

The background of the slide features a large, light blue watermark of the City of Vancouver's coat of arms. The crest includes a crown with four maple leaves, a shield divided into four quadrants (top-left: a ship, top-right: a stag, bottom-left: a ship, bottom-right: a grizzly bear), and a banner at the bottom with the motto 'A NE FOR A'.

## **Agenda Item 6**

# **Referral from the Corporate Partnership Forum**

**Falkirk Council**

**Title:** Referral from the Corporate Partnership Forum  
**Meeting:** Executive  
**Date:** 27 August 2019  
**Submitted By:** Director of Corporate & Housing Services

**1. Purpose of Report**

**The purpose of this report is to ask the Executive to approve changes to policies which were considered by the Corporate Partnership Forum on 07 August 2019.**

**2. Recommendations**

- 2.1 The Executive is asked to approve the immediate implementation of changes to the Capability, Discipline & Grievance policies and Job Evaluation policy.

**3. Background**

- 3.1 The Corporate Partnership Forum considered the Job Evaluation and Grievance Policies on 07 August 2019 and agreed to refer these to the Executive for approval. In addition, the Corporate Partnership Forum considered a number changes to arrangements documented within the existing Capability and Discipline policies and agreed to refer these changes to Executive for approval.

**4. Considerations**

Job Evaluation Policy

- 4.1 The policy has been reformatted into the new style format and includes a “how to” document to provide additional support and information on the process.
- 4.2 Approval levels (and the associated documentation for this) have been amended to provide Directors with accountability for grading outcomes.
- 4.3 Timescales have been made clearer and confirmation of the spinal column point that will be applied for re-gradings has also been highlighted. This does not change the spinal point placing arrangements but simply clarifies this.
- 4.4 The policy refers to Job Profiles which is the the new name for Job Descriptions moving forward as part of a Council wide recruitment review.

Work is being progressed to automate the creation of these documents in the longer term which will also link to the grading process.

#### Changes to Grievance Policy

- 4.5 The grievance policy has been updated into the new format.
- 4.6 The new policy provides an explanation of what a competent grievance may be and highlights a process for dealing with cases that may not fall within this criteria.
- 4.7 In line with Council of the Future and taking account of the reducing number of Chief Officers, Grievance appeals will, under the new policy be able to be heard/chaired by Service Managers/ Headteachers in addition to Heads of Service and Directors. This is to ensure a more effective process and allow cases to be resolved as quickly as possible.

#### Capability and Discipline Policies

- 4.8 In line with Council of the Future and taking account of the reducing number of Chief Officers, the chairing of capability and discipline hearings will follow the same approach as Grievance appeals. This means that Service Managers/ Headteachers, as well as Heads of Service and Directors, will chair capability and gross misconduct hearings. The officer who chairs such cases will then, where necessary, attend Appeals Committee to present management's case. This will enable cases to be dealt with more quickly. Mandatory training will be provided for all officers who have never previously been involved in cases in this way.
- 4.9 In discussion with Trade Unions, guidance will also be issued to Services to highlight the increased focus on informal resolution of issues where appropriate.

### **5. Consultation**

- 5.1 Services and Trade Unions have been consulted and comments considered, with changes made where appropriate. The policies were discussed by the Corporate Partnership Forum which agreed to refer them to Executive for approval.

### **6. Implications**

#### **Financial**

- 6.1 There are no financial implications arising from the implementation of revised policies as noted above.

## **Resources**

- 6.2 Through widening the pool of officers able to hear gross misconduct and capability hearings, this should reduce delays in setting up hearings. Full training will be required for Service Managers/Headteachers prior to chairing hearings. Additional resources will be required from HR and Services during the development of the new Job Profile templates for the job evaluation policy.

## **Legal**

- 6.3 Additional training will be provided for Service Managers/Headteachers to ensure confidence in decision making when dealing with grievance, capability and discipline issues. They are also able to access advice from HR and legal as appropriate. There are no legal implications arising from the referral of the job evaluation policy.

## **Risk**

- 6.4 There are no risks arising from implementing the grievance, capability and discipline policies.

If the job evaluation policy and appeals process was not in place there would be the risk of potential pay inequalities which could mean a risk of future equal pay claims.

## **Equalities**

- 6.5 There are no equality issues arising from the referrals. All policies are intended to ensure fairness, equality of opportunity and safe systems of work.

## **Sustainability/Environmental Impact**

- 6.6 There are no sustainability or environmental implications from this report.

