

HUMAN RESOURCES COMMITTEE

NOTICE

There will be a meeting of the Human Resources Committee on 15th May 2025 at 17:30 hours.

Agenda Item	AGENDA		
		Presented By	Paper (Y/N)
01	Apologies for Absence	VA	N
02	Declaration of any potential Conflicts of Interest in relation to any Agenda items	VA	N
03	Minutes of Previous Meeting	VA	Y
04	Matters Arising from the Previous Meeting	VA	Y
	Reserved Item: Commercially Sensitive & Matter for Discussion		
05	Sector Employment Updates	GM	Y
	Matters for Decision		
06	Disciplinary Procedure – Extension and Recommendation	GM	Y
07	Grievance Procedure – Extension	GM	Y
08	Public Interest Disclosure (Whistleblowing) Policy & Procedure – Extension	GM & VA	Y
	Matters for Information		
09	Quarterly HR Report	GM	Y
10	Quarterly Health & Safety Report	SM	Y
11	Reserved Item: Commercially Sensitive Voluntary Severance & Consultation Update	GM	Y
13	Any Other Business		N
14	Summation of Actions and Date of Next Meeting		N

Initials	Committee Member
HA	Heather Anderson – Interim HR Committee Chair, Board of Management Vice Chair
DM	Douglas Morrison – Board of Management Chair
FW	Fiona Whittaker – Senior Independent Member
AS	Andriy Strehaliuk
KP	Kirsty Pinnell
SM	Stella McManus – Principal & Chief Executive
AD	Anne Doherty – Head of Alternative Funding
JW	Jack Whyte – Student Vice President – Student Association

Initials	In attendance
VA	Vari Anderson – Governance Professional
GM	Gary McIntosh – Head of Human Resources

UNCONFIRMED HR MINUTES

HUMAN RESOURCES COMMITTEE

MINUTES

HR Committee on 13 February 2025 at 1730 hours via Microsoft Teams and in the Boardroom at South Lanarkshire College

Present

Peter Sweeney (Chair HRC)
Stella McManus (Principal)
Fiona Whittaker (Senior Independent Member)
Anne Doherty (Support Staff Rep)
Andriy Strehaliuk
Kirsty Pinnell

In Attendance

Gary McIntosh (Head of HR)
Angela Pignatelli (VP Learning, Teaching & Student Experience)
Scott Gray (Lecturing Staff TU Rep)

Peter Scott as Governance Professional
Vari Anderson as Minute Taker

AGENDA ITEM

01

Apologies for Absence

Douglas Morrison, Jack Whyte, Graeme Forrester.

02

Declaration of any potential Conflicts of Interest in relation to any Agenda items

None.

03

Minutes of Previous Meeting – 14 November 2025

The previous minutes were duly **approved**.

04

Matters Arising from the Previous Meeting

Pastries with a Purpose Dates – Complete
Insurance Liabilities re Worker Protection Bill
'Undesirable circumstances' are covered in incident reporting – near misses.

Reserved Items of Business and Matters for Discussion

05

Payroll and Pensions Audit

The Committee noted the terms of the Payroll and Pensions Audit and were assured that proper Regional Governance is being followed.

The details cannot be published due to being of a commercially sensitive nature.

Matters for Decision

06

Hybrid Working Procedure

The Committee considered the terms of the Hybrid Working Procedure and noted the proposals for amendment made by the Audit and Risk Committee.

	The Committee discussed the procedure and with the aforementioned amendments, approved the procedure to be remitted to the Board of Management.
07	<p>Public Sector Equality Duty Reporting The Committee noted the findings from the public sector equality duty and approved the issuing of reporting in the proposed format.</p> <p>The Committee gave thanks to Elaine Ballantyne for preparing the report, noting that it is clear and concise.</p>
	Matters for Discussion
08	<p>Recruitment Refresh The Committee noted the terms of the report and following discussion, supported the proposal for a recruitment procedure to be created.</p> <p>The Committee noted that inclusive practices would remove barriers to employment for underrepresented groups.</p>
	Matters for Information
09	<p>Quarterly HR Report The Committee noted the terms of the HR Report.</p>
10	<p>Quarterly Health and Safety Report The Committee noted the terms of the Health and Safety Report.</p>
11	<p>Investigation Update – Reserved Item The Committee were provided with an update on an operational investigation resulting in a trade union dispute being raised, the details of which cannot be published as commercially sensitive.</p>
12	<p>Consultation Update – Reserved Item The Committee were provided with an update on the Voluntary Severance Scheme, the details of which cannot be published as commercially sensitive.</p>
	<p>Any Other Business There being no other business the meeting was declared closed.</p>
	<p>Summation of Actions and Date of Next Meeting – 15 May 2025 The Clerk summarised the actions and decisions and the action points are noted below. Item 6 – hybrid working policy approved and remitted to the Board of Management Item 7 - approved the issuing of the Public Sector Equality report in the proposed format. Consideration to be given to updating Committee prior to reporting cycle.</p>

Human Resources Committee

DATE	15 May 2025
TITLE OF REPORT	Disciplinary Procedure – Extension and Recommendation
REFERENCE	06
AUTHOR AND CONTACT DETAILS	Gary McIntosh, Head of Human Resources gary.mcintosh@slc.ac.uk
PURPOSE:	For members to consider and approve an extension to the Disciplinary Procedure review, and note the required alignment with a new, National Policy and Model Procedure.
KEY RECOMMENDATIONS/ DECISIONS:	Members are recommended to: <ul style="list-style-type: none"> • approve the extension of the review date for the College's Disciplinary Procedure to enable full alignment with the National Disciplinary Policy and Model Procedure; • note that a revised procedure will be presented to the Committee for approval in autumn 2025 following consultation; and • note the establishment of a working group to support the consultation and revision process.
RISK	The following risks apply: <ul style="list-style-type: none"> • Delaying the review without a formal decision could create uncertainty and potential employee relations challenges. • Proceeding with a review now, before full alignment with the national Policy and Model Procedure, could risk producing a procedure that is inconsistent with sector expectations and subject to subsequent challenge. • Approving the extension mitigates these risks by providing clarity and supporting a collaborative approach.
RELEVANT STRATEGIC AIM:	<ul style="list-style-type: none"> • Successful Students • The Highest Quality Education and Support • Sustainable Behaviours
SUMMARY OF REPORT:	<ul style="list-style-type: none"> • This paper seeks approval from the Committee to formally extend the current review date for the Disciplinary Procedure. • It follows the recent Joint Negotiating Committee (JNC) discussions with trade unions, where it was requested that the review would take place once the National Disciplinary Policy and Model Procedure was issued.

	<ul style="list-style-type: none"> • The National Policy and Model Procedure was released in April 2025, with an implementation date of 1st August 2025. • An extension to the review date is now required to enable appropriate alignment, in line with the 1st August 2025 implementation date. • There is a conflict between the Constitution and Scheme of Delegation, and the Disciplinary Procedure, for the roles of Principal & Chief Executive and the Governance Professional.
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1. INTRODUCTION

- 1.1. This paper outlines the context and rationale for extending the review date of the Disciplinary Procedure. It seeks formal Committee agreement to ensure compliance with national expectations and to support effective employee relations.

2 BACKGROUND

- 2.1 The College's current Disciplinary Procedure (copy enclosed with this paper) had been scheduled for review in June 2024. There was an error that alerts expiring Policies and Procedures, which has now been resolved.
- 2.2 At the Joint Negotiating Committee (JNC) meeting with locally recognised trade unions, it was agreed that the review should be deferred until the national sector-wide Disciplinary Policy and Model Procedure was available.
- 2.3 The National Disciplinary Policy and Model Procedure has now been issued in April 2025, with an agreed sector-wide implementation date of 1 August 2025. Copy enclosed with this paper. Trade Unions expect local procedures to align as closely as possible with the national model to support consistency across the college sector.
- 2.4 For the roles of Principal & Chief Executive and the Governance Professional, paragraphs 405-414 of a [recent tribunal hearing](#) concluded that a conflict exists between the [Constitution](#) & [Scheme of Delegation](#), and the Disciplinary Procedure, with the ruling being that the Constitution and Scheme of Delegation must take precedence because they determine what the Board, and its members have power to do.

3 DISCUSSION

- 3.1 It is proposed that the College extends the review date for the Disciplinary Procedure to align with the implementation timeline of the national policy. This will allow sufficient time to review the national model in detail, undertake consultation with trade unions, and amend the College's procedure as required. Failure to appropriately align could result in industrial relations difficulties and potential non-compliance with sector expectations.
- 3.2 A working group comprising Management, HR, and trade union nominees will be established to oversee the review and consultation process. It is anticipated that a revised local Disciplinary Procedure will be presented for Committee approval in early autumn 2025, following full consultation.
- 3.3 Following advice from Shepperd and Wedderburn, the solicitors dealing with the Tribunal case, regarding how the Disciplinary Procedure should be updated for the Principal & Chief Executive and Governance Professional roles, then it could be updated to reflect the different approach for those roles, or to include the wording along the lines of:
- 3.3.1 *"This procedure is only in respect of staff members appointed by the College. The Principal and Governance Professional can only be dealt with by the Board, no other parties are authorised to engage or make decisions regarding these positions."*
- 3.4 Clarification should also be given to the appointment of the Principal & Chief Executive and the Governance Professional roles, which also require full Board of Management

approval. The new National Policy and Model Procedure applies to all employees and does not differentiate for any role. There is potential challenge on this matter when engaging with trade unions on the Disciplinary Procedure.

4 RESOURCE IMPLICATIONS

- 4.1 There are no significant additional resource implications anticipated from extending the review date.
- 4.2 Staff time will be required to support the consultation process and implement any agreed changes to documentation and training.

5 EQUALITIES

- 5.1 An Equality Impact Assessment will be conducted on the revised procedure to ensure there are no unintended discriminatory impacts.
- 5.2 There are no new matters for people with protected characteristics which arise from consideration of the report.

