



Revised Scheme of Salaries & Conditions of Service for Chief Officials

Committee Personnel

Date of meeting 5 November 2021

Date of report 26 October 2021

Report by Acting Chief Executive

1. Object of report

To recommend approval of the revised Scheme of Salaries & Conditions of Service for Chief Officials, which will now be subject to consultation with affected employees and/or their representatives.

2. Background

- 2.1 SPT's Scheme of Salaries & Conditions of Service for Chief Officials mirror, where practical, the recognised Local Government terms and conditions for senior staff.
- 2.2 SPT continues to review the conditions of service to ensure that these are in line with the latest employment legislation and good practice, enabling good operational delivery, and reflect the small number of locally agreed arrangements.
- 2.2 The Scheme of Salaries & Conditions of Service for Chief Officials were last reviewed in 2014, and since this time many of SPT employment policies have been updated.
- 2.2 SPT will consult with the affected employees (3) and/or their representatives on all changes to the Scheme of Salaries & Conditions of Service for Chief Officials prior to implementation.

3. Outline of proposals

- 3.1 As part of SPT's review of the conditions of service, the Scheme of Salaries & Conditions of Service for Chief Officials have been updated to reflect employment legislation and good practice, remove out of date conditions and sections which have been superseded by the introduction of policies and guidance documents.
- 3.2 A summary of the recommended changes is attached at Appendix 1 with the full draft Scheme of Salaries & Conditions of Service attached at Appendix 2.

4. Conclusions

SPT's Scheme of Salaries & Conditions of Service for Chief Officials now reflect the latest employment legislation and good practice and are attached at Appendix 2 for information. All affected Chief Officials and/or their representatives will be consulted prior to adoption of the revised conditions of service.

5. Committee action

The committee is recommended to approve

- the attached Scheme of Salaries & Conditions of Service for Chief Officials, subject to consultation with all affected Chief Officials and/or their representatives.

6. Consequences

Policy consequences	<i>Conditions of Service updated to reflect legislative changes and best practice.</i>
Legal consequences	<i>Conditions of Service comply with legislation.</i>
Financial consequences	<i>None.</i>
Personnel consequences	<i>HR to initiate consultation with affected Chief Officials</i>
Equalities consequences	<i>None envisaged.</i>
Risk consequences	<i>Not updating Conditions of Service may result in non-compliance with legislation and best practice.</i>

Name Neil Wylie
Title **Director of Finance**

Name Valerie Davidson
Title **Acting Chief Executive**

For further information, please contact *Valerie Davidson, Acting Chief Executive*, on 0141 333 3298.

APPENDIX 1

Summary of Changes to the Scheme of Salaries & Conditions of Service for Chief Officials

Section No.	Section Title	Reason for Change	Significant Changes
General	Scheme of Salaries & Conditions of Service for Chief Officials	To review the conditions of service to ensure that these are in line with the latest employment legislation and good practice.	The document has been reviewed and updated with new sections added and out-of-date information removed. The document has been re-formatted to include a table of contents and the current SPT branding.
1.	Equalities	Not included in previous Scheme	To ensure that the Scheme complies with current employment legislation an Equalities section has been added.
3.	Learning and Development	Not included in previous Scheme	To ensure that the Scheme reflects SPT's commitment to the learning and development of all employees a Learning and Development section has been added.
4.	Health, Safety and Employee Wellbeing	Not included in previous Scheme	To ensure that the Scheme reflects SPT's duty to comply with legislation governing the health, safety and wellbeing of all employees a Health Safety and Employee Wellbeing section has been added.
Appendix A	Chief Executive Disciplinary Framework	Reviewed and updated to reflect latest employment legislation and good practice	To ensure that a Disciplinary Framework is set out and agreed in the event that a disciplinary process is invoked with regard to the Chief Executive.

Section No.	Section Title	Reason for Change	Significant Changes
Appendix B	Chief Executive Capability Framework	Not included in previous Scheme	To ensure that a Capability Framework is set out and agreed in the event that a capability process is invoked with regard to the Chief Executive.
Appendix C	Chief Official Disciplinary Framework	Reviewed and updated to reflect latest employment legislation and good practice	To ensure that a Disciplinary Framework is set out and agreed in the event that a disciplinary process is invoked with regard to the Chief Officials.
Appendix D	Chief Executive Capability Framework	Not included in previous Scheme	To ensure that a Capability Framework is set out and agreed in the event that a capability process is invoked with regard to the Chief Officials.
Appendix E	List of Policies and Guidance Documents	Not included in previous Scheme	A list of all SPT policies and guidance documents has been included as these apply to all employees

APPENDIX 2

**STRATHCLYDE PARTNERSHIP FOR TRANSPORT
SCHEME OF SALARIES & CONDITIONS OF SERVICE
FOR CHIEF OFFICIALS**

Based on The Scottish Joint Negotiating Committee for Chief Officials (2014)

Please note that if a copy of this document is downloaded and saved, it may become inaccurate and the hyperlinks contained within it may not work. Reference should be made at all times to the Information Library and Staff Policies Register on the employee intranet. Further information can be obtained from the HR Department.

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Appendices:

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- B Chief Executive Capability Framework
- C Chief Officials Disciplinary Framework
- D Chief Officials Capability Framework
- E Scottish Joint Negotiating Committee for Chief Officials - Constitution
- F List of Policies and Guidance Documents

Introduction

The purpose of this Scheme is to provide a uniform basis for determining the salaries and related conditions of service of employees covered by the Scottish Joint Negotiating Committee.

