

**STAFF GOVERNANCE COMMITTEE**

Meeting to be held

On 25 June 2019

At 1000 in the Board Room

A G E N D A

| Number | Item | Presented By | Action Required: |
|-------------------|--|---------------------|-------------------------|
| SG.19.2.01 | (i) Resignations | Clerk | Noting |
| | (ii) Appointments | | |
| SG.19.2.02 | Apologies for Absence | Clerk | Noting |
| SG.19.2.03 | Any Additional Declarations of Interest including specific items on this Agenda. | Convenor | Noting |
| SG.19.2.04 | Draft Minutes of meeting held on 19 February 2019* | Convenor | Decision |
| SG.19.2.05 | Matters Arising/Action Sheet from meeting held on 19 February 2019 * | Clerk | Noting |
| SG.19.2.06 | Emerging Issues | | |
| | (i) Strategic Objectives for SGC | Chair | Discussion |
| | (ii) Update to Terms of Reference of SGC * | Clerk | Noting |
| | (iii) Annual Committee Effectiveness Review of SGC 2018-19 | | |
| SG.19.2.07 | HR Director's Report * | Mrs C Thomson | Discussion |
| SG.19.2.08 | Culture and Values * | Mrs C Thomson | Noting |
| | (i) Update * | | |
| | (ii) Staff Survey 2019 Report (Reserved) * | | |
| SG.19.2.09 | Update on Staff Development Activities 2018/19 * | Mrs C Thomson | Noting |
| SG.19.2.10 | Policies due for Review * | Mrs C Thomson | Decision |
| | (i) Grievance Procedure | Clare Lambourne | |
| | (ii) PVG Scheme/disclosure of Criminal Convictions | Clare Lambourne | |

01 Agenda Staff Governance Committee

| | | | |
|-----------------------|---|-----------------|------------|
| | (iii) Capability and Conduct Procedure | Clare Lambourne | |
| | | | |
| SG.19.2.11 | Health and Safety Update * | Nick Clinton | Discussion |
| | (i) Minutes of Health and Safety Committee held on 30 April 2019* | | |
| | (ii) Fire Report | | |
| | | | |
| SG.19.2.12 | Date of next meeting 12 November 2019 | Clerk | Noting |
| | | | |
| RESERVED ITEMS | | | |
| SG.19.2.13 | Reserved Minutes of meeting held on 19 February 2019 * | Convenor | Decision |
| | | | |
| SG.19.2.08 | Culture and Values * | | |
| | (ii) Staff Survey 2019 Report | | |
| | | | |



**STAFF GOVERNANCE COMMITTEE
Draft Minutes of Meeting held on
Tuesday 19 February 2019
At 1000 hours in the Boardroom**

Present:

Mrs Seonaid Mustard (Convenor)
Mr David Patterson
Mrs Rosemary McCormack
Mrs Patricia Eddie

In Attendance:

Mrs Carolyn Thomson
Mrs Cathie Fair (Clerk)
Mrs Eleanor Melton (Minutes Secretary)

| Item | | Action | Date |
|-------------------|--|--------|------|
| SG.19.1.01 | (i) Resignations | | |
| | There were no resignations | | |
| | (ii) Appointments | | |
| | There were no appointments | | |
| SG.19.1.02 | Apologies for Absence | | |
| 2.1 | Apologies for absence were received from Mr J Bodman, Mr David Dalziel. | | |
| SG.19.1.03 | Any Additional Declarations of Interest including specific items on this Agenda | | |
| 3.1 | No additional declarations of interest were noted. | | |
| SG.19.1.04 | Draft Minutes of meeting held on 13 November 2018 | | |
| 4.1 | The Minutes were accepted as an accurate account of the meeting. Proposed: Mrs Rosemary McCormack Seconded: Mr David Patterson | | |
| SG.19.1.05 | Matters Arising/Action Sheet from meeting held on 13 November 2018 | | |
| 5.1 | <u>5.1</u> Ongoing – The standing orders are still being reviewed by Mr Dalziel and Mrs Fair. The Committee noted there are changes to Governance which need to be incorporated into the Standing Orders and discussion took place on the implications of this. Mr Patterson added that the biggest change to come would be the requirement of 2 union representatives on the Board of Management as well as the 2 staff representatives. | | |

Agenda Item: SG.19.2.04

| | | | |
|-------------------|--|----------------------|--------------------|
| 5.2 | <u>9.1</u> Mrs Fair explained there had been no feedback received. | | |
| 5.3 | <u>11.1</u> Complete | | |
| 5.4 | <u>11.2</u> Complete | | |
| 5.5 | <u>11.3</u> Complete | | |
| SG.19.1.06 | HR Director's Report | | |
| 6.1 | The HR Director's Report circulated with the papers provided the Committee with an update on current issues including updates on National Bargaining, the strike action taken so far, JCC/JNC, staffing structure and HROD objectives. | | |
| 6.2 | Mrs Thomson updated members on the transfer to permanency for those academic staff who have been in continuous employment for 2 years. This is due to begin once a report has been run to see what needs to be done. | | |
| 6.3 | Unfortunately the staff review process is not moving forward as quickly as possible due to national bargaining. | | |
| 6.4 | Mrs Thomson provided an update on the current amount work being undertaken with regards to workforce planning and development. Mrs Mustard expressed her concern at the amount of work required of HR. Mrs Thomson reassured the committee that although this was a large amount of work progress is being made. The committee went on to discuss the training provided and compared what was offered internally and externally. | | |
| 6.5 | The transfer of fixed term contacts to permanent contracts for Support Staff was reviewed prior to the national agreement in relation to transfer to permanency and this had resulted in 50% of Support Staff on fixed terms contracts being made permanent. | | |
| 6.6 | The committee agreed that the Equal Pay Statement be approved electronically. This would allow the practice of utilising February pay run data for the statement to be continued and also the publication deadline to be met. | | |
| Action | To circulate Equal Pay Statement to Committee for approval | Mrs C Thomson | ASAP |
| SG.19.1.07 | Emerging Issues | | |
| | i Strategic Objectives for the SGC | | |
| 7.1 | Due to the absence of Mr Dalziel, it was agreed this item be deferred until the next meeting. | | |
| Action | To ensure this item is on Agenda for May meeting. | Mrs C Fair | May meeting |
| SG.19.1.08 | Culture and Values | | |
| | i Update | | |
| 8.1 | Mrs Thomson highlighted key points for her paper on Culture and Values, explaining that this work is | | |

Agenda Item: SG.19.2.04

| | | | |
|-------------------|---|-------------------|--------------------|
| | <p>continuing with a draft of the Behavioural Framework being included for the Committee's consideration, direction and comment.</p> <p>The Committee agreed that this needs to be sharpened and focussed and it was agreed that an inclusive and collaborative approach be taken allowing staff to consider and discuss positive and negative behaviours. It should also be discussed at SLT/CMT and the Board meeting and possibly included during the Board Development Day.</p> | | |
| ACTION | To be included on the next Board agenda | Mrs C Fair | March Board |
| | ii Staff Survey 2019 | | |
| 8.2 | The Staff survey will be undertaken by ourselves and SAMS with the aim of it being launched towards the end of February with a reply available for the SGC May meeting. | | |
| SG.19.1.09 | Staff Development Activities 2018/19 | | |
| 9.1 | <p>A report had been provided for the committee summarising all staff development activities including activities already undertaken and what is planned for the remainder of the session.</p> <p>An evaluation report of the 7 January has also been provided for reference.</p> | | |
| SG.19.1.10 | Policies due for Review | | |
| | i Staff Development Policy and Procedure | | |
| | ii Bullying and Harassment Procedure | | |
| | iii Capability and Conduct Procedure | | |
| | iv Prevention of Alcohol and Drug Misuse Procedure | | |
| | v Code of Conduct for Staff | | |
| 10.1 | <p>These policies had been included for Committee approval. However, apart from Staff Development, none of the other policies have been to SLT as yet, although all have been to the HR policy review group. Other than formatting changes and the amendment of a job title the committee approved the policies providing there were no significant changes recommended by SLT.</p> | | |
| Action | To ensure above policies are reviewed at next SLT meeting | Mrs C Fair | March SLT |
| SG.19.1.11 | Health and Safety Update | | |
| | i Minutes of Health and Safety Committee 28 November 2018 | | |
| 11.1 | <p>Mrs Thomson provided a brief update on what has happened since the departure of the Head of Estates. Following this, Mrs Thomson supported the Health and Safety proposal submitted by Mrs June Carter (Health and Safety Consultant). This outlines the work completed, ongoing and upcoming.</p> | | |

Agenda Item: SG.19.2.04

| | | | |
|-----------------------|--|-------------------|-------------|
| | The minutes of the Health and Safety committee were also provided for noting. | | |
| SG.19.1.12 | Review of Terms of Reference of Staff Governance Committee | | |
| 12.1 | Mrs Fair explained that as the standing orders of the Board are currently under reviewed it was agreed the Terms of Reference would also be considered for all committees. It was not expected that there will be many changes as these were only agreed last session. Following discussion it was agreed that a slight clarification over the membership of the committee was necessary which would be made and circulated to the Committee | | |
| Action | To make recommended change to Committee membership and circulate | Mrs C Fair | ASAP |
| SG.19.1.13 | Date of Next Meeting – 14 May 2019 | | |
| | Mrs Fair also wished to mention the recent committee evaluation that has been circulated and highlighted the importance of completing this and returning it to herself by the end of February. | | |
| RESERVED ITEMS | | | |
| SG.19.1.14 | Reserved Minutes of meeting held on 13 November 2019 | | |
| 14.1 | This matter is reserved and the minute held in confidence. | | |
| | <i>Meeting closed at 11.40am</i> | | |
| | | | |

Matters Arising Staff Governance Committee 19 February 2019
Agenda Item: SG.19.02-05

ACTION SHEET/MATTERS ARISING FROM STAFF GOVERNANCE COMMITTEE HELD ON 19 February 2019

| Item | | ACTION | DATE | Update |
|-------------------|---|------------------------|--------------------|---|
| SG.19.2.05 | Matters Arising/Action Sheet from meeting held on 19 February | | | |
| 5.1 | <u>5.1</u> - Standing Orders are still currently under review | Mrs Fair Mr Dalziel | By May 2019 | Ongoing – Standing orders due to be refreshed in 2019 |
| SG.19.1.06 | HR Director's Report | | | |
| 6.1 | To circulate Equal Pay Statement to Committee for approval | Mrs C Thomson | ASAP | Completed |
| SG.19.1.07 | Emerging Issues | | | |
| | (i) Strategic Objectives for SGC | | | |
| 7.1 | To ensure item is on Agenda for next meeting | Mrs C Fair | May meeting | On Agenda for discussion |
| SG.19.1.08 | Culture and Values | | | |
| 8.1 | Update on Culture and Values to be included on the next Board Agenda | Mrs C Fair | March Board | Completed – on Agenda |
| SG.19.1.10 | Policies due for Review | | | |
| 10.1 | The following Policies were approved by the Committee providing there are no significant changes recommended by SLT <ul style="list-style-type: none"> • Bullying and Harassment Procedure • Capability and conduct Procedure • Prevention of Alcohol and Drug Misuse Procedure • Code of Conduct for Staff These Policies therefore to be on next SLT Agenda | Mrs C Fair | March SLT | Completed – On Agenda |
| SG.19.1.12 | Review of Terms of Reference of Staff Governance Committee | | | |
| 12.1 | To make recommended change to Staff Governance Committee membership and circulate to Committee | Mrs C Fair | ASAP | Completed |

Agenda Item Reference: SG.19.2.06 (ii)

| | | | | |
|--|---|--|----------------------|---|
| Title of Paper: | Revised Terms of Reference – Staff Governance Committee | | | |
| To Committee: | Staff Governance | | | |
| Subject: | Revision to Terms of Reference of Staff Governance Committee | | | |
| Version number and date: | V3 – 7 May 2019 | | | |
| Brief summary of the paper: | The Standing orders and Terms of Reference of the Board of Management and its Committees are currently under review. At the last Committee meeting of Staff Governance the Committee agreed to a slight rewording related to the membership of the Committee. It was agreed to clarify the fact that the Director of HR and Organisational Culture is the <u>Officer to the Committee</u> and not a member of the Committee | | | |
| Recommendations: | Approve | | | |
| Action requested/decision required: | Approve | | | |
| Status: (please tick ✓) | Reserved: | | Non-reserved: | ✓ |
| Date paper prepared: | 7 May 2019 | | | |
| Date of committee meeting: | 25 June 2019 | | | |
| Author: | Cathie Fair – Clerk to the Board | | | |
| Link with strategy: Please highlight how the paper links to, or assists with: Strategic Plan including <ul style="list-style-type: none"> • Curriculum • Learning and Teaching • Organisational culture • Partnership • Sustainability | | | | |
| Equality and diversity implications: | | | | |
| Resource implications: <i>(If yes, please provide detail)</i> | | | | |

Agenda Item Reference: SG.19.2.06 (ii)

| | |
|---|--|
| Risk implications: <i>(If yes, please provide detail)</i> | |
| Appendices: | Terms of Reference of the Staff Governance Committee |
| References: | |

Agenda Item Reference: SG.19.2.06 (ii)

STAFF GOVERNANCE COMMITTEE

Terms of Reference

Authority

The Staff Governance Committee is accountable to the Board of Management and is authorised on its behalf to exercise strategic governance arrangements to:

- Ensure that the college delivers efficient and effective human resources provision including staff consultation, negotiation, development and leadership.
- Ensure that employment legislation is being effectively implemented and embedded within College procedures and that areas of best practice are adopted where appropriate.
- Ensure that College policies and procedures are regularly reviewed and updated in line with current legislation, relevant guidance and examples of appropriate best practice.
- Ensure that staff are employed within a safe and supportive working environment supported by a positive, professional culture underpinned by our core values.
- Ensure that an effective performance management system is in place to receive updates on relevant strategic objectives and key performance indicators.

Membership

Membership of the Committee shall be not less than five Board members including the Convener of the Committee, Principal, and both staff representative members. At least one of the members should have knowledge in the area of Human Resources. The Director responsible for Health and Safety shall be in attendance where there are relevant health and safety matters that should be reported. The Director of Human Resources and Organisational Culture shall be the Officer to the Committee.

Board members who are employees of the College may not Chair the Committee.

The Committee may obtain appropriate independent professional advice as and when required.

Quorum

Three members of the Committee entitled to vote on any items being considered by the Committee.

Agenda Item Reference: SG.19.2.06 (ii)

Frequency of Meetings

The Committee shall meet not less than three times each calendar year.

Remit

To ensure an effective corporate system of governance oversight for the management, safety and welfare of the workforce including a strategic workforce planning strategy.

Duties to ensure that staff are:

Well informed through:

Receiving regular information about the College and the wider UHI partnership, with opportunities to contribute ideas. Recognised trade unions and staff representatives should also be part of a meaningful consultation/negotiation system on organisational issues as appropriate and defined within agreed frameworks at all levels.

Appropriately trained and developed through:

CPD at a level appropriate to role for all staff to be delivered and supported in a manner which is meaningful to all staff ensuring that CPD activity adds value at the individual, team and College level.

The wide promotion of training and development opportunities.

Meaningful and appropriate encouragement, opportunity and support for staff to use their skills effectively.

The support of workplace representatives, health and safety representatives and union learning representatives, who are given time off for their respective duties.

