

Revised Employment Policies

Committee Personnel

Date of meeting 15 December 2017

Date of report 1 December 2017

Report by Assistant Chief Executive (Business Support)

1. Object of report

To recommend approval of revised Employment Policies and Policy Guidance, which will be subject to consultation with the recognised Trade Unions.

2. Background

- 2.1 SPT continues to review people policies and management guidance to ensure that these are in line with the latest employment legislation and good practice, enabling good operational delivery.
- 2.2 SPT's recognised Trades Unions will be consulted on policy changes prior to implementation.

3. Outline of proposals

- 3.1 SPT has reviewed its Disciplinary Policy to reflect revised social media developments and ensure that it is in line with the latest employment legislation and good practice.
- 3.2 SPT has reviewed its Grievance Policy to ensure that it is in line with the latest employment legislation and good practice.
- 3.3 In addition to the attached revised policies, SPT has also been reviewing policies relating to Digital and Security processes, Internet and Email usage. The initial review has identified that the current documents require to be updated to better reflect operational policy matters, and that which can and should be contained within a procedural guidance. A more detailed review of the policies will be undertaken and presented to the next Personnel Committee.

However, during this interim period and in light of the recent operational change concerning cloud storage and increased awareness of cyber security, it is proposed that the following addendum is added to the Internet and Email Security Policy at this stage:

- SPT archives email information in accordance with relevant retention schedules using a cloud archiving service. Access to the archive service is controlled by the Digital Manager and requests to view or

recover email content must be authorised by the Assistant Chief Executive (Business Support).

- Access to personal email accounts using an SPT email system or through a web browser, is strictly prohibited when using an SPT issued device. Controls are in place to restrict this access and requests to access third party email services must be authorised by the Digital Manager.

The above reflects the actual operational characteristics and which all staff have been advised of. Finally, as a matter of completeness, any reference to the IT Manager should now be read as the Digital Manager.

A summary of the recommended changes is attached at Appendix 1 with the full draft policies attached at Appendix 2.

4. Conclusions

SPT's policies covering Internet and Email, Disciplinary and Grievance now reflect the new organisational structure and latest security guidance and protocols, current legislation and good practice. Trade Unions, Unite the Union and Unison will be consulted prior to adoption of these revised policies.

5. Committee action

The committee is recommended to approve the attached Employment Policies and Policy Guidance, subject to consultation with the recognised Trade Unions.

6. Consequences

Policy consequences	<i>Policies updated to reflect legislative changes and best practice.</i>
Legal consequences	<i>Policies comply with legislation.</i>
Financial consequences	<i>None.</i>
Personnel consequences	<i>HR to initiate consultation with Employee Representatives</i>
Equalities consequences	<i>None envisaged.</i>
Risk consequences	<i>Not updating policies may result in non-compliance with legislation and best practice.</i>

Name Valerie Davidson
Title **Assistant Chief Executive
(Business Support)**

Name Gordon MacLennan
Title **Chief Executive**

For further information, please contact *Neil Wylie, Director of Finance & HR, on 0141 333 3380.*

APPENDIX 1

Summary of Changes to Policy Documents

Policy & Guidance	Reason for Changes	Current Policy	Revised/Key features
Disciplinary Policy	Updated to reflect social media developments and ensure that it is in line with the latest employment legislation and good practice	Disciplinary Policy December 2014	<p>Principles updated to confirm that employees and their representatives must take all reasonable steps to attend disciplinary and appeal hearings and that all reasonable steps will be taken to ensure confidentiality is maintained throughout the process.</p> <p>Updated to confirm that investigations must be undertaken promptly and without undue delay unless there is a particular complexity or non-availability of key interviewees.</p> <p>Policy confirms that when an employee is suspended this should be in writing, stating the reason for this action.</p> <p>Policy confirms that the letter calling an employee to attend a disciplinary hearing will clearly state the allegations.</p> <p>Updated to confirm that employee must submit any additional information they wish to present, at least one working day prior to the hearing.</p> <p>Updated to confirm that the Manager will make a decision based on the evidence available where an employee has failed to attend a disciplinary or appeal hearing, on at least two occasions, without good cause.</p> <p>Confirms employee's right to representation at the appeal hearing.</p> <p>Appendix A updated to include; fraudulent or vexatious claims or harassment or victimisation, defamation of Partnership reputation or image through social media and breach of SPT's Internet and Email policy.</p>