6 RISK

- 6.1 The following risks apply:
 - 6.1.1 Delaying the review without a formal decision could create uncertainty and potential employee relations challenges.
 - 6.1.2 Proceeding with a review now, before full alignment with the national Policy and Model Procedure, could risk producing a procedure that is inconsistent with sector expectations and subject to subsequent challenge.
 - 6.1.3 Trade union disagreement when seeking to amend the approach for the Principal & Chief Executive and the Governance Professional roles.
 - 6.1.4 Approving the extension mitigates these risks by providing clarity and supporting a collaborative approach.

7 COMMUNICATIONS

- 7.1 Once approved, the extension to the review date will be communicated formally to staff and trade union representatives.

8 RECOMMENDATIONS

- 8.1 Members are recommended to:
 - 8.1.1 approve the extension of the review date for the College's Disciplinary Procedure to enable full alignment with the National Disciplinary Policy and Model Procedure.
 - 8.1.2 note that a revised procedure will be presented to the Committee for approval in autumn 2025 following consultation.
 - 8.1.3 decide on a preferred route for the roles of Principal & Chief Executive and Governance Professional, for both disciplinary and recruitment matters.
 - 8.1.4 note the establishment of a working group to support the consultation and revision process.



South
Lanarkshire
College

East Kilbride

DISCIPLINARY PROCEDURE

Managing concerns

Version Number: 1.0

Document Information

Procedure Published/Created:	15 th June 2022
Reviewed Date:	n/a
Owner:	Human Resources
Approved by:	Board of Management
Equality Impact Assessment:	TBC
Next Review Date:	15 th June 2024

Version History

Version Number	Date	Author	Rationale
1.0	15 th June 2022	G McIntosh	Replaces previous procedure

Quick Links

We are inclusive and diverse, and this is one of our values.

We are committed to the FREDIE principles of Fairness, Respect, Equality, Diversity, Inclusion and Engagement.



To find out more about FREDIE click [HERE](#)

To find out more about our Vision, Mission and Values click [HERE](#)



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1.0 Introduction

South Lanarkshire College (the “College”) seeks to ensure that all our employees work in a safe and professional environment.

The Disciplinary Procedure is designed to ensure fair, transparent and consistent treatment of all staff when handling issues related to concerns about employees.

Should the concern be as a direct result of a performance issue, this will be deemed as “capability” and will be dealt with under the Capability Procedure.

During the implementation of this policy, the College may defer to another policy depending on what is shared, for example the Absence Policy or the Reasonable Adjustments Policy. If appropriate, this policy will either be closed in writing or will be adjourned to allow the other policy to conclude. If a grievance is raised while a disciplinary is taking place, the College may pause the disciplinary procedure and deal with the grievance first or, alternatively, deal with both matters at the same time, depending on the situation.

If the disciplinary matter is deemed to be a criminal matter the police will be informed.

This procedure aligns with the ACAS guidelines on disciplinary and grievance procedures. Should the ACAS guidelines or legal requirements change, the policy will be revised to take these changes into account.

2.0 Objectives

The objectives of this procedure are to:

- Provide a structured and transparent approach to enable the handling of conduct or behavioural concerns of employees.
- Ensure a fair and consistent approach to managing and responding to employee concerns.
- Identify opportunities for the College to deal with concerns as a result of your employment.

3.0 Scope

This Procedure applies to all employees of the College and provides a mechanism for disciplinary matters to be handled promptly, transparently, fairly and consistently.

The Disciplinary Procedure will be used where there are potential issues of misconduct. This procedure does not apply to cases where an employee fails to perform to the required standard as a result of lack of skill, capability or training or has genuine sickness absence or where an illness or other condition causes or contributes to performance issues. In those cases, reference should be made to the Capability Procedure.

There may be cases where it will be appropriate to treat poor performance as a misconduct issue e.g., in cases of negligence or carelessness.

4.0 Principles

The Principles of this Procedure are:

- The College will seek to resolve conduct issues at the lowest possible level and informal action will be considered, where appropriate, to resolve problems;
- Some meetings may be audio recorded if agreed by all parties. Otherwise, covert recording is not permitted.
- No disciplinary action will be taken against an employee until the issue has been fully investigated to establish the facts of the case;
- For formal action, an employee will be advised of the nature of the complaint against them and will be given the opportunity to state their case before any decision is made at a disciplinary meeting;
- Employees will be provided with written copies of evidence and witness statements, under normal circumstances, in advance of a disciplinary meeting;
- Witnesses should be informed that a copy of their statement will be provided to the employee;
- At all formal stages of the procedure an employee will have the right to be accompanied by a trade union representative, work colleague or an official employed by a Trade Union;
- Employees may seek additional support or advice from the Human Resources Department;
- Employees will be provided with appropriate time off to attend the Employee Counselling Service to support them through the process;
- In certain situations, employees may be accompanied by an additional companion if agreed by all parties in order to assist the process e.g. an employee with a disability or if there is a language barrier;
- All meetings should be conducted courteously and fairly
- Where possible and practicable in the circumstances, an officer of the College who has been involved in any investigation into alleged misconduct will not be involved in either the disciplinary or the appeal hearing and any officer who has heard a disciplinary or dismissal hearing will not be involved in any appeal hearing.
- No employee will be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will be dismissal without notice or payment in lieu of contractual or statutory notice (non-exhaustive examples of misconduct and gross misconduct are contained within the Disciplinary Procedure but any employee in

doubt of their responsibilities or expected standards of conduct should speak to their line manager);

- An employee will have the right to appeal against any disciplinary sanction;
- Notwithstanding the stages of disciplinary sanction set out in the procedure, the procedure may be implemented at any stage, without the College being required to start with the lowest disciplinary sanction if the employee's alleged misconduct warrants this; and
- The College and its employees should raise and deal with issues promptly and should not unreasonably delay meetings, decisions or confirmation of those decisions.

5.0 Confidentiality

The College aims to deal with disciplinary matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter. A failure to do so may result in disciplinary action, up to and including dismissal.

An employee who provides a statement will be advised that the individual who is subject to the investigation will normally be told the name(s) of any witness(es) who provides evidence relevant to the allegation(s) against them, unless in exceptional circumstances the College determines that the identity of a witness should remain confidential, for example in cases of sexual harassment or where an individual has provided evidence on the condition that anonymity is preserved.

In such cases the College will endeavour to ensure that the employee is provided with a fair opportunity to respond to any allegation(s) made against them and, if this is not possible, will ensure that a determination is made as to the appropriate weight to be placed on any such evidence in light of any prejudice caused to the employee as a result of anonymity being preserved. The decision not to disclose the name(s) of a witness(es) will be discussed with the employee, and/or their Trade Union representative where appropriate.

6.0 Right to be accompanied

The employee has the right to be accompanied at any formal stage of the procedure by a trade union representative, work colleague or an official employed by a Trade Union.

Under this procedure, the employee does not have the right to be accompanied by anyone else (such as spouse, partner, other family member or legal representative) unless agreed otherwise as set out above in Section 4.

To exercise the statutory right to be accompanied the employee must make a reasonable request. The employee should provide enough time for the College to deal with the companion's attendance at the meeting and make clear in advance the name of the companion where possible and whether the individual is a Trade Union representative or work colleague.

The role of a companion is limited. A companion is entitled to put forward the employee's case, sum up their case and respond on their behalf to any view expressed at the hearing. An employee will also be able to confer with their companion during the hearing.

The companion cannot answer questions on behalf of the employee or address the hearing if the employee indicates that they do not wish the companion to do so. The companion cannot use their powers in any way which prevents the employer from explaining its case or which prevents any other person at the hearing from contributing to it.

The companion's role is not to give evidence on behalf of the employee.

The role of the companion is to advise and take notes. They may respond on the employee's behalf to a view expressed at the hearing but they have no legal right to answer questions on the employee's behalf.

The companion does have a legal right to address the hearing and may ask questions.

Reasonable time to confer privately with an employee either in the hearing room during the hearing and/or outside it should be given to the companion.

An employee who has been requested to accompany a fellow employee employed by the College and has agreed to do so should be permitted to take a reasonable amount of paid time off to fulfil that responsibility. That should not only cover the hearing but some time before and after the hearing to confer with the employee. The same applies to a trade union official.

When a chosen companion is not available to attend on the date proposed for the hearing the employee can postpone the hearing and offer an alternative time and date so long as it is reasonable and falls before the end of the period of five working days, beginning with the first working day after the first date proposed by the College. In proposing an alternative date, the employee should have regard to the availability of the relevant people. The location of timing of any alternative hearing should be convenient to both employee and employer.

7.0 Suspension

The College may decide to suspend the employee from work as a precautionary measure pending the outcome of investigation. Any such decision will be taken after consideration of relevant factors including but not being limited to:

- The nature and seriousness of the allegation and the likelihood of the allegations being established;
- The risks to the College and/or employees, students or other third parties of the employee's continued presence in the workplace;
- The risk of a recurrence of the behaviour that is the subject of the

- allegations; and
- Any impact or prejudice that may be caused by the employee's continued presence in the workplace, in particular in relation to the employer's ability to conduct an investigation

The suspension will be for no longer than is necessary to investigate the allegations and the College will confirm the arrangements to the employee in writing. The initial period of suspension will normally be for no more than 10 working days. After this period the decision will be reviewed. If necessary, the period of suspension may be extended for a further 10 working days, after which the decision will again be reviewed. Any decision to suspend will be kept under review. While suspended the employee should not visit the College premises or contact any employees, clients, learners, suppliers or contractors associated with the disciplinary investigation or offence under investigation unless authorised to do so.

Suspension of this kind is a precautionary measure, not a disciplinary penalty and does not imply that any decision has already been made about the allegations. The employee will continue to receive full basic salary and benefits during the period of suspension.