Involved in decisions which affect them through:

Working in partnership to enable the involvement of all staff, through recognised trades unions and staff representatives.

Working together by developing an appropriate framework to enable effective involvement in strategic College issues. This framework will also provide for the opportunity to review and evaluate Staff Governance on an on-going basis.

Treated fairly and consistently through:

The implementation of up to date staffing policies, after consultation as appropriate which promote good practice and are communicated to all staff. These policies should

Agenda Item Reference: SG.19.2.06 (ii)

include appropriate arrangements to ensure dignity at work, eliminate discrimination and positively promote equality.

Provided with a safe and healthy working environment through ensuring that:

Effective health and safety arrangements are in place, which promote best practice.

The college actively promotes opportunities to encourage healthy working lives.

Agenda Item Reference: SG.19.2.06 (iii)

| | | | |
|--|---|----------------------|---|
| Title of Paper: | Board and Committee Evaluation Report 2018-19 | | |
| To Committee: | Staff Governance Committee | | |
| Subject: | Annual Board Self-Evaluation | | |
| Version number and date: | V3 18 June 2019 | | |
| Brief summary of the paper: | <p>In accordance with Code of Good Governance for Scotland's Colleges – August 2016 the Board has to undertake an annual review of the Functionality of the Board and its Committees which includes an evaluation of the effectiveness of the Chair of each Committee and the Clerk to the Board.</p> <p>The attached is the report on the Staff Governance Committee including all percentages and comments.</p> <p>The conclusions indicate a high level of satisfaction with the effectiveness of this Committee and in particular with the effectiveness of the Chair. The issues highlighted in last year's report in relation to quality of information and support from the executive appear to have been addressed.</p> | | |
| Recommendations: | To note any areas for improvement. | | |
| Action requested/decision required: | Discussion and Noting. | | |
| Status: (please tick ✓) | Reserved: | Non-reserved: | ✓ |
| Date paper prepared: | 18 June 2019 | | |
| Date of committee meeting: | 25 June 2019 | | |
| Author: | Cathie Fair | | |
| Link with strategy: Please highlight how the paper links to, or assists with: Strategic Plan including <ul style="list-style-type: none"> • Curriculum • Learning and Teaching • Organisational culture • Partnership • Sustainability | Assists in determining whether Committee is meeting its objectiveness in all areas of the Strategic Plan. | | |

Agenda Item Reference: SG.19.2.06 (iii)

| | |
|---|--|
| Equality and diversity implications: | All Board members and members of the SLT have the opportunity to comment on the Board's Effectiveness. |
| Resource implications: <i>(If yes, please provide detail)</i> | |
| Risk implications: <i>(If yes, please provide detail)</i> | Risk of non-compliance with the Code of Good Governance. |
| Appendices: | |
| References: | |

Board and Committee Evaluation Report 2018-19

In accordance with Code of Good Governance for Scotland’s Colleges – August 2016 the Board has to undertake an annual review of the Functionality of the Board and its Committees which includes an evaluation of the effectiveness of the Chair of each Committee and the Clerk to the Board.

D.23 The board must keep its effectiveness under annual review and have in place a robust self-evaluation process. There should also be an externally facilitated evaluation of its effectiveness at least every three years. The board must send its self-evaluation (including an externally facilitated evaluation) and board development plan (including progress on previous year’s plan) to its funding body and publish them online.

D.24 The board must agree a process for evaluating the effectiveness of the board chair and the committee chairs. The evaluation of the board chair should normally be led by the vice-chair/senior independent member.

As a result of the self-evaluation report last session some recommendations for improvement were made to the templates used for each Committee. The neutral response of Neither Agree nor Disagree was removed. In respect of the effectiveness of the Board of Management there were additional questions added related to the EREP report. The options offered were:

| | | | |
|----------------|-------|----------|-------------------|
| Strongly Agree | Agree | Disagree | Strongly Disagree |
|----------------|-------|----------|-------------------|

At the end of each section there was also the opportunity for respondents to make any comments.

The Questions along with a summary of responses are outlined in the following table.

| Staff Governance Committee | 6 Forms were completed, 2 by members of the Executive although for certain questions such as the Chair’s role, the Chair did not respond and the Executive did not respond to questions related to them. |
|--|--|
| <ul style="list-style-type: none"> Members have a sound understanding of the scope and terms of reference of the Staff Governance Committee | 67% Strongly Agree and 33% Agree |



Board and Committee Evaluation Report 2018-19
of the Board of Management of Moray College

| | |
|--|-----------------------------------|
| <ul style="list-style-type: none"> There is a sufficient level of knowledge and understanding of the role and work of the Committee | 67% Strongly Agree and 33% Agree |
| <ul style="list-style-type: none"> Individual members contribute well to the work of the Staff Governance Committee | 67% Strongly Agree and 33% Agree |
| Comments on individual Committee members' contribution | |
| <ul style="list-style-type: none"> ❖ This Committee works well together. There is a good mix of experience and membership, which enhances and adds to the workings of the Committee | |
| Chair's Role- 5 Responses received | |
| Would you agree that the Chair leads the Committee effectively in that: | |
| <ul style="list-style-type: none"> They focus on the Committee's priorities and respond to the challenges presented? | 100% Strongly Agree |
| <ul style="list-style-type: none"> They facilitate participation and encourage constructive debate including the viewpoint of others? | 100% Strongly Agree |
| <ul style="list-style-type: none"> They bring together a constructive and workable plan of actions from the Committee debate? | 80% Strongly Agree and 20% Agree |
| <ul style="list-style-type: none"> They ensure that actions identified are completed satisfactorily by the agreed dates? | 80% Strongly Agree and 20% Agree |
| <ul style="list-style-type: none"> They demonstrate appropriate leadership for different situations? | 100% Strongly Agree |
| Please provide any comments you would like to make on the Chair's role and effectiveness | |
| <ul style="list-style-type: none"> ❖ Chair is very experienced in this area and works proactively and I feel he supports the staff well ❖ The Chair of this Committee is a really focused and dedicated Chair. His methodology of his role as Chair ensures an inclusive approach with all members of the Committee. He is always extremely well prepared and follows through to the letter on all actions arising from the Committee meetings. He keep the Committee well informed and ensure that he plans for the benefit of all the Committee and the purpose of the Committee | |
| Staff Governance Committee | |
| The Staff Governance Committee's key role is to ensure an effective corporate system of governance oversight for the management, safety and welfare of the workforce including a strategic workforce planning strategy. Are you satisfied that you/the Committee: 5 Responses Received | |
| <ul style="list-style-type: none"> Receives regular and relevant information and reports about the management, health, safety and welfare of the staff to support effective governance decisions? | 60% Strongly Agree and 40% Agree |
| <ul style="list-style-type: none"> Has sufficient expertise and knowledge available to enable it to assess the College's compliance with health, safety and welfare obligations, effective employment practices, policies and procedures, industrial relations and equality legislation | 50% Strongly Agree and 50 % Agree |



Board and Committee Evaluation Report 2018-19
of the Board of Management of Moray College

| | |
|--|----------------------------------|
| <ul style="list-style-type: none"> • Please provide any comments you would like to make on the Committee’s role and responsibilities | |
| <ul style="list-style-type: none"> ❖ Committee is well supported ❖ There is a good mix of expertise and knowledge of the members of this Committee. As Staff Rep on the Committee I have had the opportunity to undertake some online CPD to prepare me and enhance my input to the Committee | |
| <ul style="list-style-type: none"> • Resources | |
| <ul style="list-style-type: none"> • The Clerk to the Board and Minute Secretary to the Committee provide effective and appropriate advice and assistance to the Board/Committee? | 100% Strongly Agree |
| <ul style="list-style-type: none"> • The Committee receives appropriate and quality information and papers to support its work? | 100% Strongly Agree |
| <ul style="list-style-type: none"> • The Committee receives effective and appropriate support from the executive of the College effectively to progress the business of the Committee | 60% Strongly Agree and 40% Agree |
| <ul style="list-style-type: none"> • Actions are undertaken effectively and timeously? | 67% Strongly Agree and 33% Agree |
| <ul style="list-style-type: none"> • General Assessment | |
| <ul style="list-style-type: none"> • What are your views on the current matters of focus for the Committee – are they about right/what would you look to change? | |
| <ul style="list-style-type: none"> ❖ About right ❖ Need to be mindful that HR, in particular, does not feel overwhelmed by the amount of work. ❖ Since the inception of this Committee last session, there has been a number of things to focus on. This has been pitched correctly. | |
| <ul style="list-style-type: none"> • What are your views on the matters which the Committee should be looking at in the future? | |
| <ul style="list-style-type: none"> ❖ Ensure policies are appropriate and timely and congruent with UHI ❖ Continual focus on the College culture, improvement of morale of the College ❖ The effect of the new structure in the College ❖ National Bargaining and how it has affected the College | |
| <ul style="list-style-type: none"> • How can the Committee’s organisation and overall performance be improved? | |
| <ul style="list-style-type: none"> ❖ None that I can think of ❖ The Committee works well and at this point I don’t feel improvement is required | |

Conclusions

Staff Governance Committee

Evaluations returned in relation to the Staff Governance Committee in all parts of the questionnaire were overwhelmingly positive with all responses to all questions being either Strongly Agree or Agree. Of particular note are responses in relation to the Chair with either 100% or 80% Strongly Agreeing to all questions. The subsequent comments in relation to the Chair indicate a very high level of confidence in the Chair. The questions related to Resources are also very favourable with notable improvement in particular in relation to the questions over whether the Committee receives quality information and support from the Executive which was an area for improvement last session.

There were no areas for improvement noted although there were some suggestions on what the Committee should be focussed on in future.

Agenda item: SG.19.2.07 (i)



| | | | | |
|---|--|--|----------------------|---|
| Committee: | Staff Governance Committee | | | |
| Subject/Issue: | HR Director's Report | | | |
| Brief summary of the paper: | The attached report is the Human Resources Report covering the period 19 February 2019 to 18 June 2019. This report is prepared for each Staff Governance Committee and includes appropriate issues relating to staffing. Matters arising from the HR Section are also enclosed in this report. | | | |
| Action requested/decision required: | The attached paper is provided for noting. Where the Committee's approval is being sought, this is identified within the paper. | | | |
| Status: <i>(please tick ✓)</i> | Reserved: | | Non-reserved: | ✓ |
| Date paper prepared: | 18 June 2019 | | | |
| Date of committee meeting: | 26 June 2019 | | | |
| Author: | Carolyn Thomson, Director of HR and OD | | | |
| Link with strategy: Please highlight how the paper links to, or assists with: <ul style="list-style-type: none"> • compliance • partnership services • risk management • strategic plan/enabler • other activity (eg new opportunity) – please provide further information. | This paper provides an update for the Committee on any significant matters or developments which affect the staff and/or being progressed in relation to employing staff. This may relate to compliance or legislation (for example, PVG, Auto enrolment) or may be in furtherance of objectives within the college's strategic documents. Formal staff consultations and negotiations through the JCC and JNC are also reported upon. | | | |
| Consultation: How has consultation with partners been carried out? <i>(Summary of response should be included in the paper)</i> | This paper reports on the consultations with staff where these have taken place. Minutes of the formal consultations through JCC are provided. | | | |
| Equality and diversity implications: | Any adjustments to or development of policies, procedures or practices referred to in this paper will be equality impact and risk assessed separately by the relevant party. | | | |
| Resource implications: <i>(If yes, please provide detail)</i> | Any resource implications relating to any developments are detailed within the paper or provided to the committee separately. | | | |
| Risk implications: <i>(If yes, please provide detail)</i> | Any risk implications relating to any developments are detailed within the paper or provided to the committee separately. | | | |

1. **National Bargaining Update**

The following is provided to update on the significant activities which are impacting upon staffing emerging from national bargaining.

Teaching Staff

- **EIS/FELA Industrial Action**

The EIS/FELA pay dispute (strike action and action short of strike action) has been now been settled with the agreement of a pay offer covering 1 April 2017 to 31 August 2020 and a National Working Practices Agreement (NWPA). Whilst technical implementation notes are awaited the details of the agreement are as follows:

Pay Offer

- Yrs 1 & 2: 1 April 2017 – 31 March 2019: All lecturing staff to receive £400 unconsolidated pro rata
- Yrs 3: 1 April 19 to 31 August 2020: consolidated award of £1500 (from 1 April 2019, the top of the lecturers pay scale will be £41526.

NWPA

- Applies from 1 August 2019
- Lecturer can request the timing of up to 7 hours per week off site working
- Professional registration/development includes observation of learning in the classroom or other learning environment
- Confirmation of previous agreements
- Arrangements covering working hours, continuous service, letter of appointment, class contact hours, annual leave, salary conservation, transfer to permanency, sickness allowance, acting appointments, lecturer salary and progression, professional registration, trade union duties, pension, staffing policies.

The process implementation of these arrangements is obviously a significant extra task for the HR and management teams.

- **National Joint Negotiating Committee Circular 04/18 - Transfer to Permanency**

The work required to examine the 87 fixed term lecturer contracts (amounting to 17.85 FTE) has been undertaken and this has resulted in the transfer to permanent of 22 contacts (3.848 FTE). These are effective from 1 April and the required adjustments have been made to the HR System and the new contracts have been issued.

- **Circular 01/19 Staff Salary Placement and Progression**

The attached circular has now been received. There are a number of areas which require clarification and we are taking steps to obtain that clarification. The effect of this circular is to

- define recognised teaching qualification (although more detail is still required in order to implement this)
- implement a counting mechanism of teaching service necessitating close liaison between college and individuals consideration
- move incremental progression dates from a standard date to an individualised one
- implement matching of salaries within the sector.

Each of these elements add an additional burden and complexity to the work of the HR team.

Support Staff

- **Circular STS 05/18 – Support Staff Pay and Terms and Conditions Agreement 2018-20**

The element with regard to shift allowances has yet to be implemented.

- **Job Evaluation**

The national job evaluation scheme for support staff has now been launched. This process requires the completion and submission of job role questionnaires alongside job descriptions and the coordination of this falls to the HR Section. The validation of job questionnaires is undertaken by the relevant line manager, and the documentation is then checked by the HR team before transmission. This is obviously significant project and task for the college support staff, management and HR team.

2. JCC/JNC Update

A Joint JCC was held on 26 February 2019. The draft minutes from this meeting are attached. The next Joint JCC was scheduled for 15 May 2019 but this required to be cancelled as it fell on a EIS/FELA strike day.

3. HROD KPIs

The KPIs in relation to the following areas have been agreed by Board for the HROD area and are provided for the Committee's information:

- Understanding and implementation of Core Values: Target: 3.7 Actual: 3.4
- Training and Development to support the performance of staff role: Target: 3.5 Actual: 3.3
- Communication, contribution and involvement in decisions: Target 3.8 Actual: 3.8
- College staff sickness absence percentage Target: 3.2% Actual: 2.9 (Aug to April: 2.9%)

Given the considerable efforts and increased investment made into the areas of Core Values and Training & Development (as previously reported to the Staff Governance Committee) it is disappointing that this has not made the hoped for improvements in the eyes of those who completed the survey (60% of staff), particularly in the context of such positive steps forward by the college in other strategic areas.