The Scheme applies to any employee who is within the scope of the Committee as defined in the Constitution.

The Scheme does not apply to any post which is dealt with by other joint negotiating machinery on which the Convention of Scottish Local Authorities is represented.

The Constitution of the Scottish Joint Negotiating Committee is set out in Appendix E.

In applying this Scheme, Strathclyde Partnership for Transport must take actions which comply with statutory and regulatory legislation.

Conditions which are not covered by this Scheme and conditions contained in the Scheme but referred to as for local determination, are for consultation and negotiation with trade unions or employee representatives at a local level.

1. Equalities

- 1.1 Employees will be afforded equal opportunities in employment irrespective of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.
- 1.2 Strathclyde Partnership for Transport will ensure that unlawful discrimination and harassment is eliminated and equality of opportunity promoted in all areas of employment including recruitment, training and development, pay, promotion and exit arrangements.
- 1.3 Strathclyde Partnership for Transport will develop, publish and regularly review an equal pay statement.
- 1.4 Conditions of service are equally applicable to all employees irrespective of hours worked and employment status.
- 1.5 SPT's Equality Policy applies to all employees.

2. Official Conduct

- 2.1 Employees will maintain conduct of the highest standard such that public confidence in their integrity is sustained.
- 2.2 Strathclyde Partnership for Transport will develop local codes of practice to cover the official conduct and the obligations of employees.
- 2.1 SPT's Code of Conduct applies to all employees.

3. Learning and Development

- 3.1 Strathclyde Partnership for Transport has arrangements to identify training needs in line with service plans.
- 3.2 Strathclyde Partnership for Transport will have policies and arrangements which support learning and development for employees in line with its priorities with payment and time-off arrangements to be determined locally.
- 3.3 Part time employees will have access to equal to that of full time employees and when on training courses outside their contracted daily hours, will be paid on the same basis as full time employees.
- 3.4 SPT's Employee Development Policy applies to all employees.

4. Health, Safety and Employee Wellbeing

- 4.1 Strathclyde Partnership for Transport has a duty to comply with legislation governing health, safety and wellbeing of all employees, including the conditions under which they work, the provision and maintenance of necessary personal protective equipment and relevant health surveillance.
- 4.2 Employees have a duty of care to themselves and others affected by their activity at work and to co-operate with actions taken by Strathclyde Partnership for Transport to meet their duties under the relevant regulations.
- 4.4 SPT's Health & Safety and Health & Wellbeing Policies apply to all employees.

5. Salaries

- 5.1 Salaries for Chief Executives and all other Chief Officers within the scope of this Scheme will be determined as follows:

5.2 Chief Executives

The salaries for each Chief Executive will be set nationally and will comprise a three point incremental scale. Placement on and progression within the scale, will be determined locally. Strathclyde Partnership for Transport may however choose to adopt a single point salary for the Chief Executive, in which case SPT will apply the top point of the scale.

Note: *The salary point for the role of Chief Executive was approved in December 2005 as part of the establishment of SPT, following an independent review and proposal by the Executive Director (Corporate Services), South Lanarkshire Council, recognising the responsibilities of the role including in respect of management of an operational railway. The salary is a fixed point.*

5.4 Other Chief Officers

For all other Chief Officers, spinal column points on which salaries may be based will be set nationally. The determination of each Chief Officer's salary will be at the discretion of Strathclyde Partnership for Transport. Strathclyde Partnership for Transport are not required to use the spinal column points but must take into account relative levels of responsibility and any special factors affecting a particular post. Chief Officer's salaries are determined locally and reflect a percentage point determined locally of the Chief Executive's salary.

5.4.2 Preservation of Salary

Should any salary or structure review result in a reduced substantive salary for an employee, preservation arrangements, if any, will be determined locally.

6. Leave

- 6.1 Strathclyde Partnership for Transport will ensure that employees receive their statutory entitlement to leave.

6.2 The entitlements to annual leave and public holidays as expressed below apply to five day working patterns. For alternative working patterns equivalent leave entitlements will be calculated pro rata to working hours. This may be expressed in hours over the leave year.

6.3 Public Holidays

Public holidays recognised by Strathclyde Partnership for Transport for its employees will be granted as holidays with pay.

6.4 Annual Leave

6.4.1 Strathclyde Partnership for Transport will set its leave year. The paid full annual entitlement is thirty days.

6.4.2 Where an employee has been absent through illness for a period exceeding three months Strathclyde Partnership for Transport will have discretion to limit the leave to an amount equal to the period of actual service given during the leave year, provided the period of leave (annual plus public) does not fall below the statutory minimum (currently twenty eight days).

6.4.3 The annual leave entitlement of an employee leaving or joining Strathclyde Partnership for Transport will be proportionate to their completed service during the leave year.

6.5 Special Leave

Employees should refer to Section G2.3 of Strathclyde Partnership for Transport's Conditions of Service General Section (applicable to all categories of Employees).

7. Sickness Provisions

SPT's Sickness Absence Policy and Guidance apply to all employees.

Employees should refer to Section G3 of Strathclyde Partnership for Transport's Conditions of Service General Section (applicable to all categories of Employees).

8. Family Leave

SPT's family friendly policies and guidance apply to all employees.

9. Period of Notice to Terminate Employment

9.1 The minimum period of notice to be given by Strathclyde Partnership for Transport is governed by the Employment Rights Act 1996:

PERIOD OF CONTINUOUS SERVICE	PERIOD OF NOTICE
One month or more but less than two years	Not less than one week
Two years or more but less than twelve years	Not less than one week for each year of continuous service
Twelve years or more	Not less than twelve weeks.