An alternative to suspension, where appropriate, would be to relocate the individual under investigation to another work location.

Employees will be provided with information on the support available to them through the Employee Counselling Service. Employees will receive information during their absence similar to any employee who is absent for any other reason.

8.0 Alcohol and Drug Misuse

The College may suspend disciplinary action under certain circumstances in respect of an offence related to alcohol or substance misuse in accordance with the terms of the College's Policy Statements on Alcohol, Drug and Substance Abuse.

9.0 Overlapping Disciplinary and Grievance Cases

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

10.0 Records

The College will keep a file with all written information relating to the disciplinary case. The records will be treated as confidential and kept in accordance with our data retention policy which can be obtained from the staff portal.

The details of every disciplinary case will be maintained for monitoring purposes. The College will publish general statistics relating to the number of disciplinary cases each year. No personal data is published as part of this process.

11.0 Training

Training and coaching of investigators and Chairs operating the procedure will be provided. Representatives of the College's recognised Trade Unions will be invited to attend such training. Advice and guidance on the application of the Disciplinary Procedure will be provided by Human Resources.

12.0 Disciplinary Procedure

12.1 Informal Procedure

Where practicable and/or deemed appropriate by the College, misconduct will normally be managed, or resolved, informally in the first instance.

Informal action will normally be carried out by the employee's direct line manager or supervisor.

It will take the form of a discussion between the employee and the line manager or supervisor with the objective of resolving any issues, encouraging and helping the employee to improve and identify whether additional training, coaching and advice may be needed is required. Informal resolution may also take the form of an informal warning or direction.

Both parties should fully understand the outcome of the discussion and that the formal processes may start if there is a recurrence of the misconduct or where other misconduct issues arise or where there is no improvement or if any improvement fails to be maintained.

Arrangements will be made to review progress over a specified period where appropriate. Where improvement is required both parties must understand what needs to be done, how the conduct will be reviewed, and over what period. The line manager will confirm in writing what has been decided.

Brief notes of any agreed informal sanction or action should be kept for reference purposes by the line manager and a copy provided, where appropriate, to the employee. The discussion is not a disciplinary meeting and any warning issued whether orally or in writing is informal.

12.2 Formal Procedure

The formal disciplinary procedure will be used when informal resolution is not deemed appropriate or when informal attempts to address the issue have not proven possible or effective.

Line Managers should discuss the case with a member of the Human Resources Department prior to invoking the formal disciplinary procedure.

12.3 Investigation

The College will investigate alleged misconduct, without unreasonable delay and within an agreed timescale, to establish the facts in any particular case. The investigation will be carried out by the appropriate person, refer to Table 1, with support and advice from a member of the Human Resources Department.

The employee will normally be told that the investigation will be taking place (unless there are circumstances in which this would not be appropriate), the allegation(s) which is the subject of investigation, the anticipated timescale and their right to be accompanied by a trade union representative, work colleague or an official employed by a Trade Union during any meeting to discuss the area(s) of concern.

The purpose of an investigation is for the College to establish a fair and balanced view of the facts relating to any allegations against an employee, before deciding whether to proceed with a disciplinary meeting.

The amount of investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from the employee and any witnesses and reviewing relevant documents.

Investigative interviews are solely for the purpose of fact-finding and no decision on disciplinary action will be taken until after a disciplinary meeting has been held.

Employees must cooperate fully and promptly in any investigation the College deems to be necessary. This will include informing the College of the names of any relevant witnesses, disclosing any relevant documents to the College and attending investigative interviews if required.

If, after investigation, it is deemed that no further action is to be taken the employee will be notified of this in writing. The outcome will be recorded and any evidence collected during the investigation will be destroyed.

Where, after investigation, it is established that there is a case to answer the employee will be invited in writing to attend a disciplinary meeting.

12.4 Notification of a Disciplinary Meeting

The notification to attend a disciplinary meeting will contain sufficient information about the alleged misconduct and the possible consequences to enable the employee to reasonably prepare to answer the case at a disciplinary meeting. An employee will normally receive seven (7) working days advance notification of the date of the meeting. Evidence will be provided with the notification. The notification will give details of the time and venue for the disciplinary meeting, confirm who will be present and advise the employee of their right to be accompanied at the meeting should they wish. In the case of part-time staff the disciplinary meeting, where possible, should be within the employee's normal working hours.

If an employee's trade union representative, work colleague or an official employed by a Trade Union cannot attend the employee may offer a reasonable alternative time within five (5) working days of the original date.

Where an employee is unable or unwilling to attend a disciplinary meeting without good cause the College may make a decision on the evidence available. If the failure to attend is related to a disability or health reason the College may seek the advice of its Occupational Health Service before deciding how to proceed.

12.5 Disciplinary Meeting

Both management and employees (and their companion(s)) will make every effort to attend the meeting. A guide to conducting a disciplinary hearing is attached as appendix 1.

The disciplinary meeting will normally be attended by:

- (a) the individual chairing the meeting (the 'Chair') - The Chair will be

appointed taking into account the potential outcomes and the authority levels set out in Table 2. It will be for the Chair to hear and assess the evidence for and against the allegations and make a decision based on the evidence presented. The College reserves the right to appoint a panel consisting of a minimum of two where this is felt to be appropriate;

- (b) the person who conducted the investigation ('the Investigating Officer');
- (c) a representative from Human Resources – to provide advice and support to the Chair and take notes;
- (d) the employee;
- (e) the employee's trade union representative, work colleague or an official employed by a Trade Union (if requested by the employee); and
- (f) relevant witnesses as previously identified when required to provide evidence.

At the meeting the following process will be followed:

- the Chair will introduce those present and explain the purpose and format of the meeting outlining the alleged misconduct and the potential sanctions;
- the Investigating Officer will be invited to present the case and respond to any questions posed by the chair or the employee;
- the employee will set out their case, respond to the allegations be given a reasonable opportunity to ask questions, present evidence and call relevant witnesses;
- both the Chair and the employee will be given an opportunity to raise points about the evidence provided by the Investigating Officer or witnesses.

Where the College or the employee intends to call relevant witnesses they should give advance notice that they intend to do this.

The College will normally rely either on statements and/or the terms of any investigatory report produced by the Investigating Officer but may call witnesses where this is considered appropriate depending on the specific circumstances of the case.

Summary Notes of formal meetings will be taken and not a verbatim record.

Copies of these notes will, where practicable, be given to the employee within ten College working days and they should inform the College if they wish to comment on the accuracy of the notes within seven (7) College working days of receiving them. Comments made by the employee in respect of the notes will be added as an addendum and the notes themselves will not be amended.

12.6 Adjournment

The Chair or Appeal Chair will have discretion to adjourn any disciplinary hearing or appeal hearing as deemed necessary. This decision is entirely at the discretion of the Chair or Appeal Chair and may be made after a request by the employee or representative of the College or otherwise as deemed necessary.

12.7 Reaching a Decision and Potential Outcomes

At the end of the disciplinary meeting, the Chair will normally adjourn the meeting before making a decision, see section 5 of appendix 1. Following the adjournment, the Chair may issue an oral decision. If the Chair is unable to reach an immediate decision following the meeting, they are entitled to deliberate on the decision prior to issuing a decision in writing. Written notification of the outcome will normally be issued within ten [10] working days of the meeting, or earlier if reasonably practicable, together with an explanation of any disciplinary action to be taken and notification that the employee has the right of appeal.

The penalties imposed must be reasonable in all circumstances and must consider the nature of the misconduct, any disciplinary record, any mitigation advanced by the employee and be consistent with penalties imposed in similar cases.

The College reserves the right to impose sanctions at any level, or to skip levels, depending on the circumstances of the case.

The potential outcomes are as follows:

- No Action – after the meeting the Chair may decide that there is no action to take.
- First Warning – this will be confirmed in writing. This will usually be appropriate for a minor act of misconduct. A record of the warning will be kept but it will be disregarded for disciplinary purposes after 6 months subject to the employee achieving and sustaining satisfactory conduct.
- Final Written Warning – this will normally be issued if:
 - it is more serious misconduct than that which would warrant a first written warning;
 - there is further misconduct of a similar nature; or
 - during the currency of an existing warning for a similar offence.

This will be in writing and set out of the nature of the misconduct and the change in behaviour required and the right of appeal. It will also warn that further incidents of misconduct may lead to dismissal (or some other action short of dismissal) and will refer to the right of appeal. A copy of this written record will be kept but disregarded for disciplinary purposes after 12 months subject to the employee achieving and sustaining satisfactory conduct.

- Dismissal (with notice) – this will normally be issued if there is still further misconduct during the currency of a Final Written warning. Dismissal decisions can only be taken by a nominated officer and the employee will be provided in writing with reasons for dismissal the date on which the employment will terminate and right of appeal.
- Summary Dismissal (without notice) – this will normally be issued where the employee has committed an act of gross misconduct.
- Action short of dismissal – this can be issued as an alternative to dismissal and will normally be accompanied with a Final Written warning.

Action short of dismissal includes:

- demotion (permanent or temporary) as an alternative to dismissal, and the dismissal is clearly justified in the circumstances;
- redeployment to an alternative role or section without loss in remuneration;
- recalculation, reduction and deduction from pay (cases of unauthorised leave or misclaims).

The employee will receive written details of the misconduct, will be warned that dismissal could result if there are further incidents of misconduct and will be advised of the right of appeal. A copy of this written record will be kept but disregarded for disciplinary purposes after 12 months subject to achieving and sustaining satisfactory conduct.

There may be exceptional cases where the College deems it appropriate to extend the period for which any warning remains 'live', and the College reserves the right to implement an extension of the duration of the warning where this is deemed appropriate by the College. Full reasons for this decision will be provided to the employee in the written notification of the outcome where this right is exercised.

The Chair will produce a written report articulating a justification for the decision reached and the sanction applied.