## **7. Conclusions**

- 7.1 The Executive is asked to consider and approve the changes within the Capability, Discipline and Grievance policies and Job Evaluation policy, for immediate implementation.

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Director of Corporate & Housing Services

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**Date: 14 August 2019**

## **APPENDICES**

Appendix 1 – Capability and Discipline policy changes

Appendix 2 – Grievance policy

Appendix 3 – Job Evaluation policy

### **List of Background Papers:**

The following papers were relied on in the preparation of this report in terms of the Local Government (Scotland) Act 1973:

**None**

### **Disciplinary Policy – Proposed Changes**

#### **Increased focus on informal resolution of Issues where appropriate**

‘Issues of minor misconduct may be dealt with, at the early stages, through informal mechanisms with a view to seeking improvement in the employee’s conduct. In such circumstances, the manager should meet with the employee concerned to:

- Explain where improvement is required;
- Ensure that the employee understands what needs to be done to improve;
- Outline how their performance or conduct will be reviewed and over what period

This should be confirmed in writing. This letter will not constitute any form of disciplinary warning, but the employee should be made aware that if any further issues of a similar nature arise the letter may be used as evidence in any subsequent disciplinary investigation.’

#### **Provides clarity in terms of repeated misconduct.**

‘If the issue of concern is a repeat of an action/ actions which led to previous informal or formal action involving the same employee then the issue should be investigated on a formal basis.’

#### **Encourages managers to consider whether the issue is one of capability rather than misconduct**

‘Consideration should be given to whether the matter is a performance issue ( ‘can’t do’) or a conduct matter (‘won’t do’/ is negligent in undertaking their duties). Where it is identified that the matter is a performance issue then this should be dealt with in line with the Council’s Capability Policy.’

#### **Explains how issues may be elevated to formal investigation if concerns are raised at informal meeting**

‘There will be instances where the issue of concern is clearly potential gross misconduct for example, dishonest or fraudulent actions, assault or a serious breach of professional standards. In such instances, a formal investigation will be required.

Similarly, the employee’s response during an initial informal meeting may raise concerns and lead the manager to consider that the matter requires to be formally investigated. In such instances, the meeting should be stopped and the employee advised that the matter will be investigated in accordance with the Council’s Disciplinary Policy. Someone else will be required to undertake the role of investigating officer.’

#### **Timescales**

The current policy specifies that disciplinary investigations should generally be completed within 20 working days. It recognises there are cases where it may not be possible to meet this timescale. In practice this is difficult to achieve particularly in complex cases involving outside agencies such as the Police or where it is impacted by absence. As such, it is intended to remove this timescale but be clear that investigations should be carried out ‘as quickly as circumstances permit.’

### **Hearings – Change of Responsibility Levels for Gross Misconduct Hearings**

It is proposed that, in future, gross misconduct can be heard by Service Managers or Chief Officers (currently only Chief Officers). This would mean that Service Managers may be required to present management's case at any appeal hearings, including Appeals Committee.

Gross misconduct hearings for teachers must be chaired by either the Director of Childrens Services or a Chief Officer.

### **Capability Policy – Proposed Changes**

#### **Hearings - Change of Responsibility Levels for Capability Hearings**

It is proposed that, in future, capability hearings can be chaired by Service Managers or Chief Officers (currently only Chief Officers). This would mean that Service Managers may be required to present management's case at any appeal hearings, including Appeals Committee.

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Falkirk Council places great emphasis in having a well-motivated workforce. We encourage open and honest communication at all levels. There will be occasions, however, when you may feel aggrieved either about a condition of employment matter or the way in which you have been treated.

The Grievance Policy aims to encourage open communication between you and your line manager to ensure that problems arising during the course of your employment can be raised and, where possible, resolved quickly and to the satisfaction of all concerned.

This Policy applies to all Falkirk Council employees. It is designed to address individual grievances and aims to: -



## Grievance Policy

- achieve a fair and equitable method of resolving any grievance.
- provide consistency in the treatment of employees.
- assist in the efficient and effective operation of the Council.
- comply with employment legislation and ACAS guidelines.

### What Is A Grievance?

The ACAS Code of Practice relating to Grievance at Work refers to Grievances as 'concerns, problems or complaints that employees raise with their employers'.

Issues which grievances may relate to include:

- Terms & Conditions of Employment;
- Health & Safety;
- Work Relations;
- New Working Practices;
- Working Environment;
- Organisational Change;
- Discriminatory Practices.

