

EAST AYRSHIRE COUNCIL

CABINET – 21 NOVEMBER 2007

LOCAL GOVERNMENT EMPLOYEES, CRAFT EMPLOYEES AND CHIEF OFFICIALS REVISED GRIEVANCE PROCEDURE

Report by Depute Chief Executive/Executive Director of Corporate Support

1. PURPOSE OF REPORT

- 1.1 The purpose of the report is to advise Cabinet to approve proposed amendments to the Council's Grievance Procedure, subject to consultation with Trade Unions.

2. BACKGROUND

- 2.1 The Council's current Grievance Procedure was approved by the Council at its meeting on 22 April 1996 and communicated to employees in PER Circular 18/96.
- 2.2 A review of the Grievance Procedure has been necessary to ensure that the Council continues to take account of new legislation and reflect best personnel practice.
- 2.3 The Grievance Procedure is applicable to Local Government Employees, Craft Operatives and Chief Officers. **They do not apply to Teaching Staff who have their own Procedure.**
- 2.4 Copies of the revised Grievance Procedure available in the Members' Information Point. The main changes proposed are summarised below:

3. PROPOSED CHANGES

- 3.1 The documentation has been updated to reflect :
- that all complaints on any matter excluding harassment and bullying submitted by employees will be treated as grievances to be dealt with under this procedure. (paragraph 1.3) (There will be a separate procedure for dealing with harassment and bullying issues);
 - that the procedure complies with the statutory standard grievance procedure and will apply to all relevant employees including those submitted by former employees within 4 months of their leaving the Council's service (7 months in relevant cases e.g. equal pay/discrimination cases) where applicable (paragraph 1.4);
 - that an employee cannot use both the Grievance Procedure and the Harassment and Bullying Policy and Procedures relating to the same incident (paragraph 1.13).
 - the definition of a grievance has been defined (paragraph 2.1);

- that if a grievance is submitted in writing, Stage 1 will not apply and the grievance must proceed direct to Stage 2 (paragraph 5.1);
- that Stage 2 level grievances will be heard by a Head of Service or nominated senior officer (paragraph 5.2);
- the revised timescales for management to respond in writing to an employee following the Stage 2, Stage 3 and Stage 4 level grievance (paragraph 5.2, 5.3 and 5.4);
- that at Stage 3 level, the Head of Personnel can be represented by two members of Personnel Services (paragraph 5.3);
- the retention period for all relevant documentation and that a record of all grievance raised on a formal basis will be retained confidentially within Personnel Services (paragraph 6).

3.2 The documentation used in the grievance process will all be updated to reflect the proposed changes.

3.3 The revised Procedure will continue to assist the Council to achieve and sustain a corporate and consistent approach to grievances thereby assisting the Council to operate effectively and deliver quality services.

4. COMMUNICATIONS

4.1 Employees will be made aware of the amendments to the above Procedure via the Council's intranet site, Eastwords and the issue of a relevant PER Circular.

5. FINANCIAL IMPLICATIONS

5.1 There are no additional costs arising from the proposed changes to the Grievance Procedure.

6. POLICY/LEGAL IMPLICATIONS

6.1 The proposed changes will ensure that the Council meets its legislative requirements as an employer and continues to follow best practice guidelines. The proposals meet the pursuit of continuous improvement and best value and the guiding principles of the Community Plan.

7. TRADE UNIONS

7.1 The proposed changes are subject to Trade Union consultation.

8. RECOMMENDATIONS

- 8.1** Cabinet is asked to approve the above changes to the Council's Grievance Procedure, subject to consultation with Trade Unions.

Elizabeth Morton
Depute Chief Executive/
Executive Director of Corporate Support
1 November 2007

LIST OF BACKGROUND PAPERS

1. Current Grievance Procedure (April 1996)

Any person wishing further information should contact Martin Rose, Head of Personnel (Telephone 01563 576092).