9.1 The period of notice to terminate employment to be given by an employee will be determined by Strathclyde Partnership for Transport.

10. Continuous Service

10.1 For the purpose of redundancy pay continuous service will include continuous previous service with any public authority to which The Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999 as amended, applies.

11. Reckonable Service

11.1 For the purpose of entitlements regarding annual leave and occupational sick pay, reckonable service will include reckonable service with any public authority to which The Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999 as amended, applies.

12. Grievance

SPT's Grievance Policy applies to all employees.

With reference to Section 4.2 of SPT's Grievance Policy, if the grievance concerns the actions or a decision taken by Chief Executive this will be considered by a Personnel Appeals Sub-Committee.

13. Discipline and Capability

13.1 It is recognised that discipline is essential for the proper and efficient conduct of Strathclyde Partnership for Transport's affairs. It is also recognised that disciplinary action must be applied fairly and that employees should have the right of appeal against any disciplinary action taken against them.

- 13.2 Where an allegation of misconduct is made against a Chief Executive, it is recognised that the procedure must reflect the seniority of this post as the equivalent of a head of paid service. In this regard, Strathclyde Partnership for Transport will follow the disciplinary framework detailed in Appendix A. The framework meets legal requirements and is in line with the ACAS Code of Practice.
- 13.3 The Disciplinary Framework is designed to deal with any allegation of misconduct against a Chief Executive. Any question or complaint as to the capability of the Chief Executive to fulfil the duties and responsibilities of the post, including any alleged failure by the Chief Executive to establish and maintain a satisfactory working relationship within Strathclyde Partnership for Transport, is not a disciplinary matter. Appendix B provides a Capability Framework for Strathclyde Partnership for Transport to follow should any such complaint or question arise.
- 13.4 Where an allegation of misconduct is made against a Chief Official, it is recognised that the procedure must reflect the seniority of this post. In this regard, Strathclyde Partnership for Transport will follow the disciplinary framework detailed in Appendix C. The framework meets legal requirements and is in line with the ACAS Code of Practice.
- 13.5 The Disciplinary Framework is designed to deal with any allegation of misconduct against a Chief Official, other than the Chief Executive/Assistant Chief Executive who are appointed by the Partnership. Any question or complaint as to the capability of a Chief Official to fulfil the duties and responsibilities of the post, including any alleged failure by the Chief Official to establish and maintain a satisfactory working relationship within Strathclyde Partnership for Transport, is not a disciplinary matter. Appendix D provides a Capability Framework for Strathclyde Partnership for Transport to follow should any such complaint or question arise.

14. Travel Allowances

- 14.1 Where Strathclyde Partnership for Transport authorises an employee to use a form of transport in the course of their work they will be reimbursed in accordance with SPT's Expense Policy.

15. Reimbursement of Expenditure

- 15.1 An employee necessarily incurring additional expense in the course of their work in respect of meals or overnight accommodation will be reimbursed approved expenses, subject to appropriate evidence of expenditure being produced, in accordance with SPT's Expense Policy.

16. Trade Union Facilities

- 16.1 Strathclyde Partnership for Transport will provide the recognised trade unions with facilities necessary to carry out their functions in accordance with the ACAS Code of Practice. This will include paid leave of absence to attend relevant meetings concerned with the work of the Scottish Joint Negotiating Committee for Chief Officials.

APPENDIX A

CHIEF/ASSISTANT CHIEF EXECUTIVE DISCIPLINARY FRAMEWORK

In following this framework, it should be noted that:

- **Indicative timescales are provided at various stages of the framework. These can be varied to tie in with timescales adopted locally. Any Chief Executive/Assistant Chief Executive subject to action under this framework will at the outset be advised of the timescales which will apply.**
 - **At various stages of the framework, reference is made to the Head of Human Resources. It is essential that professional support and advice is available, but it is for Strathclyde Partnership for Transport to determine within their own structure who provides such support and advice.**
 - **Elected Members and Professional Advisers will declare any personal interest they have in the case and consideration will be given to them not taking part in any proceedings depending on the nature of that interest.**
 - **It is for Strathclyde Partnership for Transport to determine who presents any case against the Chief Executive/Assistant Chief Executive at a disciplinary hearing and similarly who presents at any subsequent appeal hearing.**
 - **It is for Strathclyde Partnership for Transport to determine the disciplinary sanctions and the length of time any warnings remain 'live' but these will be consistent with those which apply to other Chief Officers.**
 - **The framework makes reference to the Chief Executive/Assistant Chief Executive being represented. That representation will be consistent with that which applies within Strathclyde Partnership for Transport's disciplinary procedure for all SPT staff.**
1. When faced with an allegation(s) of misconduct against the Chief Executive/Assistant Chief Executive, initial consideration will be given to the allegation(s) to determine whether the matter should be formally investigated and whether suspension is appropriate.

The allegation(s) will initially be discussed between an appropriate senior officer(s) e.g. the Partnership Secretary, Head of Human Resources and the Chair.

The Chair will appoint an Assessment Group. This group will be made up of a cross party group of Elected Members representing, as far as is practicable, the political balance of the Partnership. Members of the group will not participate in the remaining stages of the procedure.

The Partnership Secretary and Head of Human Resources will be available to assist the group.