13.0 Appeals against Disciplinary Action

An employee will have the right to appeal against disciplinary action if they feel that the action taken against them is wrong or unjust. An appeal, for example, may be on the grounds of new evidence, undue severity/level of sanction or alleged breach of College procedure. The appeal should be submitted in writing to Human Resources, stating the full grounds for the appeal within seven (7) College working days of the date on which they were informed of the decision.

Appeals should be heard without unreasonable delay. The appeal will be dealt with impartially and wherever possible, chaired by a person who has not previously been involved in the case and is more senior to the chair of the disciplinary meeting, in accordance with Table 1 (the 'Appeal Chair').

Both management and employees (and their companion(s)) will make every effort to attend the appeal meeting. At the appeal meeting, the Appeal Chair will introduce those present and explain the purpose and format of the meeting. The employee will be

allowed to set out the grounds of their appeal and further questions may be asked by the chair as appropriate. The process outlined in section 12.5 will be followed.

Following the appeal meeting the Appeal Chair may:

- (a) confirm the original decision; or
- (b) revoke the original decision; or
- (c) substitute an alternative sanction.

The Appeal Chair will inform the employee in writing of their final decision as soon as possible after the adjournment of the appeal meeting and usually within seven (7) working days of the appeal meeting. The College acknowledges the impact of that a formal process may have on an employee's health and wellbeing and will endeavour to progress the process within a reasonable timescale.

Where a sanction of dismissal is applied the appeal will be heard by a panel consisting of a College Leader and two members of the Board or its Standing Committees. It should be noted that the appeal hearing will take place as soon as reasonably practicable given the external commitments of members of the Board and its Standing Committees.

There shall be no further right of appeal.

14.0 Misconduct and Gross Misconduct

The following are examples of matters that will normally be regarded as misconduct or gross misconduct.

14.1 Misconduct

Matters that will normally be regarded as Misconduct and will be dealt with under the Disciplinary Procedure include:

- a) minor breaches of College policies or procedures;
- b) minor breaches of the employment contract;
- c) damage to, or unauthorised use of, College property;
- d) persistent, unauthorised lateness;

- e) unauthorised or unacceptable high levels absence from work;
- f) failure to follow reasonable management instructions;
- g) excessive use of College telephone for personal calls;
- h) excessive personal e-mail, internet usage or social media;
- i) deliberate negligence in the performance of duties;
- j) unauthorised disclosure of confidential information; or
- k) smoking in no-smoking areas;

The list is intended as a guide and is not exhaustive or exclusive.

14.2 Gross Misconduct

Gross misconduct is a serious breach of contract and includes misconduct which, in the College's opinion, is likely to prejudice College business or reputation or irreparably damage the working relationship and trust between employer and employee.

An employee can be summarily dismissed for a first offence which is considered to constitute gross misconduct. Should an employee be dismissed for gross misconduct the dismissal is without notice or payment in lieu of notice.

The following are some of the offences the College considers to be gross misconduct:

- serious misuse of College property or name;
- Posting social media content that has the sufficient potential to or does bring the College into disrepute, or reflects negatively on the College, colleagues or learners (in line with the College's ICT Acceptable Use Policy and other related policies);
- bullying or cyber bullying (actual or threatened);
- acts of indecency or sexual harassment, at, but not limited to, work, social events associated with the College, attendance at external events or on residential;
- unacceptable use of obscene, abusive or offensive language (including language of a discriminatory nature);
- actual or threatened violence, or behaviour which provokes violence;
- deliberately accessing internet sites containing pornographic,

- offensive or obscene material;
- bringing the College into disrepute;
- causing loss, damage or injury through serious negligence;
- theft, or unauthorised removal of College property or the property of an employee, contractor, customer or member of the public;
- falsification of records or other College documents including those relating to obtaining employment;
- fraud, forgery or other dishonesty, including fabrication of expense claims and timesheets;
- acceptance of bribes or other secret payments arising out of employment;
- deliberate and serious damage to College buildings, fittings, property or equipment, or the property of an employee, contractor, customer or member of the public;
- conviction for a criminal offence that in the College's opinion may affect our reputation or our relationships with our employees, customers or the public, or otherwise affects suitability to remain an employee;
- possession or use of non-prescribed drugs on College premises or during working hours;
- Consumption of alcohol on College premises or during working hours, other than on occasions approved by the College;
- incapacity at work brought on by alcohol or non-prescribed drugs;
- refusal to carry out reasonable management instructions, repeated or serious disobedience of instructions, or other serious act of insubordination;
- serious neglect of duties, or a serious or deliberate breach of employment contract or the College's policies or procedures;
- serious or repeated breach of health and safety rules or serious misuse of safety equipment or otherwise endangering the health and safety of themselves, colleagues and/or third parties;
- deliberate breach of statutory rules affecting employment;
- unauthorised use or disclosure of confidential information;
- unauthorised use, processing or disclosure of personal data contrary to the College Data Protection Policy;
- unauthorised access to or use of computer data or computer hardware or copying of software, other than when authorised in the employee's normal course of employment;
- harassment of or discrimination against employees, contractors, clients or members of the public on the grounds of their protected characteristic(s);
- giving false information as to qualifications or entitlement to work

(including immigration status) in order to gain employment or other benefits;

- knowingly taking parental, paternity or adoption leave when not eligible to do so for a purpose other than supporting a child;
- victimising another employee who has raised concerns, made a complaint or given evidence information under other College policies;
- serious misuse of College information technology systems (including misuse or developed or licensed software, use of unauthorised software and misuse of email and the internet);
- undertaking unauthorised paid or unpaid employment during paid working hours.

The list is intended as a guide and is not exhaustive.

15.0 Criminal Charges or Convictions

An employee should not be dismissed or otherwise disciplined solely because they have been charged with or convicted of a criminal offence. The question to be asked in such cases is whether the employee's conduct or conviction merits action because of its employment implications.

Where it is thought the conduct warrants disciplinary action the following guidance should be borne in mind:

- the College should conduct a brief preliminary investigation of the facts, come to a view about them and consider whether the conduct is such as to warrant instigating the disciplinary procedure;
- where the conduct requires prompt attention, the College need not await the outcome of the prosecution before taking fair and reasonable action;
- where the police are called in, they should not be asked to conduct any investigation on behalf of the College, nor should they be present at any meeting or disciplinary meeting.

In some cases, the nature of the alleged offence may not justify disciplinary action, for example because the employee is in custody. In these cases, the College should

decide whether, in light of the needs of the College, the employee's job can be held open. Where a criminal conviction leads, for example to the loss of a license so that continued employment in a particular job would be illegal, the College should consider whether alternative work is appropriate and available.

Where an employee, charged with or convicted of a criminal offence, refuses or is unable to cooperate with the College's disciplinary investigations and proceedings, this should not deter the College from taking action. The employee should be advised in writing that unless further information is provided, a disciplinary decision in accordance with the Disciplinary Procedure will be taken on the basis of the information available and could result in dismissal.

The employee will be advised that, where this is deemed appropriate in the circumstances, they may instruct their trade union representative, work colleague or an official employed by a Trade Union to act on their behalf or submit written representations for the College to consider prior to making its decision.

16.0 Alcohol and Drug Misuse Recovery Programme

The College may suspend disciplinary action in respect of an offence related to alcohol or substance misuse.

In accordance with the terms of the College's Policy on Alcohol, Drugs and Substance Abuse, an employee with such a problem should be given the opportunity of accepting referral to the counselling services arranged by the College. If the Employee Counselling Service and the employee accept that an alcohol or drug problem exists and providing the employee undertakes to co-operate and successfully undertakes the recovery programme, disciplinary action will be suspended in respect of the offence which led to the referral.

The College reserves the right to proceed with any disciplinary process in circumstances where the allegation made against the employee is sufficiently serious or unrelated to the problem identified, even where an underlying alcohol or drug problem exists. Each case will be determined on its own facts.

17.0 Adjustments to Procedure

The College will endeavour to adhere to the time limits specified in the above procedure, however, this may not be practicable in the specific circumstances. Accordingly, the College reserves the right to extend any applicable time periods. In circumstances where it is not practicable to adhere to the above procedure within the time limits specified or within a reasonable period, the College will modify the procedure as appropriate and will notify the employee of the reasons for the delay and will keep the employee updated as to progress at reasonable intervals.

18.0 Reasonable adjustments

Reasonable adjustments may be made to this procedure where an employee is suffering from a disability as defined by the Equality Act 2010.

19.0 External Agencies

Employee Counselling Service - PAM Assist - College Intranet

ACAS (Advisory, Conciliation and Arbitration Service) Telephone: 08457 47 47 47

Minicom: 08456 06 16 00

Table 1

Disciplinary Referral Guide

Category of Employee	Investigation (Stated Designation or Above)	Hearing Chair	Appeal Chair
Principal	Clerk to the Board	Ad hoc committee (Human Resources Committee)	Ad hoc committee (Board of Management)
Depute Principal	Principal	Ad hoc committee (Human Resources Committee)	Ad hoc committee (Board of Management)
Associate Principal or Head of Department	Depute Principal	Principal (or nominated member of the Board)	Nominated member of the Board
Depute Head of Faculty	Associate Principal	Depute Principal	Principal
Curriculum Managers or Line Manager	Associate Principal or Head of Department	Depute Faculty	Principal
Lecturers	Curriculum Manager	Associate Principal	Depute Principal
Support Staff	Line Manager	Head of Department or equivalent from another Support Department	Depute Principal

It should be noted that the circumstances of the particular case may require another person to undertake the roles indicated in the table.

Where a sanction of dismissal has been applied and where an appeal against the decision has been submitted the appeal will be heard by a panel consisting of a College Leader and two members of the Board or Standing Committees.