4. Operational Plan – HROD Objectives

The following are the HROD Objectives with the agreed College Operational Plan for session 18/19, with updates provided in *italics*:

- Ensure approval of a Workforce Planning and Development Strategy and plan the implementation of the strategy – Dec 2018

The Workforce planning and Development Strategy was approved in November 2019. Since then an exercise has been undertaken to ensure that the actions identified have informed the HR Operational Plan.

Agenda item: SG.19.2.07 (i)

- Develop a set of behaviours which underpin the College CORE Values and roll these out to all staff – June 2019

A separate paper provides a further update in activities undertaken in furtherance of the implementation of CORE values. Training activities have taken place in support of the values since the last committee but these were poorly attended. The staff development programme for session 19/20 is not being developed. Due to other significant additional demands it has not been possible to further the set of behaviours since the last meeting.

- Participate in collective UHI activities to review the college Staff Review process to respond to requirements of National Bargaining (timings subject to requirements being clarified) – July 2019

Progress in relation to this has been limited pending the outcome of national discussions relating to professional registration. In the meantime, managers are being supported in relation to the requirements of the current staff review scheme through reminders, and training and this is being monitored by the HR team. The information from this process is being used to inform the 19/20 staff development programme. Given the comments in the staff survey regarding individuals not having a staff review meeting a report of completion will be provided to the SLT at the beginning of next session.

- Undertake activities as required to implement National Bargaining agreements and deadlines – July 2019 (this will be ongoing)

This work is ongoing. The National JE Project will have a significant additional workload associated with it. The additional work associated with the circulars is significant as detailed above.

5. Workforce Planning and Development Strategy Actions.

As the committee are aware the implementation of the Workforce Planning and Development Strategy is undertaken through a number of actions (associated with each of the 5 stated aims) and also through the HR and other operational plans. The following provides an update in relation to these actions and aims.

Workforce Profile Aim

To implement effective and proactive workforce planning to attract and retain suitably qualified and skilled staff, with appropriate terms and conditions to meet the current and future needs of the College.

- The Staff Development Procedure has been reviewed and there has been significant focus on staff development activities within session. This has included an increase in budget provision, focus on management development and aligning activities to the CORE values. Further requirements in relation to staff development are constantly emerging and it is necessary to spend time reflecting on the most effective and efficient means of meeting these requirements.
- Staff Induction materials have been updated on Blackboard, however Blackboard is to be replaced by Brightspace. A request has been made to transfer the information to Brightspace and we await confirmation of whether this is possible.
- There is a project underway to review compliance training with an aspiration to moving all elements to BrightSpace to improve monitoring and reporting.

Agenda item: SG.19.2.07 (i)

Unfortunately due to a number of factors I have not been able to progress this as quickly as I had hoped but hope to be able to spend some time on this in the forthcoming months.

- Monitoring systems have been implemented within the HR Section to ensure that Staff Induction, Staff Qualifying Periods and Management of Sickness Absence are undertaken in accordance with procedure. The intention is to hold focussed development events to support managers in their role in relation to these matters.
- A review of support staff fixed term contracts has taken place
- A review of teaching staff fixed term contracts has taken place
- Relevant circulars have been largely implemented, although the maintenance of these will require some system development to cope with the increased workload and complexity.
- A WLA Working Party is currently developing a proposal for modelling workloads for teaching staff moving forward, based on feedback from different areas and aligning with national circular requirements.

Employee Engagement Aim

To develop an engaged and reflective workforce focussing on sustained quality enhancement at all levels.

- A set of positive behaviours to underpin the CORE values have been discussed. These require further work.
- Training activities have been focused on CORE values although to date these have not been well attended
- Senior Management endeavour to ensure that behaviours model CORE values
- Monitoring systems have been implemented within the HR Section to ensure that Staff Induction, Staff Qualifying Periods and Management of Sickness Absence are undertaken in accordance with procedure.
- HR Policies and Procedures are reviewed in accordance with the timetable and with the involvement of staff representatives.
- The meetings structure has been reviewed to endeavour to ensure that staff are advised timeously of issues which affect them
- The quality processes have been reviewed and now fully involve all teams (support and teaching) in self evaluation
- A Learning and Teaching Review pilot is underway
- Steps have been taken to share best practice and good news stories, with two stars and a wish and the development of a newsletter.

Leadership Development and Capacity Aim

To implement appropriate structures and development to create opportunities for leadership where individuals and teams feel empowered.

- The Academic Staffing Structure, aligned to national role profiles, is implemented.
- Development events have/are being held for promoted teaching staff on 17 August 2018 and 1 March 2019.
- Management and leadership training events have been provided
- Coaching and mentoring training was to be provided to managers on 29 March but required to be postponed due to lack of uptake. This is to be rescheduled.

Agenda item: SG.19.2.07 (i)

- Head of Curriculum posts hold a cross college responsibility
- The CMT meeting pulls together all managers in the college

Employee Development and Succession Planning Aim

To provide ongoing professional learning and development for all staff which fosters self-reflection and continuous improvement and aligns to the College objectives.

- The Staff Development Procedure has been reviewed
- Whilst the review of the Staff Review Procedure is held in abeyance (pending national and UHI developments), managers are being reminded of the current staff review process and have been offered support as required. This process provides for both self-reflection and continuous improvement. This process also provides an opportunity to review the service demands moving forward alongside staffing.
- The college is undertaking a pilot in Learning and Teaching Review.
- There have been significant number of opportunities provided in relation to the professional enhancement.

Safe and Supportive Working Environment Aim

To provide a safe, supportive and healthy working environment where diversity is valued and individuals feel supported.

- A set of positive behaviours to underpin the CORE values have been discussed
- Training activities have been focused on CORE values
- Senior Management endeavour to ensure that behaviours model CORE values
- College has received confirmation of the retention of Healthy Working Lives at bronze level and is working towards attaining silver
- A number of courses in relation to Mental Health have been offered to staff
- Mindfulness Sessions are now being provided each week
- There is a focus on dignity at work and unconscious bias in forthcoming training
- Activities such as 'Time to Talk' 'World Kindness Day' and a weekly lunchtime walk are being supported.
- A new post within the Sport area will allow for longer opening times for the College Gym and Staff discounts for the college gym have been retained

6. Equal Pay Statement

The Moray College 2019 Equal Pay Statement has been published.



National Joint Negotiating Committee Circular 01/19

Salary Placement and Progression

This Circular is issued under the provisions of the National Joint Negotiating Committee (NJNC) and is binding on the signatories of the National Recognition and Procedures Agreement (NRPA).

Circular 03/18 – Unpromoted Lecturing Staff Salary Placement and Progression, provided initial guidance on salary placement and progression for unpromoted lecturing staff. This Circular implements and provides further guidance on aspects of the May 2017 and November 2017 NJNC Agreements, not previously implemented through NJNC Circulars, recognising that where elements of the November NJNC Agreement supersede elements of the May 2017 NJNC Agreement, the November 2017 NJNC Agreement will apply.

This Circular provides direction for colleges on salary placement and progression for unpromoted lecturing staff and should be read in conjunction with NJNC Circular 03/18 – Unpromoted Lecturing Staff Salary Placement and Progression.

The recognised lecturing qualification will be TQFE or equivalent to a minimum SCQF level 9. 'Recognised' lecturing qualifications for this purpose will be those recognised by GTCS for the purpose of registration in colleges or schools in Scotland or otherwise agreed by the NJNC.

As part of the agreed NJNC salary scale the professional gateway is at scale point 3 of the National Pay Scale ('NPS').

For Staff Commencing Employment after 1st April 2019

Salary Placement

There are five scale points on the NPS for unpromoted lecturing staff and salary placement and progression for new entrants to the profession, on a full time or part time contract, after 1st April 2019 will be as follows:

Scale Point 1

This scale point will be applied to a new entrant to the profession who does not hold TQFE or equivalent to a minimum SCQF level 9 and who has less than two years relevant industry experience.

Scale Point 2

This scale point will be applied to a new entrant to the profession who does not hold TQFE or equivalent to a minimum SCQF level 9 and who has between two and five years relevant industry experience.

Scale Point 3

This scale point will be applied to a new entrant to the profession who does not hold TQFE or equivalent to a minimum SCQF level 9 and who has five years or more of relevant industry experience.

Scale Point 4

This scale point will be applied to a new entrant to the profession who holds TQFE or equivalent to a minimum SCQF level 9.

Scale Point 5

This scale point will be applied to a new entrant to the profession who holds TQFE or equivalent to a minimum SCQF level 9 and who in addition, has two years or more relevant industry experience.

Awarding Additional Salary Points for Teaching Service

A new entrant to the profession may be placed on a higher point on the NSP if additional salary points are awarded for teaching service in accordance with the undernoted paragraphs.

A week of teaching service comprises any week in which a lecturer is employed, as a lecturer by a college regardless of the numbers of hours worked. This includes periods of annual leave, public holidays, sickness absence, family leave or other special leave.

A qualifying period of teaching service comprises 32 weeks or more of teaching service obtained within a salary year. A salary point will be awarded for each qualifying period of teaching service.

A salary year in which less than 32 weeks of teaching service has been obtained is described as a partial salary year. Where a lecturer's record of service contains more than one partial salary year, the teaching service from the first partial salary year will be added to teaching service from the following such year(s), whether consecutive or not, until it equates or exceeds 32 weeks. Where this total is achieved, a salary point will be awarded.

This process will be repeated, as necessary, for any remaining salary years in the lecturer's record of service. It is, however, subject to the condition that teaching service cannot be carried forward beyond the salary year in which service has contributed to a salary point being awarded.

Teaching service includes employment in a teaching role in a school, college, polytechnic or university or having relevant experience in education.

This advice on teaching service is solely in relation to salary placement and is not a definition of continuous service for other employment related and statutory purposes.

Salary Progression

Employees commencing employment on or after 1st April 2019 will not progress beyond NSP 3 until such times as TQFE or equivalent is achieved, subject to the provisions of NJNC Circular 03/18. In all other cases, incremental progression through the scale to the next NSP will take place on an annual basis on the anniversary of the date on which the employee commenced employment in the college sector.

For Staff Currently in the Sector (i.e. in employment prior to 1st April 2019)

Salary Progression

Incremental progression through the scale to the next NSP will take place on an annual basis on 1st April.

Salary Matching Applicable to All Staff

It is recognised that to facilitate transferability of lecturing staff across the sector, the principle of matching salary will apply for all staff.

A new entrant to a college who has previous continuous college service will be appointed to a scale point no less than that held prior to the new appointment during the academic year, or, if appointed at the start of the academic year, then at the salary they would have been at if they had still been at their previous college at that point in time.

Scope

The terms of this Circular will apply to all employees and new entrants to the profession, including those on a temporary, fixed term or non-permanent contract.

If any clarification is sought, this should be directed to the Joint Secretaries, john.gribben@collegesscotland.ac.uk and akeenan@eis.org.uk. A joint response will be provided to all points of clarification.

NJNC Joint Secretaries

Anne Keenan
April 2019

John Gribben



University of the
Highlands and Islands
Moray College

Joint Consultative Committee (Joint)

Minutes of the meeting be held on 26 February 2019 at 3.00pm in the Board Room

Present

David Patterson, Principal, Chair
Catriona McBain, EIS/FELA
Julia Moreland, EIS/FELA (from item 1.4 Absence Cover)
Alistair Fowlie, Teaching Staff Representative
Louise Proctor, UNISON
Heather Hagen, Support Staff Representative (until item AOB)
Nikki Yoxall, Director of L & T
Chris Newlands, Director of C & AO (from item 1.3 Matters Arising)
Derek Duncan, Director of IPSS

In attendance

Carolyn Thomson, Director of HR & OD

JCCJ.19.1.1 Apologies for Absence

Apologies were received from Toni McIlwraith and Ken Matthews. Heather was welcomed to the committee.

JCCJ.19.1.2 Minutes of the Joint JCC Meeting held on 23 October 2018

The following amendments to the minutes were agreed:

Page 4: L & T review, replace 'learner' with 'learning'

Page 1: correct typographical error

With these amendments the minutes were agreed as an accurate record of the meeting.

JCCJ.19.1.3 Matters arising from the meeting held on 23 October 2018

A paper was provided noting the actions from the last meeting:

ELS Arrangements - Catriona asked Julia to provide the paper to Derek and this had been done that morning. Given that the paper arrived that morning, Derek had had insufficient time to consider this so would do so and report back to the next meeting.

Action: Derek to report back to the next Joint JCC Meeting

Administration/Lecturer Roles – Catriona had provided further information to Derek in relation to this a few days before and she clarified that the concern was in relation to induction. Catriona advised that there appeared to be inconsistency in terms of the administrative provision and she suggested that a meeting with Stuart would go

some way to resolving this. Nikki advised that there had also been a discussion at the previous SCT meeting with regards to administrative support.

Action: It was agreed that the work emerging from the SCT would continue and that this work would be reported back to the Joint JCC.

Julia stated that the Joint JCC was not a formal meeting and that she wanted a formal committee to be arranged. David advised that the JCC was a formal committee and that it was important to establish what issues needed to be progressed to determine what the best course of action would be.

Confidential Space – Derek advised that he had considered this but that there was still significant pressure on rooming within the college. He committed to keeping this matter under review. Nikki advised that as a result of some capital spend there was an additional room available for booking within the college. She acknowledged that this was not what was requested but suggested that this might go some way to alleviating the pressures on finding a space in which to speak with members.

Julia stated that she would like to make a formal request for a meeting to discuss the Facilities Agreement and to resume the discussions regarding the local RPA.

Action: Julia to provide a list of matters to allow a determination of the best way to progress these.

Absence cover – It was confirmed that this arose as a result of someone being asked to work whilst off sick and it had been agreed that this was difficult to progress in a targeted way without receipt of more specific information. Nonetheless the management side had raised this matter with line managers at CMT with the clarification that staff should not be required to work whilst being signed off sick.

Application of the Overtime Working Procedure – the management side had completed the action against them.

Support staff tea breaks and timekeeping - the management side had completed the action against them.

Support fixed term contracts - It was confirmed that this matter had been progressed with the exception for one department where the line manager's absence had prevented completion. Around half of the relevant fixed term contracts had been made permanent as a result of this.

Level 1 – it was confirmed that this action was complete and CTL posts were in place.

Learning and Teaching Review – on the agenda

EIS Learning Rep – It was confirmed that Suki Haider is the EIS L & T Rep and agreed that there was scope for her to join the L & T Review Group.

JCCJ.19.1.4 Learning and Teaching Review

Nikki advised of the significant progress made in relation to this matter. She confirmed that there is now a Learning and Teaching Review Team of 10 people in place (with potentially 1 more person joining) and this team of people would be attending a mandatory training session being run on 7 March. It was confirmed that

Julia is on the team and that she will be supporting the development of an alternative strand in the process to support staff who are less comfortable with observation. Nikki advised that the scheme is focussed on supporting all lecturers, ensuring all can access support whether or not they are comfortable with being observed. In response to a question from Catriona, Nikki advised that what is being developed is a Learning and Teaching Review, which may include an episode of observation. Julia added that team teaching might form part of this. Nikki advised that the review process will include supporting teaching staff towards ALPINE fellowship. It was confirmed that L & T Review would not be linked to staff review but that teaching staff would be encouraged to talk about reflective practice.

David expressed his thanks to those involved in this exciting development stating that this would address a missing link the college has had and that the direct support for staff in the classroom is a positive step.