The Partnership Secretary and Head of Human Resources will verbally make the Chief Executive/Assistant Chief Executive aware of the allegation(s) and that an Assessment Group is being called to consider the matter. The Chief Executive/Assistant Chief Executive may wish to make initial observations to the Partnership Secretary and Head of Human Resources. If agreed with the Chief Executive/Assistant Chief Executive the Head of Human Resources will share these with the Assessment Group.

The Assessment Group will be advised of the allegation(s) against the Chief Executive/Assistant Chief Executive, and if previously agreed, initial observations from the Chief Executive/Assistant Chief Executive. It is unlikely that much detail will be known, but in any event, the purpose of the group at this stage is solely to decide whether a formal investigation is required. If the decision is taken to proceed to formal investigation the Assessment Group will also, depending on the nature of the allegation(s), consider whether suspension, which must be on full pay, is appropriate.

A note of the meeting and decision will be taken.

The decision of the Assessment Group will be communicated in writing to the Chief Executive/Assistant Chief Executive.

2. Should the matter proceed to formal investigation, an Investigating Officer will be appointed to conduct a formal investigation into the allegation(s).

The Investigating Officer will be agreed between, and be independent of both, Strathclyde Partnership for Transport and the Chief Executive/Assistant Chief Executive. In the event of a failure to agree it will be for the Joint Secretaries to the SJNC to recommend an Investigating Officer.

The investigation should be conducted within a reasonable period. If the investigation is likely to extend beyond 4 weeks following appointment of the Investigating Officer, the Chief Executive/Assistant Chief Executive will be kept informed of progress.

It is for the Investigating Officer to determine how best to investigate the allegation(s). However, the Investigating Officer will be expected to:

- Meet the Chief Executive/Assistant Chief Executive to discuss, and question the Chief Executive/Assistant Chief Executive on, the allegation(s). The Chief Executive/Assistant Chief Executive should be given a minimum of 5 working days' notice of such a meeting and be advised of the right to be accompanied at that meeting.
- Meet with and interview any witnesses to or parties associated with the allegation(s), a statement being prepared to record each interview.
- Review any documentation associated with the allegation(s).

At the conclusion of the investigation, the Investigating Officer will prepare a report for the Assessment Group outlining the findings of the investigation. The report will include a recommendation as to whether the Investigating Officer considers there are sufficient grounds to the allegation(s) to warrant proceeding to a disciplinary hearing.

The Assessment Group will be reconvened to consider the report from the Investigating Officer.

The group, following consideration of the report from the Investigating Officer, will decide if a disciplinary hearing should be convened. The group will also indicate whether, having considered the report, they consider the allegation(s), if substantiated, constitute misconduct or gross misconduct. If gross misconduct and the Chief Executive/Assistant Chief Executive has not already been suspended, then they will reconsider suspension at this stage, such suspension being on full pay.

The Chief Executive/Assistant Chief Executive will be advised in writing of the decision of the Assessment Group no later than 5 working days following the meeting of the group. A copy of the report from the Investigating Officer will accompany that letter.

Where the Assessment Group decision is that no further action is necessary, no record of the allegation(s) will be entered on the Chief Executive/Assistant Chief Executive's personal file.

3. Should the Assessment Group consider that the matter should proceed to a disciplinary hearing, a Hearing Committee will be set up and formal notification issued to the Chief Executive/Assistant Chief Executive of the hearing.

The Hearing Committee will exclude members of the Assessment Group and, as far as is practicable, be made up of a cross party group of elected members representing the political balance of the Partnership.

The Partnership Secretary and Head of Human Resources will advise the Committee. A record of the meeting and decision reached will be taken.

The Chief Executive/Assistant Chief Executive will be given a minimum of 5 working days prior notice in writing of the Hearing. The letter will provide full details of the allegation(s), an indication of whether the allegation(s) if substantiated, may constitute misconduct or gross misconduct and the implications of this, i.e. gross misconduct may result in dismissal, advise that the Committee will refer to the report from the Investigating Officer and advise of any witnesses that may be called. The letter will also advise the Chief Executive/Assistant Chief Executive of their right to be represented at the hearing, by a Trade Union Representative or work colleague, and ask the Chief Executive/Assistant Chief Executive (or their representative) to provide in advance of the hearing any relevant papers that they may present as part of their case and the names of any witnesses they may wish to call.

The Chief Executive/Assistant Chief Executive may seek a postponement of the hearing to enable representation; such postponement should be for no more than 10 working days.

Conduct of the Hearing: The purpose of the Hearing Committee is to ensure that a fair hearing is conducted into the allegation(s) so that a reasonable decision can be made, based on the information presented. The conduct of the hearing will be as follows:

- A representative on behalf of the Assessment Group will present their case.
- Members of the Hearing Committee and the Chief Executive/Assistant Chief Executive (or their representative) will have the opportunity to question the Assessment Group representative and any witnesses called.
- The Chief Executive/Assistant Chief Executive (or their representative) will present their case.

- Members of the Hearing Committee and the Assessment Group representative will have the opportunity to question the Chief Executive/Assistant Chief Executive (or representative) and any witnesses called.
- The representative of the Assessment Group will summarise their case, introducing no new evidence.
- The Chief Executive/Assistant Chief Executive (or their representative), will summarise their case introducing no new evidence.
- Both parties will withdraw to enable the Hearing Committee to make a decision in private.
- Following the recess, the parties will reconvene and the convener of the Hearing Committee will advise the Chief Executive/Assistant Chief Executive of the Committee's decision. If the Hearing Committee is unable to provide a decision on the day of the Hearing, they will reach a decision as soon as possible but, in any event, the decision will be confirmed in writing to the Chief Executive/Assistant Chief Executive within 5 working days. The letter will also include details of to whom the Chief Executive/Assistant Chief Executive can appeal the decision of the Hearing Committee, should they wish to do so, together with the associated timescale.