Table 2

Authorised Level of Disciplinary Action

Designation	Level of Disciplinary Action
Line Manager or equivalent from another Support Department or Curriculum Manager	Informal Warning; Verbal Warning; or Written Warning.
Associate Principal (or Depute), Head of Department (or (Depute)	Informal Warning; Verbal Warning; Written Warning; Final Written Warning; and Recommendation for Dismissal.
Depute Principal	Suspension; Informal Warning; Verbal Warning; Written Warning; Final Written Warning; Recommendation for Dismissal; Dismissal.
Principal (or in the Principal's absence the Depute Principal)	Suspension; Informal Warning; Verbal Warning; Written Warning; Final Written Warning; Recommendation for Dismissal; Dismissal.
Ad hoc committees of the Human Resources Committee and the Board of Management Or Nominated Board Member	Suspension; Informal Warning; Verbal Warning; Written Warning; Final Written Warning; Recommendation for Dismissal; and Dismissal (Board of Management Only).



South
Lanarkshire
College

East Kilbride

Circular CC 02/25 – National Disciplinary Policy and Model Procedure for Support Staff and Lecturing Staff

This Circular is issued under the provisions of the National Joint Negotiating Committee (NJNC) – Central Committee and is binding on the college signatories of the National Recognition and Procedures Agreement (NRPA). Non-NRPA colleges are encouraged to shadow the Circular.

This Circular implements the Central Committee – National Disciplinary Policy and Model Procedure agreed on Thursday 20 March 2025 attached as **Annexes 1 and 2**. The National Disciplinary Policy and Model Procedure is an agreed output of the NJNC.

The National Disciplinary Policy and Model Procedure will apply from **1 August 2025**.

Scope

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

If any clarification is sought on the implementation of Circular 01/25 then this should be directed to the Joint Secretaries simultaneously, copying in College Employers Scotland – ces@collegeemployersscotland.ac.uk for secretarial purposes.

A joint response will be provided to all points of clarification.

NJNC Joint Secretaries

Sarah Collins

John Anderson

April 2025

Guidance,
Empowering, Principles,
Trade Unions
National Bargaining,
Scope,
Employee Relations
Resilient,
Flexible, Staff Development
Values, Fairness
Communication, Purpose,
Policies, Trust,
Review,

National Disciplinary Policy
Effective from 1 August 2025

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1. Introduction

This policy is designed to help and encourage all employees to achieve and maintain appropriate standards of behaviour and conduct for their, and their colleagues' safety and well-being. The policy provides a framework for dealing with potential misconduct with the focus on encouraging an employee whose conduct is unsatisfactory to improve.

The policy will be applied consistently and fairly to all employees, based on the circumstances of their case. Every case will be dealt with in a fair, transparent, reasonable, equitable and supportive way. This approach should allow employees to feel confident to have open and frank conversations with their manager if there is a concern, rather than fearing blame or repercussions. All disciplinary matters will be dealt in a sensitive and respectful manner, with the confidentiality of those involved maintained.

This policy should be read in conjunction with the model Disciplinary Procedure to fully understand the whole disciplinary process that provides a framework and minimum standards for the colleges to follow.

This policy was developed in partnership and agreement with the College Employers Scotland representatives and recognised trade unions. This policy and model procedure will be reviewed one year from launch date and thereafter every three years or earlier if required under legislative changes.

2. Scope

This policy applies to all employees.

In the event of an alleged disciplinary breach by a recognised trade union representative, formal disciplinary action will not be taken until the circumstances have been discussed with a full-time officer of the relevant union.

This policy does not apply where there is:

- An issue of competence or capability, this will be dealt with under the Performance Improvement Policy or equivalent.
- Ill health, this will be dealt with under the Sickness Absence policy or equivalent.

3. Key Principles

The following key principles will be applied in each situation and will be reflected in college procedures and practices:

- Disciplinary cases must be dealt with promptly without unnecessary delay, sensitively and respect the privacy of those involved.
- Many potential disciplinary issues can be resolved informally with appropriate, suitable support, counselling, or another approach, such as further training, to resolve problems. Managers should seek to resolve misconduct issues at the lowest possible level, and consider informal action, when appropriate, to resolve issues.

- Where an issue cannot be resolved informally, or it is not appropriate to do so, the disciplinary procedure must be followed. An employee will be:
 - Informed in writing, that they are the subject of a disciplinary investigation and advised of the disciplinary allegation(s).
 - Provided with a copy and/or link to this policy and to the procedure that will be applied.
 - Provided details of any Employee Assistance or counselling services available, as well as reviewing and considering the wellbeing of the employee throughout the process.
 - Given information on the next steps and indicative timescales for investigation to be completed.
- An investigation will be undertaken by an Investigating Officer who will be objective and impartial, to establish the facts relating to the disciplinary allegation(s).
- Following conclusion of the investigation, an appointed Nominated Officer will consider the investigation report and decide if a formal disciplinary hearing is required or no case to answer. In any event mutually agreed additional support may be required.
- An employee will be informed in writing of the disciplinary allegation(s) against them, along with a copy of the investigation (including statements and any other material information considered) in advance of the hearing.
- Employees have the right to be accompanied by: (1) an accredited representative of a trade union; (2) a work colleague; or (3) an official employed by a trade union. All the above will be referred to in the policy and accompanying procedure as the 'companion'.
- At the disciplinary hearing, the disciplinary allegations will be outlined (in the invite to the disciplinary hearing). The investigation will be presented, and the employee will be provided with the opportunity to state their case and respond to the investigation before a final decision is made.
- Employees will not normally be dismissed for a first offence except in cases of gross misconduct/negligence.
- Employees will have the right of appeal against any formal disciplinary action.
- Information relating to disciplinaries will be destroyed in line with colleges data retention schedule, subject to related legal requirements.
- When an employee raises a grievance during a disciplinary process, the disciplinary process may be suspended to allow the grievance to be heard. Where the grievance and disciplinary cases are related, it may be appropriate to deal with both issues concurrently. Each case will be considered on its own merits.
- The college will ensure managers have the appropriate training to undertake the roles described in this policy.

3.1 Reasonable Adjustments

Colleges will ensure throughout the disciplinary that they do not discriminate against anyone because of a protected characteristic. For example, adapting procedures to accommodate if required or making reasonable adjustments to procedures to ensure that they do not put anyone with a protected characteristic at a substantial disadvantage. This might mean someone else attending the disciplinary process meetings in addition to the companion (see section 3). For example, a British Sign Language signer, a translator or a support worker or someone with knowledge of the employee's specific needs.

4. Roles and Responsibilities

4.1 All Employees will:

- Ensure they are familiar with the standards of conduct expected by the college. This may include reviewing the following policies, or their equivalents. For example: Code of Conduct for Employees, Internet, Social Media, and Email Policies (to be reviewed at a local level).
- Consider seeking advice and support from their trade union representatives at any point of the disciplinary process.
- Treat any information shared with them as part of a disciplinary investigation or part of the disciplinary process as confidential, except for discussing matters with their companion or trade union.

4.2 Managers will:

- Ensure that they and their staff are fully conversant with the disciplinary rules and procedures in place and can act in line with the procedures. Managers will make full use of the informal disciplinary stages, when possible, to prevent minor disciplinary problems from escalating unnecessarily.
- Always act promptly to deal with any misconduct on the part of employees. A failure to communicate to an employee that they do not meet the required standards may lead the employee to assume that their conduct is satisfactory.
- Ensure that they undertake appropriate training relevant to their role in the disciplinary process.
- Seek advice from Human Resources (HR) if they are unclear on a potential disciplinary issue.

4.3 HR Representatives will:

- Provide advice and support to managers and employees on the application of this Policy and on all stages of the disciplinary procedure.
- Provide advice and support to Nominated Officer on the processes and legal compliance on employment matters.
- Provide advice and support on consistency of application of the Policy and Procedure.
- Monitor formal disciplinary activity across the college.
- Inform the College Leadership/Management Team if there are areas of concern in relation to the application of this Policy and Procedure.

4.4 Trade Union Representatives/companion will:

- Provide advice and support to the employee throughout the disciplinary process.

5. Links to Other Policies/Documents

[College to insert associated policies here]

6. Further Sources of Information

- a) All employees can access counselling if needed via [College to insert relevant information here].
- b) Further information can be found here:
 - [Acas Code of Practice on disciplinary and grievance procedures | Acas](#)
 - [Dealing with problems at work | TUC](#)
 - [The Model Complaints Handling Procedures | SPSO](#)

Guidance,
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National Model Disciplinary Procedure

Effective from 1 August 2025

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1. Introduction

The aim of this Model Disciplinary Procedure is to provide minimum procedural guidelines for colleges in support of the **National Disciplinary Policy**.

A college may adopt this Model Procedure and amend it as necessary for its circumstances or use its own existing Procedure, providing that its terms are no less than those in this document.

Standard letters that colleges may want to use to communicate throughout the Procedure are [here](#).

Disciplinary action will generate records and documentation, and these will be managed in line with related legal requirements.

The attached **Annex** is an indicative list of the types of misconduct which will normally result in disciplinary action.

2. Timescales

A formal Disciplinary process may have an impact on an employee's health and wellbeing. Therefore, it is important to progress the process within a reasonable timescale.

Timescales should be specified, agreed and adhered to unless there are exceptional circumstances, for example, the availability of key individuals and/or operational (business) reasons.

It is essential that any delays to timescales are communicated appropriately as soon as possible. Further information can be found here: [Acas Code of Practice on disciplinary and grievance procedures | Acas](#).

3. Informal Disciplinary Action (Outside the Formal Procedure)

Consideration should be given if the matter can be addressed through informal discussion.

When dealing with a matter informally, the line manager will discuss the matter with the employee and advise them that the course of action is outwith the formal Disciplinary Procedure.

4. Precautionary Suspension

There may be occasions when it is considered inappropriate for an employee to be at work, due to the nature and seriousness of the alleged misconduct. Suspension does not mean someone has done something wrong and should not be used to discipline employees.

Guidance should be obtained from Human Resources (HR), prior to an employee being precautionarily suspended or removed from the workplace.