Issues likely to fall outside the scope of the grievance policy include:

- grievances raised by an ex-employee;
- grading issues covered by the Council's Job Evaluation Policy;
- grievances that are the subject of, or may be considered under, a collective dispute which will be dealt with in line with the Council's Disputes Policy;
- where an employee raises a concern as a 'protected disclosure' under the Council's Whistleblowing Policy;
- allegations of bullying, harassment or victimisation which should be considered under the Council's Dignity at Work Policy;
- counter complaints during/ following a disciplinary process which should be considered as part of the Disciplinary process;
- Matters for which there is a separate right of appeal e.g. appeal against disciplinary action or actions taken under the Council's Capability Policy; and
- Complaints relating to the right to request access to information requests.

If you are unclear whether the issue you wish to raise or have addressed would fall under the scope of the policy, advice can be sought from Human Resources or your Trade Union in the first instance.

# Grievance Policy

## Is The Grievance Competent?

Aside from the examples cited above, there may be other occasions where management do not consider that the grievance submitted is competent. This may include:

- Where the grievance relates to the introduction of an agreed Council Policy. This does not prevent you raising a grievance where you consider that the agreed policy is being unfairly implemented/ applied.
- Where the grievance relates to matters over which the Council has no control;
- Where you have previously raised the same grievance.

In such circumstances, where management do not consider that the grievance is competent:

- If you are a trade union member –all relevant trade union convenors will be contacted for their view on the competency of your grievance. If all trade unions agree that it is not competent, you will be notified that your grievance will not proceed. If there is no agreement, your grievance will progress.
- If you are not a trade union member, the Head of Human Resources & Business Transformation and the Chair of the JTUC will jointly assess the competency of your grievance.

## Informal Resolution

In many instances, a grievance can best be resolved in an informal manner in open discussion with your Line Manager, or in writing. This requires both you and your manager to seek to resolve the grievance as speedily and effectively as possible. It encourages effective management and good communication between employees and line managers.

In some cases, an independent line manager from the same Service may be involved to seek an informal resolution without progressing to a formal hearing. This option would be facilitated by Human Resources, with a view to agreeing a resolution.

Another option where you have been unable to resolve the issue with your manager in the workplace, is to consider the use of an independent third party to help resolve the issue. This may involve an independent mediator. Should the parties concerned wish to make use of third party intervention, this should be notified to Human Resources who will be responsible for making appropriate arrangements. This is not appropriate for grievances relating to contractual terms and conditions.

If your grievance is not resolved on an informal basis, you may be able to progress to the formal grievance procedure.

## Formal Procedure

To ensure fair treatment, where you have raised a grievance informally with your line manager and remain dissatisfied, you can raise the grievance to the next level of line management as outlined below.

# Grievance Policy

Where you have raised a formal grievance, in the interests of good employee relations, no alteration will be made to the existing Conditions of Employment which gave rise to your grievance, or to the established working practices, until the grievance has been suitably resolved and the procedure itself exhausted. In circumstances however, where the issue involves service users/clients or a matter affecting the Health and Safety of an individual, the appropriateness of this arrangement will be discussed.

- **Stage 1**

If despite any informal attempt to resolve the grievance, you remain dissatisfied, you have the right to submit the grievance to an appropriate more senior manager within 5 working days of receipt of the outcome. This must be in writing and must:

- Specify your reasons for raising the grievance,
- Confirm whether informal approaches have been unsuccessful or were not practicable and
- Indicate the resolution sought.

The manager shall formally acknowledge receipt of your grievance and will either:

- determine that, depending on the nature of the grievance, an investigation is required prior to any hearing. In such circumstances, you should be advised in writing if this is the case;
- consider it appropriate to explore whether there is an opportunity to resolve the grievance by informal means. In such circumstances, they should contact you and/ or your representative to agree a way forward; or
- arrange for a hearing normally within 5 working days of receipt of your letter. You would be formally notified of the outcome of the hearing within 5 working days.

- **Stage 2**

If the matter is not resolved to your satisfaction then you have the right of appeal to your Chief Officer/Director within 10 working days of the receipt of the written outcome of Stage 1. This must be in writing and specify the grounds of your appeal. Any appeal received after this time scale will not be considered, unless good cause is shown for the appeal being made late. The Service Director/ Chief Officer will make arrangements for the appeal to be heard. Where this cannot be done within the Division concerned, the chairperson will be determined by Human Resources.