Sanctions: If the allegation(s) against the Chief Executive/Assistant Chief Executive are considered to have been substantiated, any disciplinary action taken should be reasonable in the circumstances taking into account the seriousness and any mitigation presented.

In the case of a first offence, other than for gross misconduct, the sanction should normally be a written or final written warning. Where a written warning had previously been issued and the Chief Executive/Assistant Chief Executive has committed a similar offence or a subsequent different but equally serious offence, the Hearing Committee may issue a final written warning or more serious sanction. A Chief Executive/Assistant Chief Executive should normally be given a final written warning regarding their conduct before dismissal is contemplated. However, it should be noted that there may be cases of gross misconduct so serious that summary dismissal without notice is appropriate.

Notwithstanding the above, the disciplinary action taken will be in line with the sanctions contained within Strathclyde Partnership for Transport's Disciplinary Policy.

Similarly, examples of what constitutes gross misconduct will be as per Strathclyde Partnership for Transport's Disciplinary Policy, Appendix A.

Should the allegation(s) be found to be not substantiated and no disciplinary action taken no record of the allegation(s) will be entered on the Chief Executive/Assistant Chief Executive's personal file.

4. Should the Chief Executive/Assistant Chief Executive appeal the decision of the Hearing Committee, a meeting of the Appeal Committee (or other relevant body within the Partnership), will be arranged to consider the appeal.

The Appeal Committee will exclude members of the Hearing Committee and, as far as is practicable, be made up of a cross party group of elected members representing the political balance of the Partnership.

The Partnership Secretary and Head of Human Resources will advise the committee. A record of the meeting and decision reached will be taken.

The Appeal Committee will ideally be held within 20 working days of receipt of the appeal.

The Chief Executive/Assistant Chief Executive will be given a minimum of 5 working days prior notice in writing of the date of the Appeal Hearing and be provided with a copy of any associated paperwork that will be presented on behalf of the Hearing Committee. The letter will advise the Chief Executive/Assistant Chief Executive of their right to be represented at the Appeal, advise of any witnesses that may be called and ask the Chief Executive/Assistant Chief Executive (or their representative) to provide in advance of the appeal any documentation that they intend to refer to and the names of any witnesses they may call.

The conduct of the Appeal Hearing will follow that of the Disciplinary Hearing, however it will be for the Chief Executive/Assistant Chief Executive (or representative) as appellant to present their case first and be allowed to summarise their case last.

It is the responsibility of the Appeal Committee to determine whether the appeal from the Chief Executive/Assistant Chief Executive should be upheld, upheld in part or dismissed. If upheld in part the Appeal Committee must also determine the impact of this decision on any sanction implemented by the Hearing Committee.

The convener of the Appeal Committee will advise the Chief Executive/Assistant Chief Executive of the decision of the Appeal Committee. If the committee is unable to reach a decision at the conclusion of the Hearing they will do so as soon as possible but in any event the decision will be confirmed in writing to the Chief Executive/Assistant Chief Executive within 5 working days of the date of the hearing.

APPENDIX B

CHIEF EXECUTIVE/ASSISTANT CHIEF EXECUTIVE CAPABILITY FRAMEWORK

The Capability Framework is based on the Disciplinary Framework in Appendix A, adapted as detailed below, and should therefore be read in conjunction with that framework.

1. In the first instance any question or complaint with regard to a Chief Executive/Assistant Chief Executive's capability will be referred to an Assessment Group which will be appointed as per section 1 of Appendix A.
2. The Assessment Group will meet with the Chief Executive/Assistant Chief Executive to discuss the nature of the complaint or question.
3. If the Assessment Group concludes that there is a question of substance as to the Chief Executive/Assistant Chief Executive's capability they will advise the Chief Executive/Assistant Chief Executive of the ways in which performance should improve and a period of time after which the matter will be reviewed. This period should be sufficient to allow the Chief Executive/Assistant Chief Executive a reasonable opportunity to show the required level of improved performance.
4. If the Assessment Group consider that there is evidence of serious incapability or performance which is not likely to be remedied within a reasonable period of time, or if a previous warning has been issued to the Chief Executive/Assistant Chief Executive in regard to performance then the Assessment Group will refer the matter to an Investigating Officer.
5. Similarly, if subsequent to 3 above there remains a question as to the capability or performance of the Chief Executive/Assistant Chief Executive the matter will be referred to an Investigating Officer.
6. The Investigating Officer will be appointed and the investigation conducted as per section 2 of Appendix A
7. Upon receipt of the report from the Investigating Officer the Assessment Group will decide whether or not the matter should proceed to a Hearing Committee.
8. The Hearing Committee will be appointed as per section 3 of Appendix A. The conduct of the hearing will be as per section 3 of Appendix A.
9. If the Hearing Committee conclude that the Chief Executive/Assistant Chief Executive is not carrying out their duties and responsibilities to the level of capability/performance that the Partnership believes is required, the Hearing Committee will consider issuing a written warning with the provision of a reasonable amount of time for the Chief Executive/Assistant Chief Executive to meet the requirements of the post, or (if a previous warning has been issued or, the Hearing Committee judge the incapability to be fundamentally irremediable) confirm dismissal with notice. A satisfactory outcome may alternatively be achieved by the Chief Executive/Assistant Chief Executive actively seeking other employment, resigning or opting to retire.
10. The Chief Executive/Assistant Chief Executive will have the right to appeal the decision of the Hearing Committee to an Appeal Committee (or other relevant body within the Partnership). The appointment of that committee and conduct of the appeal will be as per section 4 of Appendix A.