Precautionary suspension will always be on full pay inclusive of any regular allowances and/or contractual payments and will be in line with any agreed college procedure.

Precautionary suspension must always be for as short a period as possible, and the employee will be notified in writing if there are any proposed extensions.

Further information about suspension is [here](#).

5. Grievance Raised During Disciplinary Proceedings

When an employee raises a grievance during a disciplinary process the disciplinary process may be suspended to allow the grievance to be heard.

Where the grievance and disciplinary cases are related, it may be appropriate to deal with both issues concurrently. Each case will always be considered on its own merits.

6. Roles and Responsibilities

The Investigating and Nominated Officers will be fair and objective, independent to the case and available to carry out their role promptly. They will be selected from a list of trained officers.

Investigating Officer	Nominated Officer	Human Resources
To investigate the allegation(s) and establish the facts.	<p>To review the outcome of the disciplinary investigation and be responsible for:</p> <p>Deciding if a case is to proceed to a disciplinary hearing.</p> <p>Hearing the case and ensuring the employee has a fair opportunity to present their case.</p> <p>Deciding on disciplinary action, based on all evidence presented and appropriate level of sanction and/or other supports.</p> <p>Communicating the decision to the employee, including their rationale for their decision.</p> <p>Explaining the decision at any subsequent appeal.</p>	<p>HR will be involved in the appointment of the Officers within the procedure.</p> <p>The role of the HR representative is to provide advice, guidance, and support to managers and employees on the application of this Policy and at all stages of the disciplinary procedure.</p>
Companion		
The role of the companion is to support the employee during the disciplinary process. The employee must be given the right to reply directly to questions and points raised at the disciplinary hearing.		

7. Disciplinary Investigation

A disciplinary investigation will take place following the decision that alleged misconduct requires to be investigated. The employee will be notified, in writing, that they are the subject of a disciplinary investigation and advised of the allegations of the alleged misconduct along with the possible outcome.

The purpose of carrying out an investigation is to gather all relevant facts relating to the allegation(s), in an objective, prompt and impartial manner. Conducting an objective and thorough investigation ensures that the employee is given an opportunity to explain the circumstances and provide any mitigating factors and that all relevant facts are considered.

7.1 Establishing Information

If there is any doubt in the information, the Investigating Officer will try to seek corroborating information from other sources. If no information is available, the Investigating Officer will highlight this in their report.

The Investigating Officer will interview witnesses able to provide information on the allegation(s) being investigated.

7.2 Investigating Officers Report

The Investigating Officer will produce a report detailing the findings and give an indication to the employee when this will be completed. If timescales change the employee will be updated. The Nominated Officer will review the Investigating Officer's report. They will decide if there is sufficient evidence to proceed to a disciplinary hearing, or if other alternative action needs to be taken.

In some cases, there may be insufficient information to proceed to a disciplinary hearing or allegations may be unfounded. If this is the case, the disciplinary investigation will be destroyed unless the case involves a young person or vulnerable adult.

The employee must be informed in writing of any decision.

8. Disciplinary Hearing

Where a disciplinary hearing is required, the employee will be provided with a minimum of five working days' notice in writing. The written notification will include copies of the investigation report together with any other evidence to be referred to in the hearing.

The purpose of the hearing is to establish the facts, take account of the findings of the investigation and hear the case presented. The hearing will normally be held in person. In certain circumstances, consideration will be given to holding the hearing in an alternative format.

If the employee or companion is unable to attend the disciplinary hearing, they confirm this so the hearing can be rescheduled.

9. Non-Attendance of a Disciplinary or Appeal Hearing

9.1 Due to Ill Health

Where an employee is unfit to attend the hearing, the absence will be managed in line with the college's Absence/Attendance Management Policy.

9.2 Failure to Attend

Where an employee fails to attend the hearing without a reasonable explanation, then the college will offer a further date for the hearing.

If an employee is repeatedly unable or unwilling to attend a disciplinary meeting without a reasonable explanation, the hearing will be held in the employee's absence and the college will decide on the evidence available.

10. Conducting a Disciplinary Hearing

At the hearing, the Nominated Officer will:

- a) Make introductions and explain roles.
- b) Explain the purpose and format of the hearing.
- c) Outline the allegation(s) and potential disciplinary action.
- d) Confirm with the employee that they understand the process and are satisfied with the arrangements.

The Investigating Officer will be available to attend a disciplinary hearing if required and requested in advance by either party to provide clarification.

Each witness may be called (if required) and potentially be questioned by the Nominated Officer or the employee. The employee/companion will set out their case in response to the allegation(s) and respond to any questions from the Nominated Officer. The employee will be requested to sum up their case.

10.1 Reaching a Decision

When the Nominated Officer is reaching their decision, they must consider the nature of the misconduct, any live disciplinary record, and any mitigation provided by the employee and be consistent with action taken in similar cases. They should seek guidance from the HR representative.

10.2 Communicating the Decision

The decision may be given verbally at the hearing, following an adjournment but must always be confirmed in writing to the employee within five working days of the hearing. If the employee was represented, a copy of the letter must be issued to their companion.

11. Disciplinary Hearing Outcomes

The outcomes following a hearing can be no action, written warning, final written warning, action short of dismissal and dismissal.

11.1 No Action

At the disciplinary hearing, the Nominated Officer will decide whether disciplinary action is required or if suitable support, counselling, or another approach, such as further training, will be more appropriate.

A manager will take note of the meeting, which will be shared with the employee.

11.2 Written Warning

A first/minor offence may be given a written warning, which should be held on the employee's HR file for a period of six months for disciplinary purposes and will then be removed, along with any paperwork.

A written warning will be held on the employee's HR file for a period of six months for disciplinary purposes.

11.3 Final Written Warning

A final written warning may be given where:

- a) An employee who has been issued with a first written warning fails to achieve or maintain the required levels of behaviour and/or conduct, or there is a further act of misconduct.
- b) The misconduct or behaviour is considered sufficiently serious, and the action needs to reflect the situation.

A final written warning will be held on the employee's HR file for a period of 12 months for disciplinary purposes.

11.4 Action Short of Dismissal

This can be used as an alternative to dismissal and kept on an employee's HR file for up to a further period of 12 months.

Action short of dismissal may be given where:

- a) An employee who has been issued with a final written warning fails to achieve or maintain the required levels of behaviour and/or conduct, or there is a further act of misconduct.
- b) The misconduct or behaviour is considered sufficiently serious, and the action needs to reflect the situation.

11.5 Dismissal

Employees will not normally be dismissed for a first offence except in cases of gross misconduct or where the behaviour is of such a nature that the college is unable to tolerate their continued employment.

12. Retaining a Record

Where there is an allegation or disciplinary action is taken involving a vulnerable adult or child being put at risk or abused, the disciplinary investigation and related information will be retained in line with legislation.

13. Appeals

Where an employee feels the disciplinary action taken against them is wrong or unjust, the employee has the right to appeal. They must submit an appeal in writing within 10 working days of receipt of the decision.

The appeal hearing will not normally be a full re-hearing of the case unless there has been a procedural error. The outcome of the appeal hearing will confirm, amend, or withdraw the disciplinary action.

The Appeal Manager will inform the employee in writing of their final decision within five working days of the appeal hearing.

The decision of the Appeal Manager is final, and there is no further right of appeal.

Further information about appeals can be found [here](#).

14. External referrals

If, at the end of this procedure, a decision has been made to:

- a) Take disciplinary action resulting in the dismissal of an employee.
- b) Take action short of dismissal involves an employee being permanently moved from a regulated role and/or working with children or protected adults.

Or, an employee has left the college's employment, and it was likely that they would have been dismissed. It is essential that consideration is given to the following.

14.1 Disclosure Scotland

The college has a legal duty to refer any decisions described above relating to the harmful behaviour of any employee to Disclosure Scotland even if it takes place outside of work or after the employee has left employment. This referral must be made within three months of the decision.

Harmful behaviour is defined by Disclosure Scotland [here](#).

The matter should be referred to the Lead Signatory and HR for the college, who may make the referral to Disclosure Scotland.

14.2 Regulatory Bodies

A decision to refer decisions described at 11. must be considered to ensure the college fulfils its responsibilities to the appropriate regulatory body.

The Nominated Officer will liaise with HR and a referral may be made to the regulatory body.

The main regulatory bodies are:

- a) **Scottish Social Services Council** [here](#).
- b) **General Teaching Council for Scotland** [here](#).
- c) **Nursing and Midwifery Council** [here](#).

Disciplinary Code

Misconduct

The following list is neither exhaustive nor exclusive but is indicative of the types of misconduct which will normally result in disciplinary action being taken, short of dismissal in the first instance:

- Damage, unauthorised and/or misuse of college property.
- Inappropriate use of the college's IT systems.
- Minor breaches of the college's policies and procedures.
- Unauthorised use of the college's computer systems.
- Health and safety.
- Minor breaches of Health and Safety.
- Breach of confidentiality.
- Unauthorised disclosure of personal information or confidential college information, which breaches the college policies and/or data protection legislation.
- Unauthorised contact with the media.

Other forms of misconduct

- Minor breaches of college policies or procedures.
- Persistent poor time keeping.
- Unauthorised absence from work.
- Abusive or threatening behaviour or offensive language towards any person whilst engaged on college business.
- Refusal to follow reasonable management instructions or carry out contractual obligations.
- Carelessness or negligence in carrying out the duties and responsibilities of the post.
- Being incapable of carrying out the duties of the post due to intake of alcohol or unprescribed use of drugs.
- Smoking in no-smoking areas.

Gross Misconduct

This list is not exhaustive.