JCCJ.19.1.5 College Finance Update

Julia stated that she wanted to know David's salary. David responded that his salary was a matter of public record. Julia stated that the figure she had was out of date and that she wanted to ensure that David had not received a pay increase greater than 1.5%

With regard to the College Finances, David reported that there is significant pressure upon the college's budget with regard to the salary costs. He reported that there had been an increase in staffing FTEs. Some of this increase was as a result of funded posts, as a result of increased maternity and sickness cover and also the impact of the 23+1 class contact arrangements. To this end there would continue to be scrutiny of staffing requests. David advised that the planning assumption is that national bargaining costs are fully funded at present and he stated that this is not entirely visible at the moment. This was being investigated further.

JCCJ.19.1.6 Backlog Maintenance – Easter Works

David reminded the committee of the SFC condition survey which had identified that the college required in the region of £13m of work on the buildings to remain wind and water tight (with no funding to create a 21st century learning and teaching environment being included). £1.3m of this had been received in year and this was being used to re-lay the main thoroughfare of the carpark, replace the boiler, replace windows and flooring and repair the gable end of the LRC. There was no indication that the remainder of this funding over the next four years would be paid, and David assured the committee that this would be raised with the SFC during their strategic dialogue the following day.

Nikki added that there were also some works underway or in plan in relation to the Learning and Teaching environment such as new equipment for the fitness suite, development of the Beechtree, and work within Hair, Beauty and Complementary Therapies. Julia indicated that this was pleasing to hear as the improvement in the learning environment would have a positive impact on student recruitment.

JCCJ.19.1.7 WLA Working Group

Carolyn advised that she had raised this with the CMT and had a number of volunteers for the Working Group. She was looking for membership from the JCC. Catriona indicated that she would be willing to join the group. Julia stated that she

felt that the current weekly WLA model was a helpful tool which met the needs of the agreements. Catriona indicated that she considered that there were issues with the current model and Carolyn expressed concern and confusion about what was being asked of the group when there were such differing opinions. David indicated that a less complex and intrusive model would be welcomed.

Action: A working group to be arranged with resulting recommendations to be brought to the Joint JCC

JCCJ.19.1.8 Part time CTL Posts

Julia said that she did not want to talk about this. She said that she had thought that this was a collective issue and had asked for it to be included on the agenda, but had subsequently determined that this was not a collective issue. She indicated that the individual who had raised this with her will have recourse to the grievance procedure if matters are not resolved to her satisfaction. Julia stated that she hoped that this was resolved and that the management side did not need to hear about it. David emphasised that the management side did want to hear about concerns and issues but given that this was a matter EIS had placed on the agenda, he would not press it further.

JCCJ.19.1.9 Staff Survey

Carolyn advised that the 2019 survey would be issued in the near future. Whilst in previous years other Academic Partners had undertaken a survey in collaboration, this survey was only being undertaken by Moray College and SAMS. In response to a question from Catriona, Carolyn confirmed that action needed to be taken as a result of the survey results. Carolyn advised that the Staff Governance Committee were championing the survey.

JCCJ.19.1.10 Draft H & I Regional Tertiary Outcome Agreement 2019-2020

David referred to the Draft H & I Regional Tertiary Outcome Agreement which had been provided to the Committee and advised that this was part of the formal consultation on the document for staff and trade union representatives. Chris indicated that other consultations were underway but that it was a formal requirement that trade unions be consulted with. Julia indicated that they would do what they could. It was acknowledged that the document is quite complex and suggested that a good place to start with the document might be the targets and ambitions.

Julia asked if a request to implement LDW posts for HN as well as FE could be included within the document. David suggested that the feedback to the region might be that the LDW role is successful. He suggested that there will be elements which are not included in the ROA but could be taken forward in other ways.

Action: Staff side to provide feedback to David by the 15 March.

AOB

School Interviews – Catriona questioned whether the practice of interviewing schools pupils was a good use of lecturer's time when the pupils would always be accepted to college. She suggested that this was not cost effective for the college particularly when there is such high quality information provided from the schools. Chris responded that it was important to consider the valuable experience from the pupil's

perspective. She indicated that if there was a more efficient way of providing this experience then that could be considered. Julia advised that schools interviews do not happen in social science. She suggested that this could be moved to the schools induction process and stated that class contact time should be allocated for this. Julia stated that the lecturers' week is made up of 23 hours class contact and 12 hours are for preparation, planning and marking. Nikki responded that the NJNC Circular defines the class contact only but not the other activities of a lecturer. Julia responded that in this example there is no equity when social sciences don't undertake schools pupils' interviews, and other areas do.

With regard to the schools interviews and given that this was raised under AOB, it was agreed that this would be included on the agenda for the next Joint JCC.

Action: Schools Interviews to be included on the agenda for the next JCC.

Fixed term contracts This had been raised by Louise but addressed through the course of the meeting.

Support staff contracts Louise asked if there had been any changes to contracts or job descriptions as a result of the support staff pay award. Carolyn was not clear on the question but confirmed that she was not aware of any changes to job descriptions, changes to contracts were in line with the agreement (eg unsocial hours). There was still work to do with regard to shift allowances. Louise confirmed that she had not received any concerns from staff.

Academic Coordinators – Julia stated that this was a Level 1 responsibility. Chris responded that this was a historic term, and not a job title, which reflected the coordination of a unit on a course at FE. Chris explained that this is the lecturer who the Admin Asst who contact regarding the withdrawal of students.

Strike Deduction Julia stated that whilst it had been confirmed by Pat Flanagan that the correct deductions had been made in accordance with contracts, the standard across the sector is 1/365th per day. She stated that EIS wanted to negotiate changing to that. Carolyn sought clarification on the word 'standard', was it Julia's view that all college's were deducting 1/365th? Julia responded that this was not the case but that EIS were seeking this across the sector. Julia stated that she wanted a JNC to happen to conclude some matters.

Action: It was agreed that Julia would provide the detail of these matters to allow a determination of the appropriate process.

JCCJ.19.1.11

Date of Next Meeting 15 May 2019



| | | | | |
|---|--|--------------------------|----------------------|-------------------------------------|
| Committee: | Staff Governance Committee | | | |
| Subject/Issue: | Culture and Values | | | |
| Brief summary of the paper: | The attached report is provided to update the committee on progress towards the stated aim within the Core Strategy to “develop and maintain an organisational culture that promotes the core values of UHI where people feel safe, valued, supported and able to maximise their potential.” | | | |
| Action requested/decision required: | This paper is provided for the committees information. | | | |
| Status: <i>(please tick ✓)</i> | Reserved: | <input type="checkbox"/> | Non-reserved: | <input checked="" type="checkbox"/> |
| Date paper prepared: | 18 June 2019 | | | |
| Date of committee meeting: | 26 June 2019 | | | |
| Author: | Carolyn Thomson, Director of HR and OD | | | |
| Link with strategy: Please highlight how the paper links to, or assists with: <ul style="list-style-type: none"> • compliance • partnership services • risk management • strategic plan/enabler • other activity (eg new opportunity) – please provide further information. | As stated above this paper relates specifically to the Moray College UHI Core Strategy | | | |
| Consultation: How has consultation with partners been carried out? <i>(Summary of response should be included in the paper)</i> | This paper reports on the consultations with staff where these have taken place. | | | |
| Equality and diversity implications: | Any adjustments to or development of policies, procedures or practices referred to in this paper will be equality impact and risk assessed separately by the relevant party. | | | |
| Resource implications: <i>(If yes, please provide detail)</i> | Any resource implications relating to any developments are detailed within the paper or provided to the committee separately. | | | |
| Risk implications: <i>(If yes, please provide detail)</i> | Any risk implications relating to any developments are detailed within the paper or provided to the committee separately. | | | |

(i) Culture and Values – Update and Staff Survey

The Committee have been provided with updates in previous meetings in relation to the activities and efforts being undertaken to further the stated aim in relation to culture. This has been in line with the agreed approach to Live the Values alongside the development of a behavioural framework.

The staff survey has been issued to staff and had a 60% completion rate. The survey report is provided under Reserved at this stage as it is felt appropriate to provide the managers in the college with first sight of the report before it is shared with the wider community. A qualitative and quantitative covering analysis is also provided under reserved.

It is the case that the survey has been undertaken at a time of very difficult employee relations with national negotiations and actions having an impact on local relationships. This is, anecdotally, common in the college sector.

The committee is invited to provide a view in relation to the Staff Survey report which are provided under Reserved.



| | | | | |
|---|--|--|----------------------|---|
| Committee: | Staff Governance Committee | | | |
| Subject/Issue: | Staff Development Activities | | | |
| Brief summary of the paper: | The attached report is provided to update the committee in relation to Staff Development Activities which are taking place and in plan. | | | |
| Action requested/decision required: | The attached paper is provided for noting, comment and guidance. Where the Committee's approval is being sought, this is identified within the paper. | | | |
| Status: <i>(please tick ✓)</i> | Reserved: | | Non-reserved: | ✓ |
| Date paper prepared: | 18 June 2019 | | | |
| Date of committee meeting: | 26 June 2019 | | | |
| Author: | Carolyn Thomson, Director of HR and OD | | | |
| Link with strategy: Please highlight how the paper links to, or assists with: <ul style="list-style-type: none"> • compliance • partnership services • risk management • strategic plan/enabler • other activity (eg new opportunity) – please provide further information. | This paper links to the College CORE Values, Risk Register, Operational and Strategic Plan. The paper also relates to the College's Workforce Development and Planning Strategy. | | | |
| Consultation: How has consultation with partners been carried out? <i>(Summary of response should be included in the paper)</i> | The staff development activities noted emerge from the staff review process, contact with individual line managers, and through consultation with the CMT. | | | |
| Equality and diversity implications: | Access to staff development activities are considered on an ongoing basis, adjustments to timings and formats being made as necessary. | | | |
| Resource implications: <i>(If yes, please provide detail)</i> | The staff development budget has been reviewed this session and activities are provided within the available budget. | | | |
| Risk implications: <i>(If yes, please provide detail)</i> | Staff development has been audited within session 18/19 with recommendations made and responded to. | | | |

Staff Development Activities 18/19

The following is provided as an update to the on staff development activities in session 18/19.

Training already provided

16 and 17 August 2018

Development days for newly appointed Heads of Curriculum/Academic Partnerships and Deputy Heads of Curriculum/Academic Partnerships covering:

- Scene Setting and Priorities
- Support of WLA
- Senior Curriculum Team Meeting
- Team Building
- Values
- Finance Update
- Learning, Teaching, Quality and Curriculum Updates

Staff Development Days: 21 and 23 August 2018

Staff development days for all staff, activities covering:

- Welcome from the Principal
- Student Attendance Update
- Mindfulness Sessions
- Classroom Management
- ADHD Awareness
- HR Policies and Procedures
- GDPR Update
- Mental Health Awareness Training

Staff Development Day: 7 January 2019

- Principal's Update
- L & T Review
- Ethos Training
- Embedding Career Management Standards
- Understanding Self Harm
- Smartboard Training
- New FE Admissions Policy and Procedure
- Assessment is for Learning
- Using support mechanisms to raise standards for all

Facilitated Development Event for Promoted Teaching Staff – 1 March 2019

A facilitated event was held on 1 March 2019 to further support the implementation of the structure and of the new roles.

Staff Development Day/Blue Sky Day – 29 March 2019

- All day Bright Space Training for teaching staff
- HR Policies and Procedures – Staff Review
- CORE Values: Promoting Positive Behaviours and Responding to Conflict (29 March 2019)

Agenda Item: SG.19.2.09

Specific Role Training

Training on Universal Credit is being held in college for our Student Services and Student Finance staff on 2 April 2019.

Management and Soft Skills Development

- Managing People (28 March 2019)
- CORE Values: Promoting Positive Behaviours and Responding to Conflict (29 March 2019)
- HR Policies and Procedures – Staff Review (29 March 2019)
- Performance Management (16 April 2019)
- CORE Values: Promoting Positive Behaviours and Improving Working Relationships (17 April 2019)

Throughout the session

The following courses have been advertised to staff

- Stretching and Challenging Learners
- Starter Activities
- Checking Progress – Assessment for Learning
- Differentiation
- Effective Questioning
- Recording Verbal Feedback
- Effective VLE Use
- Learning Environments to Support Students Needs
- Supporting Students with Autism
- Mental Health First Aid Course
- Mental Health First Aid Course – Young People
- Mentally Healthy Workplace for Managers and Supervisors
- Stress Awareness for Managers
- Stress Awareness
- Relaxation
- Promoting Resilience
- Alcohol and Drugs Training for Managers
- CDN Courses including Social Media, making the most of VC)
- Learning and Teaching Academy webinars, meetings and events (including Mentoring Schemes, LTA Connect Webinars, International Women's Day, Digital Education Week (including Gamification for Learning and Teaching))
- Applying Learning Theory to Learning
- Using Student Evaluation and Feedback
- Understanding Self Harm
- Developing Self Awareness
- College Expo19
- CDN Events
- Evidence Based Educational Practice,
"The 'Feedback Fallacy' – implications for practice" 1 May 2019.

The following courses are provided online for staff

- Marshall online training (a suite of 9 training modules including Health and Safety, Equality and Diversity, Data Protection, Customer Care, Bullying and Harassment)
- PREVENT training
- Information Security

In addition, staff members can discuss attendance at relevant conferences and seminars with their line managers.

Agenda Item: SG.19.2.09

ERASMUS Supported Activities

Thirteen members of staff have or will be undertaking activities supported by ERASMUS within the session, with many more expressing an interest in undertaking an activity.

Individual activities supported by the Staff Development Budget

Given the increased to the staff development budget in 18/19 it has been possible to support many more training activities which mostly emerge from the Staff Review Process, for example, we are supporting approximately 60 staff undertaking activities including:

- 8 teaching staff members to undertake TQFE
- 4 staff at different stages of their PhDs
- 3 staff at different stages of MScs
- And many other courses ranging from 1 day courses to Strategic Leadership courses.

Blue Sky Day

A Blue Sky day was held on 12 October 2018

Plans for future activities

Development Session for Support Staff Managers

It is intended to hold an event for support staff managers in a similar way as to was provided for Teaching Staff Managers. This will take place in the new session.

Staff development days 20th and 22nd August

There are two staff development days being held on 20th and 22nd August. Plans are underway for these and topics are likely to include:

- Arrangements for student trips
- Safeguarding
- Data Protection
- Preparing for Brightspace
- Policies and Procedures based on scenarios

Management Development

It is intended that focussed management development sessions will be held over the forthcoming session to support managers in their roles. These will link to CMT meetings, will be informed by managers and are likely to cover matters such as:

- Procurement
- Contract Management
- Costing Templates
- Return to work meetings

Support staff development

Feedback from the staff survey indicates a perception that staff development is disproportionately focussed on teaching staff and therefore line managers have been asked to provide feedback in relation to what meaningful training can be provided for support staff.

Flexible Workforce Development Fund –The college bid for funds under the Flexible Workforce Development Fund to support training activities has been submitted. We are now seeking to organise training in the following areas:

- Coaching and Mentoring – was arranged for 29 March 2019 but was postponed due to poor uptake
- IOSH – Working Safely

Agenda Item: SG.19.2.09

- Professional Behaviours at Work – CORE Values (3 sessions)
- Assertiveness Skills and Conflict Management
- Management of Risk
- Unconscious Bias
- Excel (3 sessions, 1 on 29 March)
- Sharepoint (2 sessions, 1 on 29 March)
- IOSH Managing Safely

Mental Health First Aid - This two day course is being delivered in collaboration with the Wellbeing Hub, on 26 and 27th June 2019.