Where the grievance appeal relates to the application of a non-discretionary national condition of Service, the appeal chair will be at Service Manager/ Headteacher level or other more senior officer.

Prior to the appeal being heard, if it is expressly agreed between the parties, Human Resources will arrange a meeting to mediate the matter. This process should occur

## **Grievance Policy**

within 10 days, unless there are exceptional circumstances. If this process is unsuccessful, then the appeal will proceed.

Following from the appeal hearing/mediation you will be formally notified in writing of the outcome within 5 working days.

This is the end of the grievance process unless the matter is related to the application of a non-discretionary National Condition of Service.

- **Stage 3**

Where your grievance relates to a non-discretionary National Condition of Service, you may be able to progress an appeal to the Appeals Committee of the Council.

Appeals only progress to this stage if you have pursued either or both the mediation and the hearing outlined in Stage 2.

Any such appeal must be submitted to the Chief Governance Officer within 10 working days of written notification of the outcome at Stage 2 and must clearly specify;

- the reasons for the appeal and
- the appropriate Clause of the National Conditions of Employment giving rise to the appeal.

The Appeals Committee of the Council will normally hear your grievance within 20 working days following receipt of the appeal or as soon as the Committee can be convened.

The decision of the Appeals Committee will be notified to the appellant either at the conclusion of the Hearing or alternatively within 10 working days and in any event will be confirmed in writing. With the exception of teachers (see below), this is the end of the Grievance process. The matter will not be reconsidered by the Council should you raise this issue again.

### **Teacher's Appeals Procedure**

When a teacher or other associated professional has exhausted the Council's grievance/appeals procedure and remains dissatisfied, they may refer their case to the Joint Secretaries of the Scottish Negotiating Committee for Teachers (SNCT) which has put in place a conciliation and appeals mechanism for grievances relating to National Conditions of Service Matters. Any such appeal will only be considered where it relates to the interpretation or implementation of a SNCT national agreement. Teachers cannot appeal matters devolved to the Local Negotiating Committee for Teachers (LNCT). A full detailed copy of the Appeals procedure can be found in SNCT 09/12.

Notice of an appeal to the SNCT must be lodged by the appellant or their representative with the Joint Secretary (Employers' side) and the Joint Secretary (Teachers' side) within 20 working days of the outcome of the local appeal. The Joint Secretaries will consider whether the appeal is competent. Where the appeal is held

## **Grievance Policy**

to be competent the Joint Secretaries can issue advice to both parties to assist resolution. Such advice cannot be binding.

Where advice is issued but does not resolve matters or there is failure by the Joint Secretaries to agree on advice to resolve matters, the case will be referred to an Appeals Panel of the SNCT.

The decision of the Appeals Panel will be final and binding.

### **LNCT Failure to Agree**

Where Conditions of Service matters are devolved to the LNCT and where there is a failure to agree at school level on any relevant matter, the Council and the unions will seek to resolve matters without delay through discussion in the LNCT.

Where agreement between the two sides of the LNCT is not possible, either side may refer the failure to agree to the Joint Chairs of the SNCT for conciliation, where there is no conflict of interest. If the conciliation is unsuccessful the Joint Chairs of the SNCT may recommend further procedures for resolution of the difference, including external conciliation, mediation or arbitration. Before a failure to agree is reached a joint approach can be made to the Joint Secretary (Teacher's side) and the Joint Secretary (Employer's side) for advice. Such advice is not binding.

### **Grievance Relating To Disciplinary Matter**

Where an employee raises a grievance during a disciplinary process, the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

### **Grievance Procedure – Chief Officer**

If a grievance is raised by a Chief Officer or a Director the matter should be referred, in the first instance, to the Head of Human Resources & Business Transformation who will make the appropriate arrangements. If this course of action is not appropriate, the matter should be referred to the Chief Governance Officer.

If a grievance is submitted by a Chief Officer against a decision or actions of the Chief Executive, written notification should be submitted to the Head of Human Resources & Business Transformation who, in conjunction with the Chief Governance Officer, will make appropriate arrangements to deal with the complaint.

Thereafter, if the Chief Officer is still dissatisfied, Stage 3 of the grievance procedures will apply (as detailed above).

### **Grievance Procedure – Chief Executive**

Should the Chief Executive wish to raise a grievance, written notification will be submitted to the Chief Governance Officer who will consult with the Leader of the Council. Thereafter arrangements will be made for the grievance to be appropriately addressed by mutually agreed arrangements with the Leader of the Council. Any appeal, which requires to be considered at a hearing, will be considered by the Appeals Committee of the Council.