- Theft, Fraud and Misrepresentation.
- Theft or unauthorised possession of property or facilities belonging to the college or someone else.
- Dishonest or fraudulent acts. For example – college records, registers, timetables, reports, accounts, expenses claims or self-certification forms.
- Failing to follow the college financial management policies and/or procedures.
- Deliberate breach of confidentiality.
- Abuse of the role within the college.
- Bribery, fraud and/or corruption.
- Providing false or misleading information or non-disclosure of information, either during the recruitment process or in subsequent employment, which effects the contract of employment.
- Unauthorised/Improper Use of college property and equipment/systems.
- Deliberate and serious damage to property.
- Deliberately accessing internet sites containing pornographic, offensive or obscene material.
- Use the college's internet or email systems for conducting a private or commercial business.
- Intentionally access or transmit information that distributes a computer virus.
- Health and Safety.
- Deliberate breach of Health and Safety.
- Gross Carelessness/Negligence.
- Equality and Fair Treatment.
- Bullying or harassment, sexual harassment and/or victimisation.

- Acts of direct or indirect discrimination on the grounds of protected characteristics or trade union membership.

Other forms of Gross Misconduct

- Violent, threatening, or dangerous behaviour.
- Bringing the college into disrepute.
- Being incapable of carrying out the duties of the role due to intake of alcohol or substance misuse.
- Criminal conviction/civil liability or other unacceptable conduct which renders the employee unsuitable to carry out the duties and responsibilities of the role.
- Refusal to follow reasonable management instructions or carry out contractual obligations.

Human Resources Committee

DATE	15 May 2025
TITLE OF REPORT	Grievance Procedure - Extension
REFERENCE	07
AUTHOR AND CONTACT DETAILS	Gary McIntosh, Head of Human Resources gary.mcintosh@slc.ac.uk
PURPOSE:	For members to approve an extension to the review of the Grievance Procedure, to allow for a National Policy to be implemented first.
KEY RECOMMENDATIONS/ DECISIONS:	Members are recommended to: <ul style="list-style-type: none"> • approve an 18-month extension from today's Committee meeting; • note that an earlier review may be initiated should a National Grievance Policy be published in the interim; and • approve ongoing monitoring of national developments and regular updates to the Committee on progress.
RISK	The following risks apply: <ul style="list-style-type: none"> • There is a risk that the absence of a refreshed procedure could be perceived as a failure to maintain updated policies; however, this is mitigated by the agreement of trade unions to await national guidance. • Failing to extend the review formally could create uncertainty for staff and managers regarding the status of the procedure. • Approving the extension will provide clarity, maintain confidence, and uphold positive employee relations.
RELEVANT STRATEGIC AIM:	<ul style="list-style-type: none"> • Successful Students • The Highest Quality Education and Support • Sustainable Behaviours
SUMMARY OF REPORT:	<ul style="list-style-type: none"> • This paper seeks the Committee's approval to formally extend the review date of the Grievance Procedure by 18 months from the date of this Committee meeting. • Although the review was originally scheduled for June 2024, an administrative error meant that no alert was generated to prompt this review. • It has been agreed at the Joint Negotiating Committee (JNC) that trade unions would prefer to await the publication of a National Grievance Policy before undertaking local changes.

	<ul style="list-style-type: none">• As no national policy is currently available, a formal extension is now required.
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1. INTRODUCTION

- 1.1. This paper outlines the context and rationale for extending the Grievance Procedure review date – a copy of the current Procedure is enclosed with this Paper.
- 1.2. The extension will ensure that any future review is informed by sector-wide developments and undertaken collaboratively with trade unions.

2 BACKGROUND

- 2.1 The College's Grievance Procedure was due for review in June 2024.
- 2.2 Due to an administrative error, no system alert was issued to highlight the upcoming expiry, which has since been corrected to prevent recurrence.
- 2.3 Discussions at the Joint Negotiating Committee (JNC) confirmed that trade unions would prefer not to revise the local Grievance Procedure until a National Grievance Policy is issued.
- 2.4 To date, no National Grievance Policy has been published, and there is no confirmed timeline for its issue.
- 2.5 In order to maintain positive industrial relations and ensure sector consistency, it is proposed to formally extend the review date by 18 months from the date of this Committee meeting.

3 DISCUSSION

- 3.1 Extending the review period allows the College to wait for any national developments before undertaking a full review.
- 3.2 This approach is consistent with JNC expectations and avoids unnecessary local changes that may soon be superseded by national policy.
- 3.3 Should a National Grievance Policy be issued within the 18-month extension, an earlier review can be brought forward in agreement with the JNC.
- 3.4 In the absence of national guidance, the current procedure will remain in place and operational.

4 RESOURCE IMPLICATIONS

- 4.1 There are no immediate resource implications associated with extending the review date.
- 4.2 Resource implications will be identified and managed at the point of formal review, including consultation and implementation activities.

5 EQUALITIES

- 5.1 An Equality Impact Assessment will be undertaken at the time of the review to ensure that any updated Grievance Procedure continues to promote fairness and comply with legal obligations.
- 5.2 Delaying the review to allow for national policy alignment will support consistency and equity across the sector.
- 5.3 There are no new matters for people with protected characteristics which arise from consideration of the report.

6 RISK

- 6.1 The following risks apply:

- 6.1.1 There is a risk that the absence of a refreshed procedure could be perceived as a failure to maintain updated policies; however, this is mitigated by the agreement of trade unions to await national guidance.
- 6.1.2 Failing to extend the review formally could create uncertainty for staff and managers regarding the status of the procedure.
- 6.1.3 Approving the extension will provide clarity, maintain confidence, and uphold positive employee relations.

7 COMMUNICATIONS

- 7.1 Once approved, the extension will be communicated to staff and trade unions through established JNC channels.

8 RECOMMENDATIONS

- 8.1 Members are recommended to:
 - 8.1.1 approve an 18-month extension from today's Committee meeting;
 - 8.1.2 note that an earlier review may be initiated should a National Grievance Policy be published in the interim; and
 - 8.1.3 approve ongoing monitoring of national developments and regular updates to the Committee on progress.



South
Lanarkshire
College

East Kilbride

GRIEVANCE PROCEDURE

Hearing your concerns

Version Number: 1.0

Document Information

Procedure Published/Created:	15 th June 2022
Reviewed Date:	TBC
Owner:	Human Resources
Approved by:	Board of Management
Equality Impact Assessment:	TBC
Next Review Date:	15 th June 2024

Version History

Version Number	Date	Author	Rationale
1.0	TBC	G McIntosh	Replace previous procedure

Quick Links

We are inclusive and diverse, and this is one of our values.

We are committed to the FREDIE principles of Fairness, Respect, Equality, Diversity, Inclusion and Engagement.



To find out more about FREDIE click [HERE](#)

To find out more about our Vision, Mission and Values click [HERE](#)



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1.0 Introduction

South Lanarkshire College (the “College”) want to ensure that all employees feel supported and enabled in their role, included being listened to should there be any concerns. The Grievance Procedure is designed ensure fair, transparent and consistent treatment of all staff when handling issues related to concerns raised by employees.

The College is committed to listening and investigating concerns raised by all employees, whether they are raised about other employees, Board members, customers, clients or others who you engage with as a result of your employment.

During the implementation of this procedure, the College may defer to another policy/procedure depending on what evidence is shared, for example the Absence Policy or the Reasonable Adjustments Policy. If the grievance could be a criminal matter the police will be informed. If appropriate, this policy will either be closed in writing or will be adjourned to allow the other policy to conclude. If a grievance is raised while a disciplinary is taking place consideration may be given to suspending the disciplinary procedure and deal with the grievance first or, alternatively, we may deal with both at the same time, depending on the situation and matters raised.

Going through a grievance procedure can be emotionally impactful. Therefore, the College will encourage employees to leverage wellbeing options available to them such as counselling and occupational health. Employees can discuss these confidentially with any member of the human resources team. The College will consider requests for reasonable adjustments to support the wellbeing of an employee.

This procedure aligns with the ACAS guidelines on disciplinary and grievance procedures. Should the ACAS guidelines or legal requirements change, the implementation of this policy will take these changes into account.

2.0 Objectives

The objectives of this policy are:

- Provide a structured and transparent approach to enable employees to raise concerns and receive a conclusion to the concern(s) raised.
- Ensure a fair and consistent approach to managing and responding to employee concerns.
- Identify opportunities for the College to deal with concerns as a result of your employment.

3.0 Scope

This Procedure applies to all employees of the College and provides a mechanism for grievances to be dealt with promptly, fairly and consistently. The College encourages a policy of open communication and consultation when problems and concerns arise in the workplace. Employees should try to resolve any grievance informally with their line manager or the individual(s) concerned in the first instance prior to instigation of the formal procedures outlined below.

4.0 Principles

- The College will seek to resolve issues at the lowest possible level of the procedure (where appropriate) and informal action may be considered, where appropriate, to resolve matters.
- The College will make every effort to deal with and resolve grievances as quickly as possible and at the appropriate management level.
- No decisions on the outcome of a formal grievance will be made before the matter has been fully investigated.
- All employees have the right to express a grievance relating to their employment. A grievance may be raised by an individual, a couple of individuals or collectively where a group or groups of employees are affected by the same work-related issue. If two or more employees have an identical grievance, they can use the procedure outlined in section 14 to raise a collective grievance. Employees using this procedure collectively cannot then raise an individual grievance on the same issue.
- Where working relationships are a factor in any grievance, additional support will be considered and, if appropriate, will be offered for example where employees wish to take part in mediation to resolve matters.
- Any matters relating to a collective dispute raised by Trade Union

representatives on behalf of all staff within the staff group whom they represent, should be raised in accordance with the Recognition and Procedures Agreement (the "RPA"). The procedure within the RPA should be followed.