**CHIEF OFFICIALS DISCIPLINARY FRAMEWORK
(APPLIES TO CHIEF OFFICIALS NOT COVERED BY APPENDIX A & B
ABOVE)**

In following this framework, it should be noted that:

- **Indicative timescales are provided at various stages of the framework. These can be varied to tie in with timescales adopted locally for other Chief Officers. Any Chief Official subject to action under this framework will at the outset be advised of the timescales which will apply.**
 - **At various stages of the framework, reference is made to the Head of Human Resources. It is essential that professional support and advice is available, but it is for Strathclyde Partnership for Transport to determine within their own structure who provides such support and advice.**
 - **Elected Members and Professional Advisers will declare any personal interest they have in the case and consideration will be given to them not taking part in any proceedings depending on the nature of that interest.**
 - **It is for Strathclyde Partnership for Transport to determine who presents any case against the Chief Official at a disciplinary hearing and similarly who presents at any subsequent appeal hearing.**
 - **It is for Strathclyde Partnership for Transport to determine the disciplinary sanctions and the length of time any warnings remain 'live' but these will be consistent with those which apply to other Chief Officers.**
 - **The framework makes reference to the Chief Official being represented. That representation will be consistent with that which applies within Strathclyde Partnership for Transport's disciplinary procedure for all SPT staff.**
1. When faced with an allegation(s) of misconduct against the Chief Official, initial consideration will be given to the allegation(s) to determine whether the matter should be formally investigated and whether suspension is appropriate.

The allegation(s) will initially be discussed between an appropriate senior officer(s) e.g. the Head of Human Resources and the Chief Executive/Assistant Chief Executive.

It shall be for the Chief Executive/Assistant Chief Executive to decide how these matters are considered in line with SPT's Disciplinary Policy and Procedure.

The Head of Human Resources will be available to assist the group.

The Head of Human Resources will verbally make the Chief Official aware of the allegation(s) and that the Chief Executive/Assistant Chief Executive will confirm how these matters will be considered. The Chief Official may wish to make initial observations to the Head of Human Resources. If agreed with the Chief Official the Head of Human Resources will share these with the Chief Executive/Assistant Chief Executive.

The Chief Executive/Assistant Chief Executive will be advised of the allegation(s) against the Chief Official, and if previously agreed, initial observations from the Chief Official. It is unlikely that much detail will be known, but in any event, the purpose of the group at this stage is solely to decide whether a formal investigation is required. If the decision is taken to proceed to formal investigation the Chief Executive/Assistant Chief Executive will also,

depending on the nature of the allegation(s), consider whether suspension, which must be on full pay, is appropriate.

A note of the meeting and decision will be taken.

The decision of the Chief Executive/Assistant Chief Executive will be communicated in writing to the Chief Official.

2. Should the matter proceed to formal investigation, an Investigating Officer will be appointed to conduct a formal investigation into the allegation(s).

The Investigating Officer will be agreed by the Chief Executive and Assistant Chief Executive.

The investigation should be conducted within a reasonable period. If the investigation is likely to extend beyond 4 weeks following appointment of the Investigating Officer, the Chief Official will be kept informed of progress.

It is for the Investigating Officer to determine how best to investigate the allegation(s). However, the Investigating Officer will be expected to:

- a. Meet the Chief Official to discuss, and question the Chief Official on, the allegation(s). The Chief Official should be given a minimum of 5 working days' notice of such a meeting and be advised of the right to be accompanied at that meeting.
- b. Meet with and interview any witnesses to or parties associated with the allegation(s), a statement being prepared to record each interview.
- c. Review any documentation associated with the allegation(s).

At the conclusion of the investigation, the Investigating Officer will prepare a report for the Chief Executive/Assistant Chief Executive outlining the findings of the investigation. The report will include a recommendation as to whether the Investigating Officer considers there are sufficient grounds to the allegation(s) to warrant proceeding to a disciplinary hearing.

The Chief Executive/Assistant Chief Executive will consider the report from the Investigating Officer.

Following consideration of the report from the Investigating Officer, the Chief Executive/Assistant Chief Executive will decide if a disciplinary hearing should be convened. The Chief Executive/Assistant Chief Executive will also indicate whether, having considered the report, they consider the allegation(s), if substantiated, constitute misconduct or gross misconduct. If gross misconduct and the Chief Official has not already been suspended, then they will reconsider suspension at this stage, such suspension being on full pay.

The Chief Official will be advised in writing of the decision of the Chief Executive/Assistant Chief Executive no later than 5 working days following the meeting of the group. A copy of the report from the Investigating Officer will accompany that letter.

Where the Chief Executive/Assistant Chief Executive decide that no further action is necessary, no record of the allegation(s) will be entered on the Chief Official's personal file.

3. Should the Chief Executive/Assistant Chief Executive consider that the matter should proceed to a disciplinary hearing, a hearing will be set up and formal notification issued to

the Chief Official of the hearing.

It shall be for the Chief Executive/Assistant Chief Executive to decide how these matters are considered in line with SPT's Disciplinary Policy and Procedure.

The Head of Human Resources will support the hearing. A record of the meeting and decision reached will be taken.