Mindfulness

We have a member of staff (who is currently being supported through Mindfulness training) who is delivering Mindfulness Sessions on a weekly basis throughout the session.

TQFE

It is intended to support 8 staff through TQFE in session 19/20

Individual Qualifications and CPD

Approximately 75% of the 19/20 staff development budget has already been committed in the approval of applications from individuals for support emerging from the staff review process.



| | | | |
|---|---|--|------------------------|
| Committee: | Staff Governance Committee | | |
| Subject/Issue: | Policies due for Review | | |
| Brief summary of the paper: | It is established practice that HR Policies and Procedures are reviewed on a rolling 4 year programme, with the procedures being considered by the HR Policy Review Group (a subgroup of the Joint JCC) before being considered by the SLT then coming to the Staff Governance Committee for ratification. | | |
| Action requested/decision required: | The attached procedure(s) have been considered by the HR Policy Review Group and SLT and are provided for comment and ratification (if considered appropriate) | | |
| Status: <i>(please tick ✓)</i> | Reserved: | | Non-reserved: ✓ |
| Date paper prepared: | 18 June 2019 | | |
| Date of committee meeting: | 26 June 2019 | | |
| Author: | Carolyn Thomson, Director of HR and OD | | |
| Link with strategy: Please highlight how the paper links to, or assists with: <ul style="list-style-type: none"> • compliance • partnership services • risk management • strategic plan/enabler • other activity (eg new opportunity) – please provide further information. | HR Policies and Procedures are established and followed to ensure the college's compliance with the requirements of employment legislation and good employment practice. Their operation, therefore, can mitigate risk in terms of potential challenge. HR Policies and Procedures are developed in accordance with the aims, values and strategies of the college. | | |
| Consultation: How has consultation with partners been carried out? <i>(Summary of response should be included in the paper)</i> | HR Policies and Procedures are reviewed by the HR Policy Review Group, a subgroup of the JCC. HR Policies and Procedures are available for all staff on the intranet drive. | | |
| Equality and diversity implications: | Equality Impact Assessments are undertaken as part of the review cycle. | | |
| Resource implications: <i>(If yes, please provide detail)</i> | | | |
| Risk implications: <i>(If yes, please provide detail)</i> | | | |

HR Policies and Procedures

The table provides a list of the procedures which were/are due for review within this session (in advance of their review date), and provides comments against these for the committee's information or consideration:

| Procedure | Review Date | Comment |
|--------------------------------------|-------------|--|
| Staff Review Scheme | See comment | As per decision of Nov 18 Staff Governance Committee – held in abeyance pending the outcome of national and UHI developments |
| Staff Development Procedure | Feb 2019 | Complete |
| Staff Induction Procedure | See comment | As per decision of Nov 18 Staff Governance Committee held pending the outcome of national and UHI developments |
| Bullying and Harassment Procedure | July 2019 | Complete |
| Grievance Procedure | July 2019 | Considered at the 4 February 2019 HR Policy Review Group and SLT – provided for ratification |
| Capability and Conduct Procedure | July 2019 | Review had been undertaken but further feedback has been received, further revised procedure provided for ratification. Thereafter the most recent updates will be shared with the HRPRG. |
| IT Acceptable Use Procedure | July 2019 | Considered at 4 February 2019 HR Policy Review Group, to return to HR Policy Review Group meeting – therefore approval for extension to Nov 19 meeting of SGC requested. |
| Code of Conduct for Staff | July 2019 | Complete |
| Prevention of Alcohol & Drugs Misuse | July 2019 | Complete |
| PVG Scheme | July 2019 | Considered at the 4 February 2019 HR Policy Review Group and SLT, provided for ratification |
| Regrading & Job Evaluation Procedure | See comment | As per decision of Nov 18 Staff Governance Committee review of procedure in abeyance pending the implementation of a national procedure. |

Agenda item: SG.19.2.10 (i) A

| | | |
|--|--|---|
| | | Any applications held in abeyance pending the National Job Evaluation Scheme (as per the Staff Governance Committee agreement in June 2018) |
|--|--|---|

In summary, the following procedures have been considered by the HR Policy Review Group and SLT and are provided to the Staff Governance Committee for ratification at this stage.

- Grievance Procedure
- Capability and Conduct
- PVG Scheme

An extension to Nov 19 for the IT Acceptable Use Procedure is requested.



University of the
Highlands and Islands
Moray College

MORAY COLLEGE UHI

Grievance Procedure

| | |
|--|----------------------------|
| <i>Update</i> | For ratification |
| <i>Version Date and Number</i> | Feb 2019 |
| <i>Approved by</i> | Staff Governance Committee |
| <i>Responsibility for Policy</i> | HR Manager |
| <i>Responsibility for Implementation</i> | HR Manager |
| <i>Responsibility for Review</i> | HR Manager |
| <i>Date for Review</i> | July 2023 |

Please ask if you, or someone you know, would like this document in a different format or language.

Revision Date & Change Log

| Date of Revision | Brief Description of Change | Date Approved |
|------------------|-----------------------------|---------------|
| | | |
| | | |
| | | |

Table of Contents

POLICY STATEMENT

1.0 Introduction

- 1.1 Scope
- 1.2 Definitions
- 1.3 Responsibilities

2.0 The Grievance Procedure

- 2.1 General Principles
- 2.2 Informal Stage
- 2.3 Formal Grievance Procedure

3.0 Appendices

- Appendix 1 – Grievance Form
- Appendix 2 – Progression Flow Chart

POLICY STATEMENT

This procedure is designed to set out clearly the stages of the grievance procedure so that all grievances are settled fairly and as promptly as possible as well as establishing a simple and rapid mechanism for resolving dissatisfaction.

It is also the intention to provide a framework within which employees feel able to highlight their grievances, and to ensure that these are dealt with consistently.

1.0 INTRODUCTION

1.1 Scope

This procedure applies to all employees of Moray College. It provides guidance to employees on the action to take if they feel dissatisfied with some aspect of their work, with another individual or a policy/procedure; and guidance to managers on how to deal with any such dissatisfaction. Please see section 1.3 below for a definition of 'grievance' as it applies to this procedure.

1.2 Definitions

| | |
|--------------------------|---|
| Line Manager | The manager to whom the employee directly reports. |
| Independent Line Manager | A manager at the same level of the College structure or above as the Line Manager. |
| Grievance | An issue which the employee regards as resulting in unfair treatment, or regarding which the employee feels aggrieved. Complaints relating to the application or interpretation of terms and conditions of employment will normally be addressed by the Board of Management, and therefore should not be raised under the Grievance Procedure. Where an employee has an issue relating to their terms and conditions of employment, this can be discussed with his/her Line Manager following which it should be raised with the Director of HR who will refer the matter to the Board of Management on the employee's behalf. |

1.3 Responsibilities

It is the responsibility of each Line Manager to ensure an equitable approach to grievance so that employees and managers alike are confident that the system is just and fair.

It is the responsibility of the HR Manager to ensure the revision and maintenance of this procedure and will be responsible for conducting impact assessments relating to equal opportunities issues.

2.0 THE GRIEVANCE PROCEDURE

2.1 General Principles

It is the intention of the Board of Management of Moray College to encourage an environment in which grievances are the exception through commitment to best management practice and use of mediation where appropriate. However, where a grievance does exist it is expected that the issue will be resolved at the earliest possible opportunity.

Fairness is key when dealing with grievances, so that staff can have confidence in the system. This fairness is not only to the employee with a complaint but also to all other employees.

The formality of a grievance procedure is aimed at giving employees the right to seek redress for a grievance at work thereby alleviating resentment which could lead to poor performance or loss of the employee. A formal procedure enables employees to raise issues with their manager that may be regarded as contentious, with the guarantee that the manager will attempt to resolve them. It gives the manager the opportunity to resolve the grievances of employees reporting directly to them with a view to improving relations within the Section/Area.

No change will be made to the established working patterns and practices of the employee(s) until the procedure has been exhausted.

The procedure is set out in three simple stages. Managers are expected to attempt to resolve the grievance at the earliest opportunity. Once the employee has made it clear that they have a grievance the manager will respond promptly within set time limits. At all stages, the outcome of the meeting will be copied to the individual against whom the grievance has been raised, where this is the case.

The employee is entitled to representation by a union representative or colleague at any formal meeting held to try to resolve the grievance.

Advice regarding raising a grievance through this procedure is available from union representatives or the HR section.

2.2 Informal Approach

If an employee is aggrieved, this may often be resolved in the first instance, informally between the employees and their Line Managers. It is recommended that this course

of action should be attempted before recourse to the formal Grievance Procedure. At this stage mediation might prove helpful. In instances where the dissatisfaction continues the employee may revert to the formal grievance procedure as detailed below. It is recognised that issues of a more serious nature may require the Line Manager to progress straight to the formal procedure.

2.3 Formal Grievance Procedure

Stage 1(a) - Line Manager route

In the first instance, any grievance should be directed to the employee's Line Manager, except in cases as detailed in Stage 1(b). The employee should notify the Line Manager by completing the Grievance Notification Form (Appendix 1). It is the responsibility of the Line Manager to make every effort to resolve the complaint within 10 working days.

In order to attempt to resolve the grievance, meetings will normally be arranged with the Line Manager, the aggrieved employee, the employee's representative/colleague, the employee against whom the grievance has been raised (where this is the case), his/her representative/colleague and an HR representative.

It is the responsibility of the Line Manager to communicate the outcome to the employee and the HR section in writing. Such communication would be expected to be made within 10 working days of the initial grievance meeting taking place. If the employee is not satisfied with the outcome, they should notify the HR representative within 10 working days of receiving notification of the outcome.

Where the employee is not satisfied with the outcome of the matter at the end of Stage 1(a), please refer to Stage 2(a & b) below.

Stage 1(b) – Independent Line Manager route

Where the grievance is against the employee's Line Manager, the employee should approach the HR Section who will advise of an appropriate independent Line Manager to deal with the grievance. It is the responsibility of the independent Line Manager to make every effort to resolve the complaint within 10 working days.

In order to attempt to resolve the grievance, meetings will normally be arranged with the independent Line Manager, the aggrieved employee, the employee's union representative/colleague, the employee's Line Manager (against whom the grievance has been raised), his/her representative/colleague and an HR representative.

It is the responsibility of the independent Line Manager to communicate the outcome to the employee and the HR section in writing. Such communication would be expected to be made within 10 working days of the initial grievance meeting taking place. If the employee is not satisfied with the outcome, they should notify the HR representative within 10 working days of receiving notification of the outcome.

Where the employee is not satisfied with the outcome of the matter at the end of Stage 1(b), please refer to Stage 2(a & b) below.

Stage 1(c) - Representatives from Board of Management route

Where the grievance is against the Principal, the employee should direct the Grievance Notification Form to the HR representative, who will notify the Board of Management. As in stages 1(a) and 1(b) above, every effort should be made to resolve the complaint within 10 working days.

In order to attempt to resolve the grievance, meetings will normally be arranged with a representative from the Board of Management, the aggrieved employee, the employee's union representative/colleague, the Principal (against whom the grievance has been raised), his/her representative/colleague and an HR representative.

It is the responsibility of the representative of the Board of Management to communicate the outcome to the employee and the HR section in writing. Such communication would be expected to be made within 10 working days of the initial grievance meeting taking place. If the matter remains unresolved or the employee is not satisfied with the reply, they should notify the HR Representative within 10 working days of receiving notification of the outcome.

Where the employee is not satisfied with the outcome of the matter at the end of Stage 1(c), please refer to Stage 2(c) below.

Stage 2 - Principal route

Stage 2(a & b)

Where the employee has notified the HR representative that they are not satisfied with the outcome of the matter at the end of Stage 1, the HR Section will automatically progress the grievance to Stage 2 of the procedure, except in cases where the employee informs the HR Representative that they no longer wish to pursue the grievance.

The HR representative will arrange for a Stage 2 meeting to take place within 10 working days of the HR section being notified that the grievance is to proceed to Stage 2. In order to attempt to resolve the employee's dissatisfaction, meetings will normally be arranged with the Principal, the aggrieved employee, the employee's union representative/colleague, the employee against whom the grievance has been raised (where this is the case), his/her representative/colleague and an HR representative. Under normal circumstances, the Principal will have completed Stage 2 within 10 days of the initial Stage 2 meeting.

If the Principal has presided at Stage 1, Stage 2 will be heard by two representatives of the Board of Management.

The HR representative will notify the employee of the outcome within 10 working days.

Where the employee is not satisfied with the outcome of the matter at the end of Stage 2(a) or Stage 2(b), please refer to Stage 3 below.

Stage 2(c)

Where there is dissatisfaction at the outcome of the Stage 1(c) grievance against the Principal, the HR representative should be notified and the HR Section will automatically progress the grievance to Stage 2 which will be heard by a subgroup of the Board of Management. In order to attempt to resolve the grievance, meetings will normally be arranged with the employee, the employee's union representative/colleague, the Principal (against whom the grievance has been raised), his/her representative/colleague and an HR representative. Such a meeting will normally be held within 10 working days of the employee's request for such a meeting to be undertaken. The decision of the Board will be final.

Stage 3 - Representatives from Board of Management route

Where there continues to be dissatisfaction at the outcome of the grievance, it will be heard by two representatives of the Board of Management. In order to attempt to resolve the grievance, meetings will normally be arranged with the employee, the employee's union representative/colleague, the employee against whom the grievance has been raised (where this is the case), their representative/colleague and an HR representative. Such a meeting will normally be held within 10 working days of the employee's request for such a meeting to be undertaken. The decision arrived at by the Board of Management will be final.

Where representatives of the Board of Management are required to hear the same grievance at various stages then each stage would be heard by different representatives.