## **Grievance Policy**

### **Ex - Employees**

Where the employment has already terminated, an individual has the right to raise a complaint in writing in accordance with Falkirk Council's Complaints Procedure.

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Falkirk Council is committed to the principles of equal pay and to ensuring that these are applied to all employees through the use of fair and transparent working practices and systems which are based on objective criteria in line with the requirements of Equality Act 2010.

This policy provides a mechanism for the review of jobs and ensures that Falkirk Council retains an appropriately trained, motivated and rewarded workforce as well as complying with the law and good practice.

The Job Evaluation Policy and Procedure is for all SJC & Craft employees. All job evaluation requests will be assessed using the 3<sup>rd</sup> Edition of the SJC Job Evaluation Scheme. Teacher's job evaluation and appeals are dealt with through SNCT conditions and Job Sizing.

### Job Evaluation Requests

Falkirk Council will consider job evaluation requests on the following grounds:

## **Job Evaluation Policy**

- Implementation of an approved Council or Service review/restructure
- An approved vacancy management recommendation e.g. the creation of a new post/redesign of an existing post(s)
- A substantial and material change in duties/role as agreed by the line manager

Before submitting a grading request, the line manager should initially consult their HR Business Partner to clarify the role and demands of the post as well as any potential impact on other posts. This is to ensure all relevant information is considered prior to a formal grading request being submitted.

Trade Unions should also be involved in discussions prior to grading where there is a re-structure/creation of a post that has an impact on employees.

Further details on how to get a post graded can be found at <http://www.falkirk.gov.uk/employees/terms-conditions/pay-benefits.aspx#jobevaluationscheme>

### **Job Evaluation Consistency Checking**

As part of the grading process and prior to submission to grading group, consistency checking will be undertaken to review any proposed grading to ensure there are no anomalous results. Inconsistent and anomalous results will be discussed with the line manager.

### **Job Evaluation Grading Group**

The Grading Group is made up of Officers of the Council and Trade Union representatives and their role is to assess and agree job evaluations. They may refer any questions or points of clarification back to the Service and employee(s) for further information and reconsideration by the Grading Group.

The Grading Group will meet regularly throughout the year to consider evaluations.

### **Job Evaluation Principles**

The following are general principles for the management of all job evaluation requests:

- No post will be considered for grading review on the grounds of comparison with other posts internal or external to Falkirk Council;
- All evaluations will be approved by the Job Evaluation Grading Group prior to a post being advertised for recruitment purposes or re-grading of a current post holder;
- All members of the Job Evaluation Grading Group and Job Analysts will be appropriately trained;
- Wording directly lifted from the Job Evaluation Scheme will not ensure that a factor level is amended. Specific examples of tasks undertaken



## **Job Evaluation Policy**

are required to ensure consistent application of the Job Evaluation Scheme.

- A Job Profile is required as part of the process.

### **Job Evaluation Outcome**

The line manager will be notified of the outcome from the Grading Group within 5 working days. This will be documented on the Grading Outcome Form and issued by the HR Rewards Team to the relevant Service.

Any grading awarded under the Job Evaluation Policy and Procedure requires to be approved by the relevant Service Director before it is implemented. In cases where a post title covers more than one service, the Director of Corporate & Housing must approve the grading outcome.

Where the post is currently occupied it is the responsibility of the Service to advise the employee in writing of the outcome of the job evaluation review. This correspondence should be issued and uploaded to My View within 10 working days of the approved Grading Outcome Form being approved. Where relevant, the post and salary should be amended using HR Forms Online.

The post holder will move to the new grade and salary of the post with effect from the date of the approved Grading Outcome Form. If the grade of the post increases as a result of the appeal, employees in post will be placed on the bottom SCP point of the new grade. If the grade of the post decreases as a result of the appeal, employees in post will be placed on the top SCP of the new grade unless this creates an equality issue. Where necessary and EIA will be completed.

### **Pay Protection**

If a grade for a post reduces there will be no pay protection.

### **Appeals**

Employees will have the right to appeal the outcome of a job evaluation review.