The Chief Official will be given a minimum of 5 working days prior notice in writing of the Hearing. The letter will provide full details of the allegation(s), an indication of whether the allegation(s) if substantiated, may constitute misconduct or gross misconduct and the implications of this, i.e. gross misconduct may result in dismissal, advise that the reference will be made to the report from the Investigating Officer and advise of any witnesses that may be called. The letter will also advise the Chief Official of their right to be represented at the hearing and ask the Chief Official (or their representative) to provide in advance of the hearing any relevant papers that they may present as part of their case and the names of any witnesses they may wish to call.

The Chief Official may seek a postponement of the hearing to enable representation; such postponement should be for no more than 10 working days.

Conduct of the Hearing: The purpose of the Hearing is to ensure that a fair hearing is conducted into the allegation(s) so that a reasonable decision can be made, based on the information presented. The hearing will be conducted in line with SPT's Disciplinary Policy and Procedure.

Sanctions: If the allegation(s) against the Chief Official are considered to have been substantiated, any disciplinary action taken should be reasonable in the circumstances taking into account the seriousness and any mitigation presented.

The disciplinary action taken will be in line with the sanctions contained within the Strathclyde Partnership for Transport's Disciplinary Policy.

Similarly, examples of what constitutes gross misconduct will be as per Strathclyde Partnership for Transport's Disciplinary Policy, Appendix A.

Should the allegation(s) be found to be not substantiated and no disciplinary action taken no record of the allegation(s) will be entered on the Chief Official's personal file.

4. Should the Chief Official appeal the decision taken an Appeal Hearing will be arranged to consider the appeal in line with SPT's Disciplinary Policy and Procedure.

The Head of Human Resources will support the hearing. A record of the meeting and decision reached will be taken.

The Appeal Hearing will ideally be held within 20 working days of receipt of the appeal.

The Chief Official will be given a minimum of 5 working days prior notice in writing of the date of the Appeal Hearing and be provided with a copy of any associated paperwork. The letter will advise the Chief Official of their right to be represented at the Appeal, advise of any witnesses that may be called and ask the Chief Official (or their representative) to provide in advance of the appeal any documentation that they intend to refer to and the names of any witnesses they may call.

The conduct of the Appeal Hearing will follow that of the Disciplinary Hearing, however it will be for the Chief Official (or representative) as appellant to present their case first and be allowed to summarise their case last.

It is the responsibility of Appeal Committee to determine whether the appeal from the Chief Official should be upheld, upheld in part or dismissed. If upheld in part the Appeal Committee must also determine the impact of this decision on any sanction implemented by the Hearing Committee.

The convener of the Appeal Committee will advise the Chief Official of the decision of the Appeal Committee. If the committee is unable to reach a decision at the conclusion of the Hearing they will do so as soon as possible but in any event the decision will be confirmed in writing to the Chief Official within 5 working days of the date of the hearing.

APPENDIX D

CHIEF OFFICIAL CAPABILITY FRAMEWORK (APPLIES TO CHIEF OFFICIALS NOT COVERED BY APPENDIX A & B ABOVE)

The Capability Framework is based on the Disciplinary Framework in Appendix C, adapted as detailed below, and should therefore be read in conjunction with that framework.

1. In the first instance any question or complaint with regard to a Chief Official's capability/performance will be referred to the Chief Executive/Assistant Chief Executive, which will be appointed as per section 1 of Appendix C.
2. The Chief Executive/Assistant Chief Executive will meet with the Chief Official to discuss the nature of the complaint or question.
3. If the Chief Executive/Assistant Chief Executive conclude that there is a question of substance as to the Chief Official's capability they will advise the Chief Official of the ways in which performance should improve and a period of time after which the matter will be reviewed. This period should be sufficient to allow the Chief Official a reasonable opportunity to show the required level of improved performance.
4. If the Chief Executive/Assistant Chief Executive consider that there is evidence of serious incapability/under performance which is not likely to be remedied within a reasonable period of time, or if a previous warning has been issued to the Chief Official in regard to performance then it will be for Chief Executive/Assistant Chief Executive to consider the matter in line with SPT's Capability Policy and Procedure.
5. If the Chief Executive/Assistant Chief Executive conclude that the Chief Official is not carrying out their duties and responsibilities to the level of capability that Strathclyde Partnership for Transport believes is required, they may issue a capability written warning with the provision of a reasonable amount of time for the Chief Official to meet the requirements of the post, or (if a previous warning has been issued or, the Chief Executive/Assistant Chief Executive judge the incapability to be fundamentally irremediable) confirm dismissal with notice. A satisfactory outcome may alternatively be achieved by the Chief Official actively seeking other employment, resigning or opting to retire.
6. The Chief Official will have the right to appeal the decision of the Chief Executive/Assistant Chief Executive to an Appeal Committee (or other relevant body within the Partnership). The appointment of that committee and conduct of the appeal will be as per section 4 of Appendix A.

APPENDIX E

SCOTTISH JOINT NEGOTIATING COMMITTEE FOR CHIEF OFFICIALS

CONSTITUTION

1. Committee

The Committee will be known as the Scottish Joint Negotiating Committee for Chief Officials of Local Authorities, hereinafter referred to as “the Committee”.

2. Scope

The Committee will cover council Chief Executives (head of paid services) and any officer regarded by a council as a Chief Officer. This is for local determination but will normally include those reporting directly to the Chief Executive as well as their immediate reports.