Policy & Guidance	Reason for Changes	Current Policy	Revised/Key features
Grievance Policy	Updated to ensure that it is in line with the latest employment legislation and good practice	Grievance Policy July 2011	<p>Principles updated to confirm that employees and their representatives must take all reasonable steps to attend grievance and appeal hearings and that all reasonable steps will be taken to ensure confidentiality is maintained throughout the process.</p> <p>Updated to confirm that the Supervisor/Manager will make a decision on the evidence available where an employee has failed to attend a grievance or appeal hearing, on at least two occasions, without good cause.</p> <p>Policy confirms the timescale for rescheduling a hearing where a Trade Union Official or work colleague is not available to represent the employee.</p> <p>Confirms the arrangements for hearings and representation relating to collective grievances.</p>

APPENDIX 2

Policy Documents

STRATHCLYDE PARTNERSHIP FOR TRANSPORT

DISCIPLINARY POLICY

Policy

1. Statement of Policy

- 1.1 Strathclyde Partnership for Transport (SPT) expects all its employees to maintain high standards of behaviour and to conduct themselves in a manner that reflects well on the organisation. SPT aims to provide a fair and transparent approach to the enforcement of standards of conduct for all employees. SPT prefers, wherever possible, to resolve problems informally but recognise that circumstances may require formal steps to be taken.
- 1.2 This policy and the associated procedure are designed to be consistent with the principles set out in the ACAS Code of Practice which took effect from April 2009.
- 1.3 This policy and associated procedure is designed to deal with instances of misconduct, capability and sickness absence.

2. Scope of Policy

This Policy and associated procedures applies to all staff, with the exception of those under Chief Officials' conditions who are subject to a separate disciplinary policy.

3. Legislation

This policy and the associated procedure are designed to be consistent with the principles set out in the ACAS Code of Practice which took effect from April 2009.

Procedures

4. Principles

In order to ensure fairness and transparency, the following basic standards will apply:

- Disciplinary issues will be raised and dealt with promptly.
- Disciplinary issues will be raised and dealt with consistently.
- Disciplinary issues will be investigated to establish the facts.
- Employees will be informed of the basis of the problem giving rise to any disciplinary hearing.
- Employees will have the right to a hearing and to put their case at that hearing.
- Employees will have the right to be accompanied at the hearing.
- Employees will have the right to appeal against any decision made at that hearing.
- Employees must make all reasonable steps to attend the disciplinary and appeal hearings.
- All reasonable steps will be taken to ensure that confidentiality is maintained throughout the process.

5. Responsibilities

Senior Staff/Heads of Department/Managers/Supervisors will be responsible for ensuring standards are upheld.

6. Definitions

6.1 Definition of Precautionary Suspension

A supervisor/manager with the necessary delegated powers will apply a precautionary suspension to any employee who is considered to be creating a situation whereby he/she is a danger to himself/herself, other employees or customers, where it is considered relevant, or where it is necessary to facilitate an investigation. A precautionary suspension is not a disciplinary sanction.

7. Arrangements

7.1 Investigation

7.1.1 There will be an impartial investigation to clearly determine the facts of the situation before a decision is made as to whether a disciplinary charge is to be brought.

7.1.2 No investigatory meeting can result itself in disciplinary action. However, it should be made clear to employees that it could result in disciplinary charges being raised. If an employee wishes to be accompanied at an investigatory hearing then they can (see section 7.3).

7.1.3 When one officer conducts an investigation (or was directly involved in the matter giving rise to the investigation) then they will not conduct any disciplinary hearing which may result.

7.1.4 An officer must undertake the investigation promptly and without any undue delay unless there is particular complexity or non-availability of key interviewees.