Appendix 1 – Grievance Notification Form



GRIEVANCE NOTIFICATION FORM

Name:

Date:

To (Line Manager):

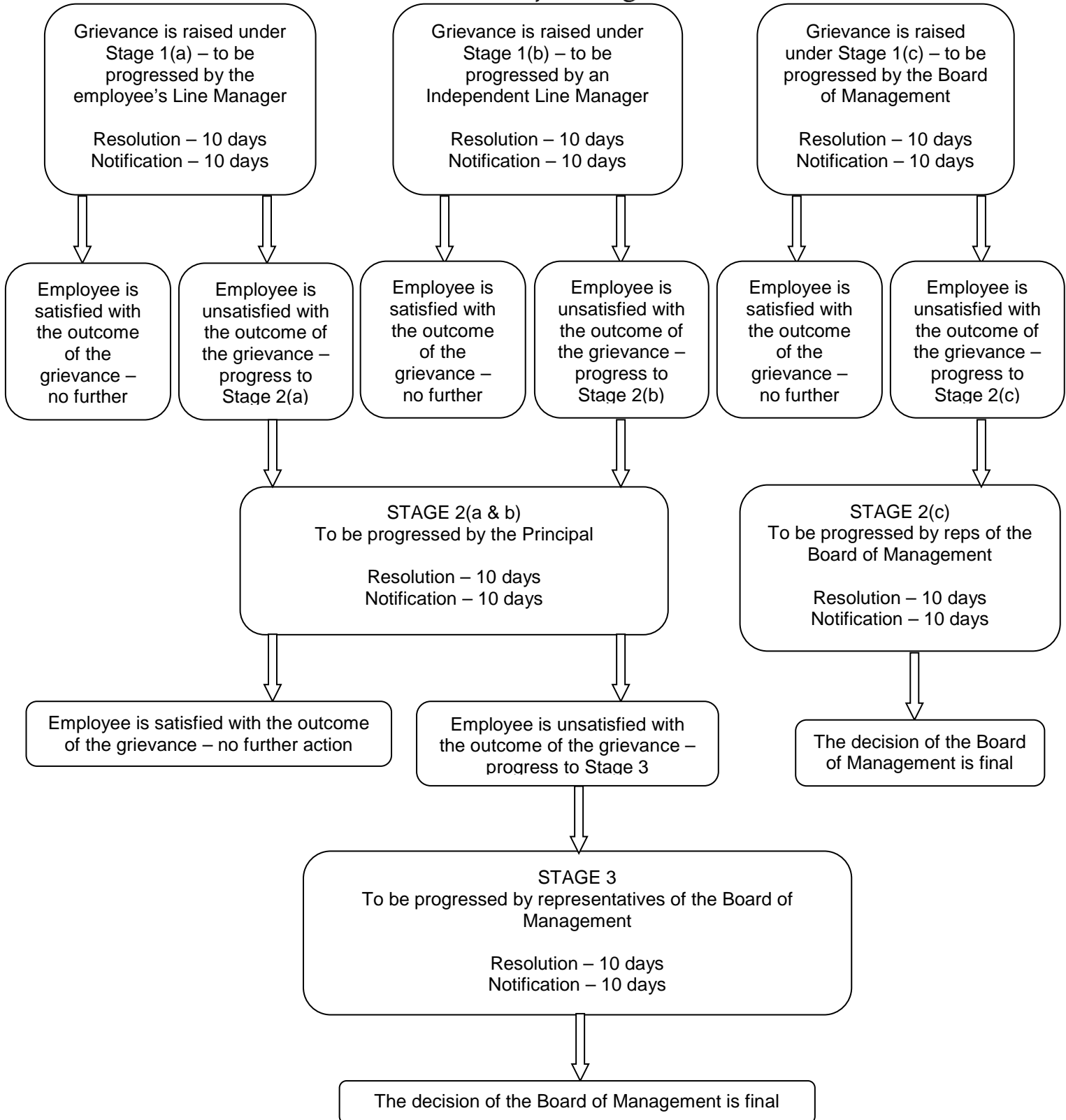
Preferred method of contact:

Nature of Grievance – please give as much detail as possible:

Proposed resolution:

Please attach additional sheets if required.

Appendix 2 – Flowchart of the Grievance Procedure





University of the
Highlands and Islands
Moray College

MORAY COLLEGE UHI

Protecting Vulnerable Groups (PVG) Scheme

&

Disclosure Policy and Procedure for new and existing staff

| | |
|--|----------------------------|
| <i>Update</i> | For ratification |
| <i>Version Date and Number</i> | Feb 2019 |
| <i>Approved by</i> | Staff Governance Committee |
| <i>Responsibility for Policy</i> | HR Manager |
| <i>Responsibility for Implementation</i> | HR Manager |
| <i>Responsibility for Review</i> | HR Manager |
| <i>Date for Review</i> | July 2023 |

Please ask if you, or someone you know, would like this document in a different format or language.

Revision Date & Change Log

| Date of Revision | Brief Description of Change | Date Approved |
|------------------|-----------------------------|---------------|
| | | |
| | | |
| | | |

Table of Contents

POLICY STATEMENT

BACKGROUND

1.0 INTRODUCTION

- 1.1 Scope
- 1.2 Objective
- 1.3 Responsibilities
- 1.4 References

2.0 RECRUITMENT

3.0 PVG SCHEME PROCESS AND PROCEDURE – Regulated Posts

- 3.1 New Appointment
- 3.2 Staff Already Employed by Moray College
- 3.3 Information referral to Disclosure Scotland

4.0 DISCLOSURE PROCESS AND PROCEDURE – Unregulated Posts

- 4.1 New Appointments
- 4.2 Staff Already Employed by Moray College

5.0 HANDLING DISCLOSED CONVICTIONS

6.0 HANDLING AND STORAGE OF DISCLOSURE INFORMATION

POLICY STATEMENT

It is Moray College's responsibility to provide a safe environment for students and staff. In furtherance of this responsibility, Moray College ensures that appropriate checks are undertaken for all staff through the Disclosure Scotland Scheme which also incorporates the Protecting Vulnerable Groups (PVG) Scheme.

The Disclosure and PVG Schemes will ensure that the College strikes a balance between proportionate protection and robust regulation to determine who they should check to protect their client group.

The Disclosure Scotland Scheme - Unregulated Category:

The Disclosure Scheme, as provided for under Part V of The Police Act 1997, is designed to assist employers in the making of safer appointment decisions when recruiting and employing staff and is for employees outside the regulated work category.

The information received from a criminal records check allows the College to determine whether the past behaviour of an individual would suggest that s/he is unsuitable for employment in a particular post. The College will not, however, discriminate unfairly against any individual on the basis of any conviction or other details received from Disclosure Scotland.

1. INTRODUCTION

1.1 Scope

This procedure applies to all employees of Moray College, and all individuals who are offered employment by Moray College.

1.2 Objective

To explain the reasons why the PVG Scheme membership and Disclosure checks are required; the process to be followed and the procedures in place for ensuring the correct handling, storage and retention of PVG and Disclosure information to ensure that Moray College is compliant with legislation.

1.3 Responsibilities

It is the legal responsibility of Moray College to employ staff who are deemed fit to work with children and vulnerable adults under the PVG Scheme and Disclosure Scotland Scheme. It is an offence for the College not to remove an individual from regulated work when told by Disclosure Scotland that they are barred.

It is the responsibility of all employees of Moray College to disclose to the HR Section, in writing, immediately, any criminal conviction.

It is the responsibility of the Director of HR to risk assess all posts within the College, and to ensure that all Disclosure and PVG Scheme information is handled, stored and retained in line with this procedure.

It is the responsibility of the HR Manager to ensure the revision and maintenance of this procedure and will be responsible for conducting impact assessments relating to equal opportunities issues.

1.4 References

Police Act 1997

Data Protection Act 2018

Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order (SSI 2003/231)

Protection of Children (Scotland) Act 2003

Disclosure Scotland's Code of Practice and Explanatory Guide

PVG Scotland Act 2007

2.0 RECRUITMENT

All recruitment literature indicates that PVG Scheme/Disclosure Scotland Scheme membership is required before employment can commence at Moray College.

All applicants will be informed at the application stage of the recruitment process that the College is exempt from the Rehabilitation of Offenders Act, and that a PVG Scheme/Disclosure Scotland check will be required for all successful candidates. To this end, all applicants will be required to complete and sign the statement relating to previous spent and unspent convictions on the Moray College UHI application form.

Where an applicant has previous conviction(s), they will be asked to provide this information in a sealed envelope attached to the application form. This sealed envelope will be passed to the HR representative on the selection panel, and details will only be divulged on a need to know basis.

Failure on the part of an applicant to disclose previous conviction(s) when asked to do so will be viewed as a serious matter and may lead to the withdrawal of any offer of employment. It will be made clear to applicants, however, that the fact that an applicant has previous conviction(s) will not necessarily make them unsuitable for employment with Moray College.

At the point of inviting candidates to interview, a blank PVG/Disclosure Scotland form is sent to the candidate with an instruction booklet and they are asked to bring the completed form with them on the day of interview along with satisfactory identification.

When offering a position, the successful candidate is informed of a conditional offer which will be subject to receipt of a satisfactory PVG/Disclosure record.

No individual will be allowed to commence work in Moray College UHI until the required PVG/Disclosure check has been undertaken. Where there is an urgent requirement for a post to be filled, the responsible person can give their consent to allow the individual to commence work with the following restrictions in place.

- 1) That the new employee is never in a position to work alongside children or vulnerable adults without supervision.

- 2) Should there be an immediate requirement for the new member of staff to work with children or vulnerable adults then additional measures will be applied by the HR Section including arranging the services of a Supervisor. The services of a Supervisor will be arranged to be present in all situations where the new member of staff is in contact with children and/or vulnerable adults. The supervisor will be an existing member of staff with the appropriate PVG membership.

On receipt of the PVG/Disclosure record, the information will be handled and stored as detailed below.

3.0 NEW APPOINTMENTS

Therefore, all new appointments gained by recruitment, promotion or transfer, involving regulated work positions will be subject to the PVG scheme membership processes as soon as they are offered their new position and must not wait until the retrospective checking arrangements impact them. The College will make all applications for such regulated positions.

3.1 Information Referral to Disclosure Scotland

The College can make a referral to Disclosure Scotland if they investigate and conclude that an individual has behaved in a harmful way towards vulnerable group. The College will make an information referral to Disclosure Scotland under the PVG scheme if it is considered that an employee should be dismissed or moved permanently out of regulated work because it is considered unsuitable for them to work with children and protected adults or both.

4.0 DISCLOSURE PROCESS AND PROCEDURE – Unregulated Posts

4.1 New Appointments

All offers of employment with Moray College in unregulated posts will be made subject to a Disclosure Scotland check at the Basic level. It is the employee's responsibility to apply for a Basic level disclosure.

4.2 Existing Moray College Staff

All members of College staff have a responsibility as detailed in paragraph 1.3 above to inform the College of any conviction or criminal charge, imposed since the date of their most recent Disclosure check.

All members of College staff in unregulated posts will be required to complete a Disclosure application every 3 years.

5.0 HANDLING DISCLOSED CONVICTIONS

Where a Disclosure reveals convictions, a judgement will be made based on the nature of the offence; the time period that has elapsed since the offence was committed; the relevance of the conviction to the position applied for/held; any pattern of repeat offending behaviour. This judgement will be made by the HR Manager, and will be discussed with the individual concerned where necessary. The individual may be required to meet with a Director and HR Manager to provide more information about the conviction. Any relevant information offered by the individual concerned about the circumstances surrounding the offence being committed or any change in circumstances since the conviction will be taken into consideration.

6.0 HANDLING AND STORAGE OF DISCLOSURE INFORMATION

Moray College does not use any information obtained through the Disclosure process for any purposes other than that for which it has been provided, namely for the purpose of ascertaining the suitability of an individual for a particular position.

The information obtained through the Disclosure process is sensitive, personal information, and as such will be handled responsibly. Once received, Disclosure certificates will be held no longer than 90 days, following which they will be securely destroyed. A record will be kept indicating that the individual has been Disclosure checked, but this record will not detail any sensitive information. This record will consist of the name of the employee; the post for which Disclosure was undertaken; the issue date of the Disclosure; the type of Disclosure obtained and the unique reference number of the Disclosure. This information is retained to ensure a clear audit trail.

All Disclosure information is kept in secure conditions. Documents will be kept in lockable, non-portable storage containers, the keys of which will be available only to the HR section.

Moray College UHI complies fully with the Code of Practice, issued by Scottish Ministers, regarding the correct handling, holding and destroying of Disclosure information provided by Disclosure Scotland under Part V of the Police Act 1997 ("the 1997 Act"), for the purposes of assessing applicants' suitability for employment purposes, voluntary positions, licensing and other relevant purposes.

(<https://www.mygov.scot/disclosure-code-of-practice/disclosure-scotland-code-of-practice.pdf?inline=true>). It also complies fully with the Data Protection Act 2018

and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information and has a written policy on these matters. This policy is available to anyone who wishes to see it on request. This Secure handling, use, storage and retention will be applicable unanimously to both the PVG Scheme and Disclosure Scotland.

7.0 PROCESS FOLLOWING AN EMPLOYEE LEAVING

Disclosure Scotland should be advised when employees with PVG membership leave Moray College.



University of the
Highlands and Islands
Moray College

MORAY COLLEGE UHI

Capability and Conduct Procedure

| | |
|--|----------------------------|
| <i>Update</i> | For ratification |
| <i>Version Date and Number</i> | Feb 2019 |
| <i>Approved by</i> | Staff Governance Committee |
| <i>Responsibility for Policy</i> | HR Manager |
| <i>Responsibility for Implementation</i> | HR Manager |
| <i>Responsibility for Review</i> | HR Manager |
| <i>Date for Review</i> | July 2023 |

Please ask if you, or someone you know, would like this document in a different format or language.

Revision Date & Change Log

| Date of Revision | Brief Description of Change | Date Approved |
|------------------|-----------------------------|---------------|
| | | |
| | | |
| | | |

Table of Contents

POLICY STATEMENT

1.0 INTRODUCTION

- 1.1 Scope**
- 1.2 Objective**
- 1.3 Definitions**
- 1.4 Responsibilities**
- 1.5 References**

2.0 GENERAL PRINCIPLES

3.0 INFORMAL PROCEDURE

4.0 FORMAL PROCEDURE

- 4.1 Investigation**
- 4.2 Suspension**
- 4.3 Formal Capability Procedure**
 - Stage 1**
 - Stage 2**
 - Stage 3**
- 4.4 Formal Conduct Procedure**
- 4.5 Possible Outcomes of Conduct Procedure**

5.0 RIGHT OF APPEAL

- Appendix 1 Flowchart**

POLICY STATEMENT

Moray College Board of Management recognises that its employees are their most important asset and is committed to ensuring that all employees have the appropriate skills, knowledge, competence and aptitude to undertake their role effectively.

All staff are expected to maintain acceptable standards of conduct in the work they are employed to do, and to show respect to all those with whom they come into contact in the course of their employment.

1.0 INTRODUCTION

1.1 Scope

This policy applies to all employees of Moray College Board of Management.

1.2 Objective

The objectives of the Capability and Conduct Procedure are:

- to support staff to achieve and maintain acceptable performance and conduct standards;
- to ensure consistent and fair treatment and to provide support to any member of staff whose performance and/or conduct is considered to be unsatisfactory so that they may have the opportunity to improve their performance and/or conduct;
- to provide guidance for managers in handling problems relating to conduct and capability issues.

1.3 Definitions

Section 98 (3) of the Employment Rights Act 1996 defines capability as “capability assessed by reference to skill, aptitude, health or any other physical or mental quality.”

Within this Capability and Conduct Procedure, the capability element addresses the inability to carry out a job to the required standard (the “can’t”) as opposed to issues of misconduct (the “won’t”) which are handled as the conduct element.

| | |
|--------------------------|---|
| Line Manager | The manager to whom the employee directly reports |
| Independent Line Manager | A manager, who, within the College structure, is at the same level or above as the Line Manager |
| Investigating Officer | The line manager, independent line manager or |

external consultant tasked with conducting the investigation

1.4 Responsibilities

Members of staff are responsible for:

- performing their duties to an acceptable level;
- engaging in any reasonable training and development that will enable them to reach the required level of performance in their job;
- understanding that if their work performance falls below that which is deemed to be acceptable, managers will be obliged to address this;
- responding to corrective measures that are identified;
- informing their managers of any issues which could be affecting their work performance. This could include personal issues outside the work place, health or disability issues;
- adhering to all rules and standards of conduct;
- co-operating with any investigations within the context of this procedure.