3. Membership

- a) The Committee will have 12 members, 6 to represent the employers and 6 to represent the employees.
- b) The 6 employers’ representatives will be appointed by the Convention of Scottish Local Authorities.
- c) The 6 employee representatives will be appointed as follows:

UNISON	2 representatives
GMB	2 representatives
ALACE	2 representatives

- d) If any of the bodies referred to in paragraphs b) and c) do not appoint the number of representatives provided for by the constitution, failure to appoint will not invalidate the decisions of the Committee.
- e) In the event of any member of the Committee or any of its sub-groups being unable to attend any meeting the body represented by the member will be entitled to appoint a substitute to attend the meeting. A substitute for a member of a sub-group will be appointed only from amongst the remaining members of the Committee.
- f) The members of the Committee will retire annually immediately prior to the annual general meeting and be eligible for re-appointment. A member will retire from the Committee on ceasing to be a member of the body by which they were appointed.
- g) If a vacancy arises, a new member will be appointed by the body who the previous

member represented and will be a member until the end of the period for which the previous member was appointed.

4. Functions of Committee

Scottish local government employers and trade unions plan to develop a fair and progressive employment agenda to support innovative quality service delivery. This principle will underpin all of the Committee's agreements and activities.

The functions of the Committee are as follows:

- To support and develop a national framework which will contribute to the development of a highly skilled and motivated workforce.
- To negotiate sustainable collective agreements on employment related matters.
- To promote and support the application of such agreements for local government and its employees.
- To promote co-operation between employers and recognised unions throughout local government.
- To support the promotion of equality and the elimination of discriminatory practices in employment.
- To support the development and adoption of local codes of practice to cover the conduct and obligations of employees and employers.
- To support the development and implementation of training and development initiatives and to ensure their integration into broader employee development strategies.
- To provide advice and assistance to councils, recognised unions and employees on employment related issues.
- To settle differences of interpretation and/or application of the national agreement that cannot be resolved locally.
- To provide a national conciliation service for the resolution of disputes that cannot be resolved locally.
- To undertake any activity incidental to the above.

5. Sub-Groups

The Committee may establish, from its own membership, sub-groups as it considers necessary. Reports from sub-groups will be submitted to the Committee. The Committee when establishing a sub-group may delegate special powers to the sub-group, in such cases reports to the Committee will be submitted for information.

6. Convener and Vice-Convener

The Committee will appoint from amongst its membership a convener and vice convener who will retire in the same manner as provided for members in paragraph 3. Convenerhip of the Committee will be held in alternative years by a member of the Employers' Side.

In the absence of the convener, the vice convener will preside at the meetings of the Committee. If neither the convener or vice convener is present, a chair will be elected for the meeting.

The convener will have a vote but not a casting vote.

The convener and vice convener will be members of all sub-groups established by the Committee.

7. Officers

The Committee will appoint joint secretaries, and any other officers as it thinks fit. These officers will retire in the same manner as is provided for members in paragraph 3 and will be eligible for reappointment.

8. Advisers

The Convention of Scottish Local Authorities and the Employees Side may appoint an appropriate official or officials to act as advisers; such officials will only service in a consultative capacity.

9. Others Invited to Attend Meetings

The Committee or a sub-group may invite any persons whose special knowledge would be of assistance to attend and speak at its meetings. Such persons will not have the power to vote.

10. Meetings

The annual meeting of the Committee will be held during the month of November.

Ordinary meetings of the Committee will be held as necessary.

The convener will call a special meeting of the Committee if so requested by either side. The notice summoning the meeting will state the nature of the business to be transacted and may include any other matters which were not the reason for the request for the special meeting.

All notices of meeting of the Committee and of sub-groups will be issued to the respective

members at least seven days before the meeting.

11. Voting

Voting at Committee and sub-group meetings will be by show of hands or otherwise as the Committee or sub-group determines. No resolution will be carried unless it is approved by the majority of the members present and voting on each side of the Committee or sub-group.

12. Not Enough Members Present

If fewer than one third of the members of the Committee divided equally between the two sides are present at the start of the meeting, the convenor will declare the meeting closed and the business then under discussion will be the first business to be discussed at the next meeting of the Committee. The required number of members to be present at a meeting of a sub-group will be determined by the Committee.

13. Arbitration

In the event of the Committee failing to reach agreement over nationally determined terms and conditions of employment both sides may agree to refer the matter to ACAS for submission to arbitration.

14. Finance

The administrative expenses of the Committee (excluding expenses of representatives which will be met by the respective sides) and its sub-groups will be borne equally by the two sides.

15. Amending the Constitution

The constitution may only be amended with the agreement of the Convention of Scottish Local Authorities, and the three trade unions referred to in paragraph 3.

LIST OF POLICIES AND GUIDANCE DOCUMENTS

Policies do not form part of your Contract of Employment and will be reviewed and updated as appropriate in consultation with our recognised Trade Unions.

SPT's Policies and Guidance Documents can be found on the Intranet at <http://spt.intranet.uk/library/policies-guidance/> or Subway Document Management System

Adoption Leave and Pay Guidance

Adoption Leave and Pay Policy

Code of Conduct

Employee Development Policy

Equality Policy

Expenses Policy

Flexible Working Guidance

Flexible Working Policy

Grievance Policy

Health and Safety Policy

Health and Wellbeing Policy

Maternity Leave and Pay Guidance

Maternity Leave and Pay Policy

Parental Leave and Pay Guidance

Parental Leave and Pay Policy

Sickness Absence Guidance

Sickness Absence Policy

Time Off to Care for a Dependant Guidance

Time Off to Care for a Dependant Policy