Appeals will only be considered on the following grounds:

- Failure to apply the agreed local job evaluation procedure
- Factual inaccuracy of the job profile or grading request form describing role/tasks used to determine the factor levels
- Misapplication of the factor levels where the definitions have been inappropriately applied

### **Appeal Panel**

The Appeal Panel will be made up of the following:

- 2 Officers (Chief Officer/Service Unit Manager and/or Head Teacher level) and 2 Trade Union Representatives.
- A Chief Officers must be on the appeal panels for Grade M and above posts.

# **Job Evaluation Policy**

## **Appeal Hearing**

Appeal Hearings will be scheduled twice per year. If necessary, additional dates can be scheduled to manage a high volume of cases.

Further details relating to the Appeals process can be found in the How to Appeal a Grading Outcome document.

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### Job Evaluation Request Process

The line manager should submit their formal grading request to the HR Rewards Team via the grading mailbox ([grading@falkirk.gov.uk](mailto:grading@falkirk.gov.uk)), following relevant discussions with their HR Business Partner. The HR Rewards team will provide support and guidance as to whether a post requires to be graded or can be matched to an existing post.

With the exception of matching, all requests must be accompanied with a Job Evaluation Questionnaire. The Job Evaluation Questionnaire is a national document and can be found on Inside Falkirk (<http://www.falkirk.gov.uk/employees/terms-conditions/pay-benefits.aspx#jobevaluationscheme>) . This must be used for the submission of a grading request. It is important to provide as much information as possible on the Job Evaluation Questionnaire as incomplete questionnaires may delay grading requests. The HR Rewards Team can support with this.

Wording lifted directly from the Job Evaluation Scheme will not ensure that a factor level is amended. Specific examples of tasks undertaken are required to ensure consistent application of the Scheme.

### New/Vacant Posts

The line manager should complete a job evaluation questionnaire and submit this along with a job profile to the HR Rewards Team. A job evaluation interview will also take place with the line manager using the online software. This will produce a Job Overview, which will be issued to the line manager for comment. Once

## **How To Get A Post Graded**

completed, the Overview, along with the relevant grading documentation (including original job evaluation questionnaire) will then be signed by the manager and Service Manager before being returned to the HR Rewards Team. If a Service Manager post is being graded, this should be signed by the relevant Chief Officer. A final copy of the Job Profile should also be submitted.

### **Existing Posts**

Employees have the right to request a re-grading of their post where there has been a substantial change in their duties. If the line manager disagrees that there is a substantial change in duties, the employee will have the right to raise the matter with the relevant Chief Officer within their Service. It will be the responsibility of the employee to demonstrate that the post has significantly changed.

When the manager agrees that there has been a substantial change in the duties, they must submit a Job Evaluation Questionnaire, only completing the factors that have significantly changed. Any submission should be in consultation with the employee to ensure they have the opportunity to input to the process. A copy of the agreed amended job profile, highlighting the changes should accompany the questionnaire. The HR Rewards Team can assist managers in developing or updating the job profile. On receipt of the documents, a job evaluation interview with the relevant employee(s) will be arranged. In situations where there is more than one employee in post, a maximum of 5 employees can participate in this process. The HR Rewards Team can help with selecting employees.

The employee(s) may be accompanied by their Trade Union Representative. Following the evaluation of the post the employee(s) and manager will be given a copy of the Job Overview for comments which will be taken into consideration by the Grading Group.

### **Matching Posts**

If the post being evaluated is the same as one in another part of the Council it can be matched.

When considering a post for a match, the changes will be minimal and in the main will relate to a function/department change or job title change. This is only appropriate where the post is vacant and no employees are involved.

A tracked copy of the new job profile should be sent to the HR Rewards Team, highlighting the specific changes to determine if a match is appropriate. In this situation, there is no requirement to complete a job evaluation questionnaire.

The tracked changes job description will be submitted to the grading group for approval.

# How to Appeal a Grading Outcome

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### Appeal Request

Any employee submitting a Grading Appeal will need to complete the following paperwork:

What	When
<b>Initial appeal request</b> – an email to <a href="mailto:grading@falkirk.gov.uk">grading@falkirk.gov.uk</a> advising the post that is being appealed	Within 10 working days of receiving the grading outcome
<b>Grading appeal form</b> –must be completed to include a summary of what factors are being appealed and what level is being sought and why. Line manager comments also need to be completed before the form is submitted. Can be found at Appendix 1 or <a href="http://www.falkirk.gov.uk/employees/terms-conditions/pay-benefits.aspx#jobevaluationgradingrequest">http://www.falkirk.gov.uk/employees/terms-conditions/pay-benefits.aspx#jobevaluationgradingrequest</a>  Any additional supporting evidence should be	Appeals will be held twice a year. On receipt of an appeal request, the HR Rewards Team will notify the employee of the next Appeal Panel date and the date that the paperwork is required.