7.1.5 In some cases it may be necessary to suspend an employee on a precautionary basis. Any decision to suspend an employee will be confirmed in writing stating the reason for this action.

7.1.6 Any suspension will be as brief as possible. The employee will be paid while they are on precautionary suspension.

7.2 Disciplinary Hearing

7.2.1 If the decision is taken to start disciplinary proceedings then the employee will be notified in writing they are to attend a disciplinary hearing. The letter will give details of the time and location of the hearing.

7.2.2 The letter calling the employee to the hearing will also clearly state the allegation(s) why they have been asked to attend and the possible consequences if the complaint against them is upheld.

- 7.2.3 The meeting will be held without undue delay.
- 7.2.4 At the meeting the employee will have the right to set out their case and answer any allegations made against them.
- 7.2.5 The employee will have the right to have copies of any written evidence including witness statements prior to the hearing. Any additional information gathered by the employee that they wish to present must be made available at least 1 working day prior to the hearing.
- 7.2.6 If either SPT or the employee wishes to call any witnesses they should notify the other party as soon as possible before the hearing of whom they wish to call.

7.3 Right to be Accompanied

- 7.3.1 An employee has the right to be accompanied at a Disciplinary Hearing or an Appeal Hearing by a work colleague or a Trade Union Official.

The Trade Union Official must be certified by their Union that they are competent to accompany an employee. The Trade Union should inform the HR department of the names of any eligible lay or full-time official whom they wish to carry out this role.

- 7.3.2 To exercise the right to be accompanied an employee should first inform the HR Department who they wish to bring as a representative/companion.

7.4 Appropriate Action

- 7.4.1 When the Disciplinary hearing is concluded the Supervisor/Manager hearing the case will decide what the most appropriate course of action is.
- 7.4.2 Where an employee is found guilty of misconduct they will be issued with a written warning. This warning will remain in force for a period of 6 months. A further act of misconduct within this period will normally result in a final written warning. If this further act is deemed as gross misconduct refer to section 7.4.6.
- 7.4.3 If an employee's first misconduct is sufficiently serious it may be appropriate, as determined by management, to move to a final written warning immediately.
- 7.4.4 A final written warning will remain on the employee's record for 12 months. A further act of misconduct within this timescale will normally result in dismissal.
- 7.4.5 Where a final written warning is given to an employee under 7.4.4 above, the organisation may also impose on the employee:

- Demotion to a lower graded role
- Transfer to an alternative role

The above sanctions may be imposed in conjunction with other forms of disciplinary action, or as an alternative to dismissal. Managers should refer

to SPT's Capability Policy where the issue being addressed is related to performance issues or the staff members' ability to fulfil their role.

- 7.4.6 Gross misconduct is generally seen as misconduct serious enough to invalidate the employment contract between the employer and the employee and make any further working relationship and trust impossible. Some behaviour is so serious that it would result in a charge of Gross Misconduct which if upheld would result in an employee being dismissed without notice. (Examples of such behaviour are listed in appendix A at the end of this document. This list is not exhaustive).
- 7.4.7 Where an employee has failed to attend a disciplinary hearing, on at least two occasions, without good cause the Manager will make a decision on the evidence available.
- 7.4.8 All warnings will be in writing and will state the reason why it is being issued, the duration of the warning and the employee's right of appeal

7.5 Right of Appeal

- 7.5.1 If an employee wishes to appeal against a disciplinary decision they should do so in writing within 14 days of receipt of the written letter confirming the disciplinary action taken.
- 7.5.2 The employee should state in their letter the grounds for their appeal.
- 7.5.3 The appeal will normally be heard by an impartial officer senior to the one who took the original hearing. Where this is not possible the appeal will be heard by an officer at the same level as the one who took the original hearing. Any appeal against dismissal will be heard by the Personnel Appeals Sub Committee of the Partnership.
- 7.5.4 The appeal will be held as promptly as possible, but normally called within 28 days of receipt of the appeal notification.
- 7.5.5 Employees will have the right to be accompanied at the appeal hearing.
- 7.5.6 Employees will be notified in writing of the outcome of the Appeal Hearing.
- 7.5.7 Where an employee has failed to attend an appeal hearing, on at least two occasions, without good cause the Senior Officer will make a decision on the evidence available.