Managers are responsible for:

- recruiting, selecting, training and managing staff appropriately thus minimising the risk of poor performance;
- setting standards of performance, and ensuring that these are communicated and understood;
- ensuring that staff have a reasonable work load;
- providing staff with a departmental induction;
- providing feedback on work performance to staff they are responsible for;
- providing appropriate support and assistance to help staff reach and maintain the required standards of work;
- dealing with poor performance as it becomes apparent to avoid this having a detrimental effect on the performance of the Section/Directorate or students;
- ensuring that matters relating to an individual's work performance are dealt with sensitively and consistently, maintaining confidentiality, dignity and equality of opportunity;
- dealing with issues of inappropriate conduct.

It is the responsibility of all employees to familiarise themselves with College rules and standards and to observe them.

It is the responsibility of the HR Manager to ensure the revision and maintenance of this procedure and will be responsible for conducting impact assessments relating to equal opportunities issues.

1.5 References

Employment Rights Act 1996

ACAS Code of Practice on Disciplinary and Grievance Procedures
Moray College Management of Sickness Absence Policy and Procedure
Moray College Rehabilitation Procedure
Moray College Shorter Working Year Initiative
Moray College Bullying and Harassment Procedure
Moray College Computer Network Procedure
Moray College Code of Conduct for Staff
Moray College Equalities Policies
Moray College Freedom of Information Policy
Moray College Staff IT Acceptable Use Policy

2.0 GENERAL PRINCIPLES

The intention of the Capability and Conduct Procedure is to help and encourage improvement among employees whose performance and/or conduct is unacceptable.

Where the performance or conduct of a member of staff causes concern, the Line Manager will take steps to establish all the facts. No formal action will be taken until a full investigation within the context of the Capability and Conduct Procedure has been undertaken, with all relevant factors being considered. The Line Manager will establish if the concerns are as a result of the employee's capability or conduct.

A number of factors may affect an individual's capability to achieve the required standards of performance. The following list, which is not intended to be exhaustive, identifies some of these factors:

- lack of aptitude, skill or experience, which may be the result of inappropriate recruitment, selection, induction or training.
- absence of facilities crucial to the member of staff's performance
- reorganisation or redefinition of role
- poor attendance at work
- lack of motivation to perform role
- changes in the nature and allocation of work, including heavy workload
- changes in technology
- personal/family difficulties
- health problems

The support which is appropriate will vary depending on the circumstances of individual cases; however the following are examples of the types of support which may be considered. This list is not intended to be exhaustive:

- clear job descriptions and person specifications
- clear explanation of standards
- careful monitoring during the qualifying period
- regular communication of standards
- additional supervision
- further or additional training
- coaching and/or mentoring
- counselling
- changes to working patterns (e.g. hours of work; shorter working year)
- reasonable adjustment to duties consistent with the needs of the service which do not change the general character of the job
- provision of written guidance or programmes of work

Where the Line Manager's initial investigation establishes that the nature of the concerns are to be dealt with as a capability issue, and the employee concerned refuses to accept support or to co-operate with the support offered and the level of performance remains unsatisfactory, the matter will be handled as a conduct issue. The Line Manager will also consider the effect that the employee's actions may be having on their area and/or the College.

The existence of a formal Capability and Conduct Procedure does not preclude the possibility of other approaches to resolve issues pertaining to performance and/or conduct; informal meetings may be productive not only before a formal procedure has been initiated, but also once the procedure has been instigated. It is imperative that all persons involved in any meetings are clear as to the status, formal or otherwise, of each meeting.

All participants at a hearing and all persons involved at any stage of a hearing and/or investigation are required to treat all proceedings as confidential information. No such confidential information will be divulged to any third party or be used for any purpose other than authorised business in connection with the hearing.

Should any formal steps take place in the context of the Capability and Conduct Procedure, the employee will be sent two copies of any witness statements which are intended to be used as evidence and two copies of the Capability and Conduct Procedure.

At any stage of the Conduct and Capability Procedure, the line manager may discuss with the HR Section, the benefits of an external/independent consultant assisting with the procedure. The decision on the appropriateness of contacting an external/independent consultant will be made by the HR Section and should be based on the nature and complexity of the case.

3.0 INFORMAL PROCEDURE

When concerns regarding an employee's capability or conduct arise, discussions between the Line Manager and the employee will occur, however it is recognised that

issues of a more serious nature may require the Line Manager to progress straight to the formal procedure.

In the event of minor misconduct being established, the purpose of the discussion is to encourage improvement. The nature of the misconduct will be pointed out, and the employee will be given every opportunity to offer an explanation. The employee will be informed of the required standards and will be advised of the risk of formal proceedings should they fail to achieve the required standards. The agreed actions/standards should be noted by the line manager for clarity for the line manager and the employee.

In the event of poor or unsatisfactory performance being established, the purpose of the discussion is to establish if there are any circumstances which may be work-related or personal that may be impacting on an individual's performance. Wherever possible, managers should seek to address any individual or minor performance issues as they occur, and without the need to implement the formal procedure. Where performance issues are serious, and/or repetitive, and/or frequent, more structured support and assessment over a period of time may be needed, and the formal procedure will be invoked. The procedure provides opportunities for improvement through a series of informal and formal stages.

4.0 FORMAL PROCEDURE

4.1 Investigation

Where the performance or conduct of a member of staff causes concern, the Line Manager will take steps to establish all of the facts. Normally a full investigation will be undertaken, with all relevant factors being considered, including any prior discussions that may have occurred between the line manager and the employee. The Investigating Officer (Line Manager/Independent Line Manager/External independent investigator, to be determined taking into account all of the circumstances), will gather any evidence and/or interview any witnesses, if appropriate. Signed witness statements will be produced and an HR representative will be in attendance at any Investigatory Meetings. Any member of staff interviewed during an investigation will have the right to be accompanied by a union representative or colleague should they so wish. Staff are required to co-operate by providing a witness statement as part of an investigation, however if any witness has a concern about providing a witness statement, they should consult the HR Section on the most appropriate arrangements.

Following the completion of the investigation, the Investigating Officer, advised by the HR representative, will determine whether or not the concerns regarding the member of staff will be dealt with as a capability or conduct issue. It may be the case that the Investigating Officer concludes that the concerns have elements of both capability and conduct. In this instance the elements will be split into each category and dealt with as per this procedure. Where it is felt necessary to invoke a formal conduct or capability hearing, the employee will be informed of this; and where it is felt

unnecessary to invoke a formal conduct or capability hearing, the employee will also be informed.

Where the Investigating Officer determines that there is a case to answer, they will provide a report to the HR Representative stating the facts. This report will include copies of evidence and/or witness statements taken during the investigation.

In cases where the Line Manager is the Principal, an Independent Line Manager will undertake the investigation.

4.2 Suspension

In cases of serious or potentially gross misconduct or incapability a brief period of suspension will be considered whilst investigations take place. An assessment of the risk to the investigation should the employee continue to be at work will be carried out to identify the appropriateness of a period of suspension. Periods of suspension will be with full pay.

Anyone being suspended in this manner will be clearly informed that they are suspended for as short a period as possible, and that they will be called into College to take part in the investigation as required.

4.3 Formal Capability Procedure

The employee can choose to be accompanied by a trade union representative or a colleague at formal meetings under this procedure if they so wish.

Stage 1

Formal Support Meeting

A formal stage 1 support meeting will be attended by an HR representative, the Line Manager, the employee, the employee's union representative / colleague, if desired.

The Line Manager will identify to the employee those areas of performance which are deemed to be unsatisfactory. The employee will be given every opportunity to present their views, and consideration will be given to any extenuating circumstances which may have an impact on performance. A programme of action will be agreed, which will include:

- the improvement required
- the support to be put in place to assist the employee to achieve the required standard
- an assessment period with the timescale within which the improvement is to be effected (this will vary depending on circumstances, but would normally be expected to be between three and six months)
- the likely consequences of failure to achieve the required standard

- referral to Occupational Health if necessary
- counselling, depending on the nature of the problem

Formal Review Meeting

After the time period identified in the programme of action, the formal stage 1 review meeting will be held.

Prior to the review meeting the line manager must ensure that he/she has full information relating to the progress of the employee in relation to the objectives agreed at the support meeting.

The review meeting will be attended by an HR representative, the Line Manager, the employee, the employee's union representative / colleague, if desired.

The employee must be given at least 5 working days written notice of the meeting and confirmation of the nature of the concerns and any accompanying documents that will be referred to at the meeting.

At the meeting the line manager will discuss with the employee their performance during the formal support period and assess the progress, if any, which has been made.

If the employee's performance has reached the required standard following the monitoring and support that has been provided within the formal stage, the line manager will conclude that no further action under the capability procedure will be taken as the performance continues to be satisfactory and has improved sufficiently, the agreed support can still be in place at this time. This decision will be communicated to the employee and the meeting will conclude.

If the employee's performance remains unsatisfactory the line manager will outline the continued concerns. The employee will be given a reasonable opportunity to comment on the concerns and to ask any questions and offer an explanation for any lack of progress.

Following this discussion, a reasonable adjournment will take place in order for the line manager to decide what further action needs to be taken.

Available options could include:

- progression to stage 2 of the capability procedure if no significant improvement is evident and if there are no extenuating circumstances.
- an extension of the stage 1 monitoring stage in exceptional circumstances

Upon reaching the decision, the line manager will reconvene the review meeting and advise the employee of the outcome.

In cases where the matter is to progress to stage 2, the line manager will review and amend the programme of action that was agreed at Stage 1, to include:

- the improvement required
- the support to be put in place to assist the employee to achieve the required standard
- an assessment period with the timescale within which the improvement is to be effected (this will vary depending on circumstances, but would normally be expected to be between three and six months, or when a further incident of concern takes place which requires more immediate action than waiting for the scheduled assessment meeting)
- the likely consequences of failure to achieve the required standard
- referral to Occupational Health if necessary
- counselling/assistance depending on the nature of the problem

The decision will be confirmed in the form of a letter which must state:

- the aspects of the employee's performance that must improve
- the standard of performance required
- the support that will be available
- the timescale for improvement
- the targets and criteria that the employee's performance will be assessed against
- that failure to meet the required standards may lead to further action within the capability procedure which could include dismissal
- the date of the end of the assessment period when a review meeting will be held

The employee will be advised of their right of appeal and a copy of the letter will be placed in the employee's personal file.

Stage 2 - Formal Review Meeting

The format of the Stage 2 meeting will be as set out in Stage 1.

At the expiry of the time period identified, or prior to that if a further incident occurs which causes sufficient concern, the review meeting will take place so that the employee's progress can be assessed.

If the employee's performance has reached the required standard following the monitoring and support that has been provided within the formal stage, the line manager will conclude that no further action under the capability procedure will be taken as the performance continues to be satisfactory and has improved sufficiently. This decision will be communicated to the employee and the meeting will conclude; however if the employee's performance remains unsatisfactory the line manager will outline the continued concerns.

The employee will be given every opportunity to present their views or offer an explanation for any lack of progress.

The employee will be advised of the standard of performance required; the timescale and the consequences of failure to respond appropriately, i.e. the employee could ultimately face redeployment, demotion or dismissal. This information will inform the revision/amending of the programme of action.

Available options could include:

- no further action under the capability procedure as the member of staff's performance has improved sufficiently
- progression to stage 3 of the capability procedure if no significant improvement is evident.

The decision will be confirmed in the form of a letter which must state:

- the aspects of the employee's performance that must improve
- the standard of performance required
- the support that will be available
- the timescale for improvement
- the targets and criteria that the employee's performance will be assessed against
- that failure to meet the required standards may lead to further action within the capability procedure which could include dismissal
- the date of the end of the assessment period when a review meeting will be held

The employee will be advised of their right of appeal and a copy of the letter will be placed in the employee's personal file.

Stage 3 - Formal Review Meeting

The format of the Stage 3 meeting will be as set out in Stage 1, in attendance will be the Line Manager, the employee, the employee's union representative/colleague if desired, an HR representative and the Principal.

The employee will be given every opportunity to present their views or offer an explanation for any lack of progress.

If the required standard has been achieved the process will be considered complete and the employee will be informed of this.

If insufficient progress has been made, the Principal, acting on the details provided in the case thus far and with relevant advice and guidance from HR, will decide on appropriate action which may include redeployment, demotion or dismissal.

The employee will be informed of their right of appeal (see section 5).

4.4 Formal Conduct Procedure

Where it is felt appropriate to convene a conduct hearing, the HR Representative will notify the member of staff in writing/email of the hearing, giving reasonable advance notice. The communication will state that the hearing is convened under the Conduct Procedure and will contain:

- the nature of the allegation
- the date, time and place of the interview
- the employee's right to be accompanied by a union representative or colleague
- witness statements (if applicable)
- a copy of the Capability and Conduct Procedure

The Conduct Hearing will be attended by the employee, the employee's representative if desired, the Investigating Officer, the HR Representative and an Independent Line Manager as Chair of the Hearing. Where the allegation to be considered falls within the definitions of gross misconduct, the Chair of the Hearing will be the Principal.

The HR representative will establish the purpose of the hearing. The Chair of the Hearing will inform the employee of the allegation. The Investigating Officer will present the evidence gathered during the investigation. The employee will then be given every opportunity to state their side of the story fully. Where appropriate, either side may invite witnesses, although it is intended that in most cases the production of signed witness statements will suffice. Should either party request the presence of a witness at the hearing then the witness must be notified in writing to HR 5 working days prior to the hearing. HR will then determine the reasonableness and relevance of the witness. Should the employee wish for a particular witness to be interviewed, they should make the Investigating Officer aware of their request, as all witnesses should be interviewed by the Investigating Officer.

If it becomes clear that the employee has provided a satisfactory explanation, the proceedings will be stopped. If new facts emerge during the hearing which require further investigation, the meeting will adjourn and reconvene on completion of the investigation.

In summing up, the Chair of the Hearing will cover the main points raised by both sides during the Hearing. The Hearing will then adjourn to allow the Chair to reach their conclusion acting on the details provided in the case thus far and with relevant advice and guidance from the HR Representative. All circumstances of each case will be considered on their own merits.

Where the allegation is found to have been confirmed, the following factors will be considered when determining the outcome:

- the gravity of the offence

- the decision applied in similar cases in the past
- the individual's conduct record
- any mitigating circumstances

The Chair will advise the employee of the decision and will explain the right of appeal. The employee will be clearly advised of any improvements expected, how long any warning will last and the possible consequences if any further misconduct occurs. The Chair will confirm this decision in writing within 5 working days.

4.5 Possible Outcomes of Conduct Procedure

Verbal Warning

A verbal warning is a more formal method of dealing with a minor act of misconduct. Although oral, a record of the warning is placed on the employee's file, detailing that a verbal warning has been given, by whom, when and for what reason. This will be confirmed to the employee in writing.

The employee will be advised of the standard of conduct required and the consequences of failure to maintain the standards.

Verbal warnings remain valid for 6 months.

First Written Warning

Where an employee fails to respond to a verbal warning or commits a further breach, a first written warning will be administered. A copy of the written warning will be kept in the employee's personal file, and a copy given to their representative.

The warning will specify the matters of complaint against the employee, the improvements in conduct required, the time scale and the consequence of failure to respond appropriately.

A First Written Warning will also be issued in cases where a first offence is serious enough to warrant such a step.

First Written Warnings are valid for 9 months.

Final Written Warning

Where a First Written Warning fails to bring about the required standard of conduct, or a further breach of rules is committed, a Final Written Warning will be issued.