# How to Appeal a Grading Outcome

submitted with the form.	
All information should be sent to <a href="mailto:grading@falkirk.gov.uk">grading@falkirk.gov.uk</a>	

Employees may be assisted by and have the right to be accompanied to the Appeal Hearing by an independent Trade Union Representative. Employees are encouraged to discuss their appeal with their Line Manager and Trade Union Representative prior to submission of their paperwork.

## Appeal Panel

The appeal panel will be made up of 2 Managers (Service Manager and/or Chief Officer) and 2 Trade Union Representatives. A Chairperson will be nominated and the panel must be objective and trained. Panel members must highlight any previous involvement in a particular case or any potential conflict of interest prior to the appeal starting. The Panel must be independent.

An Officer from the HR Rewards Team will present the job overview and outcome. The post holder's line managers should also attend the hearing to answer or clarify any areas relating to the duties and responsibilities of the post.

## Appeal Hearing

The employee has the option to choose to attend the appeal hearing to present their case or to request that the panel give consideration to the case presented based on the appeal form and paperwork submitted. A Trade Union representative can accompany the employee and present the case on their behalf.

The Chairperson will:

- Introduce those present
- Ensure those attending understand the procedure which is to be followed during the hearing
- Ensure that those addressing the Panel restrict their arguments to relevant issues related to the admissible grounds for their appeals
- Record deliberations and decision making process
- Ensure the employee has a fair hearing
- Close the hearing and ensure the employee understands how and when they will be notified of the results

The employee or their Trade Union representative will present their case, after which they may be asked questions by members of the Panel. The Chairperson should remind the employee, and their representatives, that the panel members have read the written submission in advance, and advise the employee to emphasise key points in their case.

The job evaluation overview and outcome will be presented by a representative from the HR Rewards Team, following which the panel will have the opportunity to ask questions. The line manager should also attend to provide clarity relating to the duties and responsibilities of the post.

The employee, or their representative, followed by the job evaluation representative will then be provided with an opportunity to briefly summarise the key points of their case. No

# How to Appeal a Grading Outcome

new evidence should be brought forward at this time. The parties will then be asked to withdraw to allow the Panel to deliberate in private and decide whether the employee's case:

- Is upheld and supported by agreed evidence
- Is partially upheld
- Is not upheld.

Before closing the hearing, the Panel Chair will:

- Confirm whether or not the employee considers that they have had a fair hearing
- Advise the employee of the next step in the process
- Advise the employee that the panel's decision and the outcome of their appeal will be notified in writing

The panel will operate on the basis of discussion and consensus agreement, and may seek additional information to assist them in reaching a decision. If necessary, the panel will re-convene (without attendance of the employee, their representation or job evaluation representative) once clarifying information has been provided.

There will be no voting on any appeal. If the panel fail to agree, the initial assessment stands.

Where there is a disagreement between the employee and the appropriate line manager in relation to a matter of accuracy, the facts will be verified in an appropriate way. Where necessary, the panel will adjourn and re-convene at a suitable time.

Where the panel considers there to be no admissible grounds of appeal, the appeal is rejected and the employee will have no further opportunity to make representations to the Appeal Panel.

## Appeal Outcome

The Chairperson of the Appeal hearing will write to the employee to advise whether the appeal has been upheld, partially upheld or not upheld within 20 working days of the hearing.

It is not the responsibility of the panel to determine a factor level. The Appeal Panel can only agree whether a factor re-evaluation needs to take place based on evidence presented by post holders at the appeal hearing.

Where the Panel consider the case to be upheld or partially upheld, the agreed supporting evidence will be forwarded to the HR Rewards Team, who will be responsible for re-evaluating the factor(s)/post.

Consistency checking will also be undertaken to review the outcomes of all appeal results to ensure that there are no anomalous results. Inconsistent and anomalous results will be referred back to the Appeal Panel with an accompanying report for consideration before any results are notified to employees.

Any re-evaluation will be submitted to the Grading Group for review and approval as per the normal process. Grading groups are scheduled in advance each year.