7.6 Special Cases

- 7.6.1 If an employee is charged with or convicted of a criminal offence they must inform the HR Department. Such an event will not necessarily result in disciplinary action being taken. Rather consideration will be given to the effect the charge or conviction may have on the employee's ability to do their job.
- 7.6.2 If it is necessary to discipline a Trade Union Shop Steward then the normal disciplinary procedure will apply. However, SPT will, unless the shop steward expressly states otherwise, inform the full time officer of the relevant trade union at an early stage.

8. Training

In recognition of the requirement to implement a fair, transparent and understandable policy and procedure which will address matters of discipline within SPT, it is the responsibility of the Strategy Group (and delegated as appropriate) to ensure that managers and supervisory staff are adequately trained to carry out its provisions.

9. Review

This policy will be reviewed and updated as appropriate by the Director of Finance and HR after consultation with our recognised trade unions.

10. Approval (Signature and Date)

Sign:

Print: **Neil Wylie**

Date:

Designation: **Director of Finance & HR**

APPENDIX A

Examples of types of behaviour constituting gross misconduct:

- Fraudulent wage/salary claims.
- Falsification of work records and/or Working time records, including flexi records.
- Deliberate damage to Partnership, customer or private property.
- Fighting or assault (actual and/or threatened).
- Removal without authority of money, stores or property belonging to the Partnership, customers or employees.
- Discrimination, victimisation or harassment (on grounds of race, colour, nationality or ethnic or national origins, religion, sex, sexuality, age, marital status or disability).
- Fraudulent or vexatious claims of harassment or victimisation.
- Serious breaches of safety rules/regulations or negligence actually or potentially involving loss of life or serious injury.
- Bullying.
- Breach of confidentiality.
- Relevant conduct in breach of SPT's rules as set out in its Policies on Alcohol and Drugs.
- Breach of SPT's Code of Conduct.
- Defamation of Partnership reputation or image through social media.
- Breach of SPT's Internet and Email Policy.

STRATHCLYDE PARTNERSHIP FOR TRANSPORT

GRIEVANCE POLICY AND PROCEDURE

(INCORPORATING THE PROCEDURE TO ADDRESS ISSUES OF BULLYING, HARASSMENT AND VICTIMISATION)

Policy

1. Statement of Policy

- 1.1. Strathclyde Partnership for Transport (SPT) recognises that an employee may at some time have problems or concerns about their work, working conditions or relationships that they wish to talk about with management.
- 1.2. This policy is designed to ensure that these grievances can be settled fairly and transparently. It is also intended that any grievance can be settled quickly and as near to its point of origin as possible.

If these objectives can be achieved, then problems can be resolved before they can develop into major difficulties for all concerned. SPT prefers, wherever possible, to resolve problems informally but recognise that circumstances may require formal steps to be taken.

2. Scope of Policy

- 2.1. This policy and its associated procedures apply to all staff, with the exception of those under Chief Officials' conditions who are subject to a separate grievance policy and procedure.
- 2.2. If an employee feels that they have been subjected to bullying, harassment or victimisation then they should also use the procedures set out in this grievance policy and procedure.
- 2.3. Certain matters are excluded from the remit of this policy. This includes matters of discipline, matters concerning the interpretation of National Agreements, and matters concerning the grading of posts.

3. Legislation

This policy and associated procedures is designed to be consistent with the principles set out in the ACAS Code of Practice which took effect from April 2009.

Procedure

4. Principles

4.1. In order to ensure fairness and transparency the following principles will apply:

- Grievance issues raised will be dealt with promptly.
- Grievance issues raised will be dealt with consistently.
- Grievance issues will be investigated to establish the facts.
- Employees will have the right to put their case at a hearing.
- Employees will have the right to be accompanied at the hearing.
- Employees will have the right to appeal against any decision made at that hearing.
- Employees and their companions should take reasonable steps to attend grievance and appeal hearings.
- All reasonable steps should be taken to ensure confidentiality is maintained throughout the process.

