contained within policies.

5. Financial Implications

- 5.1 Where the issue is escalated to an employment tribunal, the procedure followed will be taken into consideration, and if deemed to be unfair or where there is failure to reasonably comply with the ACAS Code of Practice this can result in an additional award of up to 25% to the individual.

6. Risk Analysis

- 6.1 There is a risk to the Council that if timescales are not adhered to and discipline and grievance matters are not dealt with promptly there will be a breach of our own policies and procedures and ACAS recommendations.

7. Equalities Impact

- 7.1 An Equalities Impact Assessment has been undertaken on the revised Policies and Procedures and there is no evidence of disproportionate application of the policies to any equalities group.
- 7.2 The Policies are monitored by equality category and this allows any emerging patterns to be identified and appropriate action taken. As with all HR policies and functions these have been designed to operate in a fair and open manner.

8. Conclusions and Recommendations

- 8.1 SNCT employees have separate Disciplinary and Grievance Policy and Procedures and these policies were last reviewed in December 2004.
- 8.2 It was agreed that the teachers' policies should mirror the local government policy in terms of layout and content as closely as possible, and amendments

were drafted in partnership with the trade unions, incorporating SNCT and ACAS guidance.

- 8.3** Committee is asked to approve the amended Policies and Procedures for teachers and others within the Council covered by the Scottish Negotiating Committee for Teachers (SNCT).

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Appendices Appendix 1 – Report to Corporate and Efficient
Governance Committee, 26 May 2010.
Appendix 2 – Draft Disciplinary Policy – Teachers
Appendix 3 – Draft Grievance Policy – Teachers

Wards Affected All Wards