# **How to Appeal a Grading Outcome**

## **Re-evaluation Outcome**

Where a re-evaluation has taken place as a result of the Appeal, the Service and employee will be advised of the outcome. The outcome will be notified by the HR Rewards Team once the post has been reviewed by the Grading Group. The Grading Outcome Form will be issued to the manager within 5 working days of this meeting.

If the grade of the post changes as a result of the appeal, the Grading Outcome Form will follow the same approval process as noted in the Job Evaluation Policy. The manager will be responsible for notifying employees of the outcome of the re-evaluation and arranging for the relevant correspondence and HR Forms changes to be made.

The effective date of any increase in grading and pay as a result of an appeal will be in accordance with normal job evaluation approval process and will be implemented from the date the Grading Outcome Form is approved by the relevant Service Director. If the grade of the post increases as a result of the appeal, employees in post will be placed on the bottom SCP point of the new grade. If the grade of the post decreases as a result of the appeal, employees in post will be placed on the top SCP of the new grade unless this creates an equality issue. Where necessary and EIA will be completed.



# How to Appeal a Grading Outcome

## Appendix 1

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SECTION A – GENERAL DETAILS	
Name	
Employee No	
Contact No	
Job Title	
Service	
Line Manager Name & Title	
Existing Grade	
Outcome of Grading Request	

### SECTION B – TRADE UNION DETAILS


N.B You are advised to contact your Trade Union before submitting this form

# How to Appeal a Grading Outcome

Please indicate on which of the following grounds you are basing your appeal (no other grounds are admissible):

- ⚙ Failure to apply the agreed local job evaluation procedure
- ⚙ Factual inaccuracy of the job profile in terms of role/demands/tasks used to determine the factor levels
- ⚙ Misapplication of the factor levels in terms of definitions not been applied correctly.

Please use this page to set out your appeal, if you are appealing under the grounds of:

- **Failure to apply the agreed local job evaluation procedure**
- **Factual inaccuracy of the job profile used to determine the factor levels**

**APPELLANT'S COMMENTS:**

**LINE MANAGER'S COMMENTS:**

# How to Appeal a Grading Outcome

Please use this table if you are appealing against the **misapplication of the factor levels**. You should indicate under which factor you are making your appeal, and use the boxes below to set out the details of your appeal under each factor heading.

<b>FACTOR HEADING</b>	<b>LEVEL ASSESSED</b>	<b>LEVEL BEING SOUGHT / OR REASON WHY LEVEL DOES NOT REFLECT THE REQUIREMENTS OF THE POST</b>
<b>WORKING ENVIRONMENT</b>		
<b>PHYSICAL CO-ORDINATION</b>		
<b>PHYSICAL EFFORT</b>		
<b>MENTAL SKILLS</b>		
<b>CONCENTRATION</b>		
<b>COMMUNICATION</b>		
<b>DEALING WITH RELATIONSHIPS</b>		
<b>RESPONSIBILITY FOR EMPLOYEES</b>		
<b>RESPONSIBILITY FOR SERVICE TO OTHERS</b>		
<b>RESPONSIBILITY FOR FINANCIAL RESOURCES</b>		
<b>RESPONSIBILITY FOR PHYSICAL &amp; INFORMATION RESOURCES</b>		
<b>INITIATIVE &amp; INDEPENDANCE</b>		
<b>KNOWLEDGE</b>		

# How to Appeal a Grading Outcome

Please ensure that comments are provided by both the appellant and the line manager in respect of each factor being appealed.

<b>FACTOR HEADING:</b>
<b>APPELLANT’S COMMENTS:</b>
<b>LINE MANAGER’S COMMENTS:</b>

<b>FACTOR HEADING:</b>
<b>APPELLANT’S COMMENTS:</b>
<b>LINE MANAGER’S COMMENTS:</b>

# How to Appeal a Grading Outcome

<b>FACTOR HEADING:</b>
<b>APPELLANT'S COMMENTS:</b>
<b>LINE MANAGER'S COMMENTS:</b>

<b>FACTOR HEADING:</b>
<b>APPELLANT'S COMMENTS:</b>
<b>LINE MANAGER'S COMMENTS:</b>

Please copy this sheet as many times as necessary dependant on the number of factors being appealed.

# How to Appeal a Grading Outcome

Please sign and date each of the boxes below

Employee		Date	
Line Manager		Date	

- Options available to you for the appeal hearing, please indicate your intention by ticking the relevant box:
- a) I will attend an appeal hearing to present my case

☐
- b) I wish the appeal panel to consider my case based on my paper submission only

☐