4.2. If it is not possible to resolve a grievance informally an employee should raise the matter formally in writing and without unreasonable delay with their supervisor (if the grievance concerns the supervisor, then they should take their grievance to the next line manager in authority).

4.3. The Supervisor should then arrange a formal hearing to consider the employee's grievance. This hearing should be organised within five working days of receipt of the written grievance.

4.4. At the hearing the employee will be allowed to explain their grievance and how they think it should be resolved.

4.5. Once the employee has been allowed to explain their grievance there should be discussion and dialogue between the parties aimed at resolving the problem in a reasonable way.

4.6. After conclusion of the discussion there should be a recess to enable the management representatives to consider their response to the grievance. When the hearing resumes the manager should inform the employee of their decision and the reasons for that decision.

4.7. There may be occasions where further investigation is required to enable a decision to be arrived at. In such circumstances the hearing should be put in temporary abeyance to enable the investigation to take place and reconvened when the investigation is complete. In such circumstances further investigation will be concluded without delay.

4.8. The outcome of the hearing should be confirmed in writing to the employee as soon as possible after its conclusion along with any actions that require to be taken. If the employee's grievance is not upheld the reason(s) for that decision should be given.

4.9. Where an employee has failed to attend a grievance hearing, on at least two occasions, without good cause the Supervisor will make a decision on the evidence available.

5. Role of HR

A member of the HR Department will attend all grievance hearings to provide guidance on the process. While at the hearing the HR representative will keep a written note of what occurs. A copy of this will be made available to the employee raising the grievance.

6. Right to be Accompanied

- 6.1. An employee has the right to be accompanied at a Grievance Hearing or an Appeal Hearing by a work colleague or a Trade Union Official.
- 6.2. The Trade Union Official must be certified by their Union that they are competent and able to accompany an employee. The Trade Union should inform the HR department of the names of any eligible lay or full-time official whom they wish to carry out this role.
- 6.3. To exercise the right to be accompanied an employee should first contact a member of the HR Department, identifying the representative/companion they wish to attend.
- 6.4. Where a Trade Union Official or work colleague is unavailable on the day of the scheduled hearing, the hearing will be rescheduled, provided that the employee can propose an alternative time and date within 5 working days of the original scheduled date.

7. Right of Appeal

- 7.1. If an employee feels their grievance has not been satisfactorily resolved they have the right to appeal that decision. They should do so in writing within five working days of receipt of the written decision of the original hearing. The employee should state the grounds of their appeal. The letter of appeal should be sent to the HR Department who will arrange for the appeal to be heard.
- 7.2. The appeal will normally be heard by a manager who will be more senior than the officer who heard the formal grievance and who has not been previously involved in the case. Where this is not possible the appeal will be heard by an officer at the same level as the one who heard the formal grievance.
- 7.3. The manager hearing the appeal will review all information from the original hearing.
- 7.4. At the conclusion of the appeal hearing the manager will inform the employee, in writing, of their decision.
- 7.5. Where an employee has failed to attend an appeal hearing, on at least two occasions, without good cause the Manager will make a decision on the evidence available.
- 7.6. Confirmation of the decision of the appeal hearing will conclude the Grievance process.
- 7.7. Special Cases

7.7.1. If there is a collective of employees in agreement raising a grievance they will be entitled to only one grievance hearing and one appeal hearing. Employees will be notified individually of the outcome of each stage of the process. If the employees' grievances are not identical, the grievances will be heard on an individual basis.

7.7.2. If collective employees are of the same trade union and have nominated a Trade Union Official to act on their behalf the Trade Union Official will be notified of the outcome of each stage of the process.

8. Training

Given the importance and sensitivity of this policy it is the responsibility of the Strategy Group (and delegated as appropriate) to ensure that managers and supervisory staff are adequately trained.

9. Review and Update

This policy will be reviewed and updated as appropriate by the Director of Finance and HR after consultation with our recognised trade unions.

10. Approval (Signature and Date)

Sign:

Print: **Neil Wylie**

Date:

Designation: **Director of Finance & HR**
