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| WDC logo colour**Local Negotiating Committee for Teachers – Agreement No.24** |

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**Procedure for Casual Workers to Raise Complaints**

**Agreed at LNCT- 18th September 2018**

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| **1.** | **Introduction** |

* 1. West Dunbartonshire Council is committed to the fair and consistent treatment of all casual workers engaged by the Council to undertake work on an ad hoc basis.
	2. This procedure provides a clear and transparent framework for dealing with concerns (or complaints) which may arise in relation to work placements. The Council will ensure that its operation is underpinned by robust equalities practice.

**1.3** In order to ensure the equitable application of this procedure, all parties have a responsibility to:

* Adhere to the standards and procedures set out;
* Raise concerns quickly, and seek to resolve issues informally and at as early a stage as possible;
* Co-operate in all attempts to resolve any matters; and
* Work in partnership throughout the procedure to achieve a positive outcome.

**1.4** Concerns raised will be treated confidentially by those involved in the process, with all relevant information being held in accordance with Council’s Record Management Retention Schedule and current data protection legislation.

Right to be Accompanied

**1.5** Casual workers may be accompanied at formal meetings by a companion, who may be:

* A fellow worker;
* A trade union representative
* An official employed by a trade union.

**1.6** If the companion cannot attend on a proposed date, the casual worker can suggest an alternative date and time so long as it is reasonable and usually not more than 7 calendar days after the original date.

**1.7** The companion will be able to address the meeting, to put forward and sum up the worker’s case, respond on their behalf to any views expressed at the meeting and to confer with them during the meeting. The companion, however, cannot answer questions on behalf of the worker or address the meeting if the worker does not wish it.

**1.8** This procedure will be updated through the Joint chairs of the LNCT to incorporate any relevant change to legislation or best practice as required.

**2. Procedure**

Mediation

**2.1** Mediation is a voluntary and confidential form of dispute resolution involving an independent and impartial person. Where mediation is deemed by both parties to be an appropriate method of resolving the dispute, the formal procedure can be held in abeyance. The Council’s in-house trained mediators will be used. Whilst mediation should be considered prior to invoking the formal procedure, its appropriateness should be further considered prior to proceeding to a formal meeting (or resulting appeal meeting, where applicable), with reasons for non-use being recorded.

Informal Procedure

**2.2** Casual workers are encouraged to discuss issues which arise with their line manager (in their current or most recently assigned placement), in order that their concerns can be heard and responded to as soon as possible. The worker should indicate to the manager how they think the concern or problem could be resolved and the manager will seek to assist the worker to achieve a resolution to their concerns.

 Formal Procedure

**2.3** Where an informal approach is not considered appropriate, or the worker remains dissatisfied having tried to resolve the matter informally, theyshould invoke the formal procedure.

**2.4** A casual worker wishing to formally raise a concern should provide the details in writing to their line manager (in their current or most recent assigned placement) and state that they are invoking this procedure. They should clearly set out the nature of the concern and indicate their proposed resolution. Where appropriate, they should set out the names of any witnesses.

**2.5** On receipt of the written concern, the line manager will arrange a formal meeting. The line manager will consult with Strategic HR before proceeding. The concern will be heard at a formal meeting which will take place within 14 calendar days of receipt of the written concern, and only in exceptional circumstances should the meeting take place outwith this time limit.

**2.6** The line manager may adjourn the meeting to obtain further information to provide a decision. On occasion a formal investigation may be instructed to gather this information. Following the investigation, the meeting will be reconvened as promptly as possible.

**2.7** Within 7 calendar days of the meeting, the line manager will issue their decision in writing providing reasons for the decision, including any action to be taken to resolve the concern.

Appeal

**2.8** If the concern has not been upheld, the casual worker may appeal the decision. The appeal will be heard by the next manager within the structure (i.e. the individual to whom their line manager is directly accountable) or other more senior officer. Where the concern has been partially upheld, only the outstanding matters can be considered at the appeal stage.

**2.9** The casual worker should submit their appeal in writing within 14 calendar days of receipt of the formal outcome, and clearly advise of the outstanding issues.

**2.10** The relevant senior manager will arrange for the appeal to be heard, and will consult with Strategic HR, who will attend the appeal meeting in an advisory capacity. The appeal will be considered at a formal meeting which will normally take place within 14 calendar days of receipt of the casual worker’s written appeal. Only in exceptional circumstances should the meeting take place outwith this time limit.

**2.11** The relevant senior manager may require the attendance of relevant parties to the appeal meeting. Where the casual worker intends to call a witness, the senior manager should be notified at least 2 days in advance of the meeting.

**2.12** The senior manager may adjourn the meeting to obtain further information to provide a decision. The meeting will be reconvened promptly.

**2.13** Within 7 calendar days of the meeting, the senior manager will issue a decision in writing, providing reasons for the decision including any action to be taken to resolve the matter. This decision is final with no further right to appeal.