A Final Written Warning will also be issued in cases where a first offence is serious enough to warrant such a step.

A Final Written Warning will contain details of the offence as in the First Written Warning and will make it clear that any further misconduct could lead to dismissal.

Final Written Warnings remain valid for 12 months.

It may be appropriate where formal action at Final Written Warning level has failed to resolve the problem, or in serious cases of misconduct, to take action short of dismissal which may include redeployment, demotion or withholding an annual increment.

Such action will only be taken with the full knowledge and agreement of the Director of HR and Organisational Development and the Principal and will be confirmed in writing to the employee.

The letter will contain details of the action taken and the right of appeal.

Dismissal

The authority to dismiss rests solely with the Principal acting on the details provided in the case thus far and with relevant advice and guidance from the HR Representative. This will be confirmed to the employee in writing. Dismissal applies to:

- cases where the conduct procedure has failed to elicit acceptable standards of conduct
- cases of gross misconduct or serious breaches of College rules.

The penalty for gross misconduct is summary dismissal without notice or pay in lieu of notice. The following are deemed to be examples of gross misconduct, but this is not intended to be an exhaustive list:

- Defrauding the College, theft, deliberate falsification of records
- Serious breach of Health and Safety and Safety rules
- Serious incapability due to the influence of alcohol, or working whilst under the influence of illegal drugs
- Serious case of insubordination
- Fighting and physical assault of a serious nature
- Acts of gross indecency
- Serious breach of confidence (subject to the Public Interest (Disclosure) Act 1998)
- Deliberate actions or omissions in holding, releasing or destroying information that has been requested under the Freedom of Information Act
- Deliberately accessing inappropriate internet sites e.g. those containing pornographic, offensive or obscene material
- Any serious and founded form of bullying or harassment as defined in the Bullying and Harassment policy

5.0 RIGHT OF APPEAL

An employee may appeal against the decision reached at any stage of this Capability and Conduct Procedure. Appeals should be presented in writing to the HR Representative stating clearly the reason for appeal. The letter should be submitted within 10 working days of the meeting. The appeal hearing will be heard as soon as is reasonably practicable and the HR Representative will confirm the time and location of the appeal hearing.

Appeals against a Verbal or First Written Warning within the Formal Conduct Procedure, will be heard by an Independent Line Manager within 10 working days of the appeal being lodged.

Appeals against a Final Written Warning within the Formal Conduct Procedure will be heard by a Director within 15 working days of the appeal being lodged.

Appeals against dismissal within the Formal Conduct Procedure, will be heard by 2 members of the Board of management of Moray College within 15 working days of the appeal being lodged.

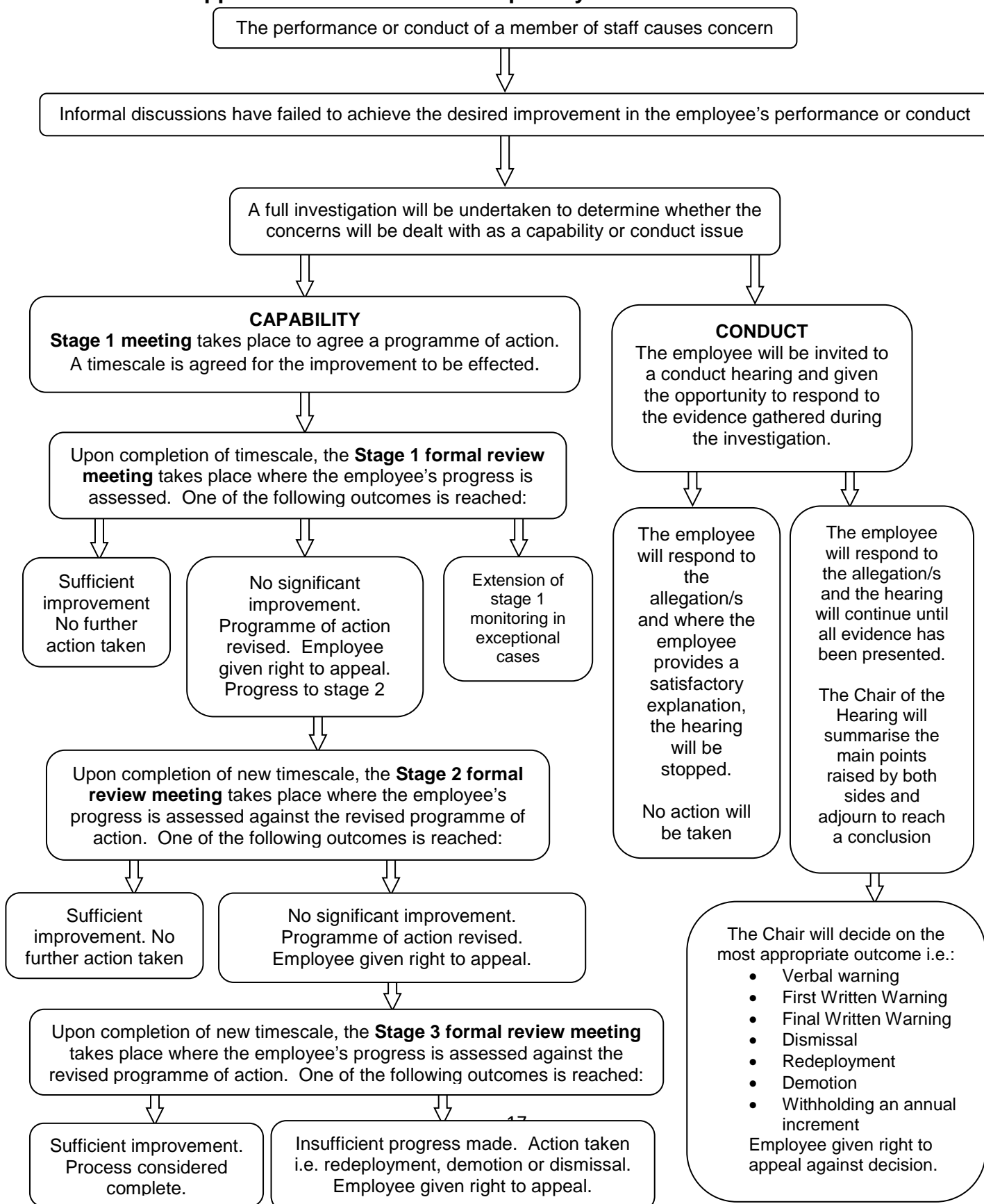
An HR representative will be present at all appeals.

The employee may be accompanied by a trade union representative or colleague at any appeal hearing.

Either side may call a witness to give evidence to the appeal hearing. Any witness must be notified in writing to HR 5 working days prior to the appeal hearing. HR will then determine the reasonableness and relevance of the witness.

The employee will be informed in writing of the outcome of the appeal by the Chair of the meeting within 10 working days of the appeal hearing.

Appendix 2 – Flowchart for Capability and Conduct Procedure



Where the Capability Procedure is instigated and the employee concerned refuses to accept support or to co-operate with the support offered and the level of performance remains unsatisfactory, the matter will be handled within the Conduct Procedure.

Agenda Item: SG.19.2.11 (i)

BOARD OF MANAGEMENT

Health and Safety Committee

**Minutes of Meeting
held on
Tuesday 30 April 2019
at 14.00pm in the Boardroom**

Present: Mr D Patterson (Chair) Mr N Clinton
Mrs C Thomson Mr R McGillvary
Mrs C McBain Mrs H Henderson
Mrs S Bright Mr R Lees
Mrs M Smith

In attendance: Mrs E Melton (Minutes Secretary)

| | | ACTION | DATE |
|-------------------|---|---------------|-------------|
| HS.19.1.01 | Principals Introduction and Update | | |
| 1.1 | Mr Patterson was unavailable for this item. | | |
| | | | |
| HS.19.1.02 | Draft Minutes of Meeting held on 28 November 2018 | | |
| 2.1 | The minutes were agreed as a true and accurate reflection of the meeting pending minor amendments. | | |
| | | | |
| HS.19.1.03 | Matters Arising of Meeting held on 28 November 2018 | | |
| 3.1 | <u>2.1.1</u> The committee discussed the current membership agreeing that there was fair representation. | | |
| ACTION | Add appendix to Terms of Reference to include committee members. | NC/EM | |
| 3.2 | <u>2.1.2</u> Complete | | |
| 3.3 | <u>3.3</u> On Agenda – First Aid and Fire Warden training has recently been provided, this including refreshers, Q&A sessions and a revised First Aid rota. | | |
| 3.4 | <u>4.1</u> Complete | | |
| 3.5 | <u>5.1</u> Nick is due to meet with June that will include a discussion on whether we will continue the use of SHE. An update will be provided at the next meeting. | | |
| 3.6 | <u>7.1.1</u> Complete | | |
| 3.7 | <u>7.1.2</u> This has not yet been arranged due to ongoing disputes with EIS concerning the additional duties | | |

Agenda Item: SG.19.2.11 (i)

| | | | |
|-------------------|--|--------------|--|
| | involved with being an H&S Coordinator. See agenda item HS.19.1.07 | | |
| 3.8 | <u>8.1</u> Complete | | |
| 3.9 | <u>9.1</u> Complete – Members discussed the content of the report for future purposes with clarification being taken on points throughout. Points to be reviewed and clarified on Student Placement Risk Assessments | NC/JC | |
| | | | |
| | <i>David Patterson entered at 2.35pm</i> | | |
| HS.19.1.04 | Health and Safety Update and Action Plan | | |
| | i Update on Key Actions to date ii Action Plan/Key Matters | | |
| 4.1 | June had provided an updated action plan that was circulated to all members. | | |
| | iii First Aiders – Update iv Fire Warden – Update | | |
| 4.2 | Updated lists have been provided within the pack for reference. It was suggested that a meeting of reassurance be held for all those new to the First Aid rota. With the amount of people who have undertaken first aid training recently, there is now a very low chance of a first aider not being available at any time. Following the recent fire alarm, it had been noted that the fire warden lists were out of date, it was agreed that these would be updated and distributed accordingly. There was also some confusion as to what the correct procedure is and whom staff were to report to once clearing their area. A suggestion was also made on having a post evacuation de-brief. | | |
| ACTION | Ensure site warden list is updated and distributed | EM/AM | |
| ACTION | Arrange a fire evacuation drill on a staff development day | CT | |
| ACTION | Link fire wardens to coordinators and confirm assembly points. | | |
| | v Fire Risk Assessment - Update | | |
| 4.3 | Nick explained this had been completed in December with minor suggestions being made including the replacement of some fire doors. Nick is due to be updated on the progress of any recommendations made and will subsequently update committee members offline. | | |

Agenda Item: SG.19.2.11 (i)

| | | | |
|-------------------|--|--|--|
| | | | |
| HS.19.1.05 | SHE Incident Reports – Q2 17/18 v 18/19 | | |
| 5.1 | <p>Reports had been provided for committee members to review. Any spikes or serious incidents are reported to the Board of Management.</p> <p>Members queried whether there is enough information provided within the graphs to enable them to ascertain whether concern should be shown or not. More information would be helpful e.g. A summary report to support the graphs already being produced.</p> | | |
| | | | |
| HS.19.1.06 | Staff Sickness Stats | | |
| 6.1 | Removed from agenda following minuted agreement at meeting held on 28 November 2018. | | |
| | | | |
| HS.19.1.07 | H&S Coordinators/Area Reps | | |
| 7.1 | <p>Concern has been expressed at main grade lecturers taking on this role. Having sought union advice the matter will be discussed in further detail at the JCC. Briefly explaining some of the guidance taken from EIS, the union can challenge the competency of a person/s taking on the role and subsequently refuse to either take it on or dispute the person in position due to incompetency. Anyone taking on the role (preferably a manager) should be adequately trained, with basic level being IOSH H&S Managing Safely qualification.</p> <p>Further updates will be provided following full discussion at the JCC.</p> <p>David queried the role specification with Catriona. Catriona explained that this was also something that needed discussing with the union.</p> | | |
| | | | |
| HS.19.1.08 | H&S Report to UHI | | |
| 8.1 | This was discussed within the matters arising action point, agenda item HS.19.1.03 <u>8.1</u> . | | |
| | | | |
| HS.19.1.09 | AOB | | |
| | i Internal Audit | | |
| 9.1 | <p>Nick briefly updated members on the outcome of the audit explaining that minor improvement is required however no major issues or concerns raised. Key points being;</p> <ul style="list-style-type: none"> - Staff training | | |

Agenda Item: SG.19.2.11 (i)

| | | | |
|-----|---|-----------|--|
| | <ul style="list-style-type: none"> - Preparation of the annual report to the board - Procedures – H&S Reps cross college <p>We have only received the draft report and a response is still to be sent.</p> | | |
| 9.2 | <p><u>Smoking Shelters</u> – The use of smoking shelters was raised and whether this should still be the case. Should we consider moving to be a non-smoking campus? Some reluctance was noted due to the surrounding areas of the college campuses being mainly residential. It was agreed that although this would be a good idea the committee is currently unsure whether it is the practical view to take.</p> <p>To be discussed at JCC and Staff Rep meetings.</p> | | |
| 9.3 | <p>The following points were raised and discussed but Michele;</p> <ol style="list-style-type: none"> 1. Fire Wardens should be doing annual training – drills are not enough. 2. Any drills must be carried out in all weathers to be realistic. 3. Fire trainer suggested that we use actors (students) to simulate a scenario/incident as a whole college. In return for the opportunity to train, Firefighters will return the favour by attending our events as security etc. free of charge. 4. Clarification – Fire & Rescue will extract people from refuge points – NOT college’s responsibility 5. Do we have a buddy system written into PEEPs? 6. Risk assessments will be available on the staff drive 7. Reminder for students that they must not use their phones when Firefighters are on site as it interferes with communication radio waves 8. Contractors will check extinguishers – not fire wardens 9. Need clarification of the role of a fire warden | | |
| 9.4 | Ronnie explained that old analogue radios are currently in use, they are now looking to move to digital. | | |
| 9.5 | <p><u>Code 6</u> – Ronnie explained the use of Code 6, when and how it should be used. Not all staff are aware of this. Code 6 procedure to be circulated.</p> | CT | |
| 9.6 | <p><u>Defibrillators</u> – Site Assistants check these on a daily basis. Have now been informed that these are to be</p> | | |

Agenda Item: SG.19.2.11 (i)

| | | | |
|----------------------|---|----|--|
| | registered with the Scottish Ambulance Service and located on the outside of the building for public use in the event of an emergency. | | |
| 9.7 ACTION | Heather queried the installation of a panic alarm within student services due to lone workers. Following some discussion, it was agreed that all high-risk areas would be identified and solutions put in place where necessary. | ?? | |
| | <i>Ronnie Lees left at 4.00pm</i> | | |
| 9.8 | <p>Catriona brought to the committees attention the high occurrence of stress amongst staff, with a lot feeling they are unable to speak up due to the stigma surrounding it and the fear of the capability procedure being cited. Some members were unsure where this had come from, feeling that mental health awareness and training is very prominent within the college. However, if current procedures are inadequate or not working then they will be looked into.</p> | | |
| | | | |
| HS.19.1.10 | Date of Next Meeting | | |
| 10.1 | To be arranged – August/September 2019 | | |
| | <i>Meeting closed 16.10pm</i> | | |