- At all formal stages of the grievance process, parties have the right to be accompanied by a Trade Union representative or an official employed by a Trade Union or a workplace colleague.
- If an informal grievance is raised verbally which subsequently is taken forward as a formal grievance, the details must be recorded in writing before proceeding.
- During the formal Grievance Procedure, the individual raising the grievance, and any person against whom a grievance has been submitted, will have the opportunity to state their case.
- A grievance hearing is not the same as a disciplinary hearing and is an opportunity for discussion and dialogue which may produce a satisfactory resolution to the complaint.
- At no stage in the procedure can any party record a meeting or hearing, using audio or video recording equipment, without the prior agreement of all present.
- An employee who is dissatisfied with the outcome or remedy proposed in the first instance will have a right of appeal.
- The College's Equality policy will be observed in relation to all grievance related processes.

5.0 Confidentiality

At all stages of a grievance, those involved in the grievance and/or the investigation must bear in mind the need for confidentiality in order to preserve the integrity of the process and out of respect for those involved. However, this does not preclude employees from discussing the matter with their staff representative or with the Employee Counselling Service.

6.0 Right to be accompanied

All employees, whether it is the person raising the grievance or the individual whom the grievance is against or a witness, have the right to be accompanied to meetings forming part of the formal grievance process (including investigation meetings and appeals) by either a Trade Union representative, an official employed by a Trade Union or a workplace colleague. The companion will be permitted to address the meeting to put and

sum up the employee's case, respond on behalf of the staff member to any views expressed and confer with the employee during the meeting, but will not be entitled to answer questions on behalf of the person raising the grievance, address the hearing if the person raising the grievance does not wish it or prevent the person against whom the grievance is raised from explaining their case.

To exercise the statutory right to be accompanied the person raising the grievance must make a reasonable request. The person raising the grievance should provide enough time for the College to deal with the companion's attendance at the meeting and make clear in advance the name of the companion where possible and whether the individual is a Trade Union representative, an official employed by the Trade Union or a work colleague.

Those who are being interviewed as part of the investigation are also entitled to ask to be accompanied by a Trade Union representative, an official employed by a Trade Union or a workplace colleague. Any request to be accompanied should be reasonable.

7.0 Records

Summary Notes of formal meetings will be taken and it will not be a verbatim record. Copies of these notes will be given to the relevant parties present within five (5) working days of the meeting, where possible. The person raising the grievance or those providing a statement will be given the opportunity to comment on the accuracy of the notes within five (5) working days of receiving them. It is normally expected that all documentation including witness statements will be shared with relevant parties (except where the College has to withhold some information to protect a witness or due to another legal requirement). Witnesses shall be informed that any information they provide may be shared with the person raising the grievance.

Records will be treated as confidential and kept in accordance with the College Retention Schedule and the General Data Protection Regulation and the Data Protection Act 2018 which gives employees the right to request and have access to certain personal data.

Records will include:

- the nature of the grievance;
- what was decided and actions taken;
- the reason for the actions taken;
- whether an appeal was lodged;
- the outcome of the appeal; and
- any subsequent developments.

Notes of informal meetings may also be taken where appropriate.

8.0 Malicious Grievances

The purpose of the grievance procedure is to ensure that the appropriate channels are available through which employees can raise genuine concerns.

Where, after an investigation, a grievance is found to be vexatious or malicious, or where there is a continued pattern of unfounded complaints by the same employee, the person raising the grievance may be subject to investigation under the College Disciplinary Procedure and subject to disciplinary action, which could in some circumstances lead to dismissal, if there is sufficient evidence to support such action. Further guidance and advice can be obtained by speaking to Human Resources.

9.0 External Assistance

The College reserves the right to recruit assistance from an external source to assist with the resolution of a grievance, depending on the nature of the issue and the exigencies of the service, for example an external mediator or other suitably qualified individual or organisation. This will be with the mutual agreement of both parties where appropriate.

10.0 Overlapping Grievance and Disciplinary Proceedings

If the employee raises a grievance during a disciplinary process, the disciplinary process may be temporarily suspended in order to deal with the grievance. However, it may be appropriate to deal with the two concurrently if they are related, there is no obligation on the College to suspend a disciplinary process pending the outcome of a grievance process; this is merely an option open to it.

11.0 Grievance Procedure

11.1 Informal Procedure

Employees should try to resolve their grievance informally with their line manager or with the individual(s) concerned in the first instance prior to proceeding to the formal procedure. The employee should request a meeting with the line manager or the employee concerned as soon as possible after the issue has arisen or occurs. In circumstances where the grievance is against the employee's line manager, the employee can approach their next line manager or another manager, in a similar position, in the College.

If it is not possible to resolve a grievance informally then the employee will have the right to raise the matter through the formal procedure. Employees may seek advice from a member of management at an appropriate level, a Human Resources representative or a representative of their Trade Union.

If the employee wishes to raise the matter formally they should do so without unreasonable delay and the procedure outlined below should be followed.

Only in exceptional circumstances will an employee be able to proceed directly to the formal procedure without having first attempted to resolve the matter informally.

11.2 Formal Procedure

Any formal grievance relating to an employee's work, working environment or working relationships should be raised with the appropriate manager in accordance with the Grievance Referral Guide, Table 1. This manager will be the Investigating Officer.

A formal grievance must be set down in writing detailing the nature of the alleged grievance on a Grievance Form, appendix 1 and submitted to the appropriate manager identified in Table 1.

When submitting a formal grievance, the employee should include a concise summary of the issue(s); specify the outcome they are seeking; and the steps they have taken to resolve the issue informally or an explanation as to why this was not possible.

Where employees have difficulty expressing themselves because of language or other difficulties they may seek assistance from their trade union representative, from a workplace colleague or Human Resources to submit the grievance.

The manager upon receipt of a formal written grievance should inform Human Resources and arrange a meeting to discuss the matter/take advice within five (5) College working days. A template is available from Human Resources.

In certain circumstances where a grievance raised refers to a change, for example in working practices, the status quo may be maintained until the grievance procedure is exhausted. This will exclude matters involving Health and Safety or a breach of legislation.

11.3 Communication

The manager who is acting as the Investigating Officer should write to the person raising the grievance without unreasonable delay to confirm the arrangements for a grievance meeting, advise them how they intend to manage the process, the stages involved and their right to be accompanied to the grievance meeting by a Trade Union representative,

an official employed by a Trade Union or a workplace colleague. The grievance meeting will be held without unreasonable delay after the College has received the grievance.

All reasonable steps shall be taken to ensure that the procedure progresses as efficiently as is reasonably practicable. Any delay to the procedure will be identified and communicated as timeously as possible to concerned parties.

In the event that the person raising the grievance can identify a conflict of interest or a sufficient reason that the Investigating Officer delegated to hear the grievance should not be involved they should notify the Head of Human Resources. The Head of Human Resources shall advise within seven (7) College working days as to whether this conflict of interest necessitates another manager hearing the grievance.

All parties involved should make every effort to attend the grievance meeting.

If a complainant or their Trade Union representative or official employed by a Trade Union or workplace colleague is unable to attend on a proposed date the person raising the grievance can suggest another date so long as it is reasonable and is not more than five (5) College working days, beginning with the first College working day after the date originally proposed by the Investigating Officer. This five (5) day time limit may be extended by mutual agreement but within a reasonable timescale.

The person against whom the grievance is raised, will be invited to meet with the Investigating Officer who will advise them that a grievance has been submitted, they will provide the person against whom the grievance is raised with either a copy of the written grievance, or inform them of the content relating to them and outline the stages involved in the process, so that the person against whom the grievance is raised is fully informed of the grievance raised against them.

The Investigating Officer should recognise the potential distress that a formal grievance can cause for a respondent, and therefore must act with sensitivity when letting them know about the grievance raised against them.

The person against whom the grievance is raised should also be made aware of their right to seek support from their Trade Union and, where appropriate, the Employee Counselling Service.

At all stages of a grievance, those involved in the investigation must bear in mind the need for confidentiality in order to preserve the integrity of the process and out of respect for any other colleagues involved. However, this does not preclude employees from discussing the matter with their representative, or with the Employee Counselling Service.

11.4 Investigation

The Investigating Officer will invite the person raising the grievance to a meeting to hear their grievance and this will take place as soon as reasonably practicable. Once they have heard the content of the grievance they may wish to interview others, and this will be done through separate meetings.

A Human Resources Representative shall be present at all formal meetings of the Grievance Procedure.

11.5 Grievance Meeting

The Investigating Officer shall open the meeting by introducing all parties present and by stating the role of the participants. In normal circumstances this will include:

- the Investigating Officer;
- the employee and their Trade Union representative or official employed by a Trade Union or a workplace colleague; and
- a Human Resources representative – to provide advice and support to the Investigating Officer and take notes.

The Investigating Officer shall secure the agreement of the parties present that all deliberations will remain strictly confidential.

The person raising the grievance will be invited to explain their grievance and how they would like to see it resolved. In all circumstances any information must be related directly to the facts of the grievance. The Investigating Officer should sum up the main points at the conclusion of the meeting.

If the Investigating Officer reaches a stage in the meeting where they require to seek advice or feel that further investigation is necessary the meeting should be adjourned to get advice or make further investigation. The meeting should be reconvened within an agreed timescale and as soon as reasonably practicable.

The Investigating Officer will meet with the person against whom the grievance is raised separately who will be informed of the content of the grievance and provided with the opportunity to respond. The person against whom the grievance is raised will be informed that a copy of their statement may be provided to the employee during the process. The person against whom the grievance is raised has the right to be accompanied by a Trade Union representative, an official employed by a Trade Union or a workplace colleague and should be advised accordingly. The Investigating Officer should sum up the main points at the conclusion of the meeting.

The Investigating Officer has the right to consult, individually or collectively, all concerned parties and to undertake further such discussions or investigation deemed appropriate at his/her discretion prior to issuing a formal response to the findings of the meeting.

Witnesses and concerned parties will be informed that a copy of their statement may be provided to the person raising the grievance at some stage during the investigation or process.

The Investigating Officer will be required to examine the evidence and to base their decision on the evidence available. They will endeavour to establish the facts of the case as thoroughly as possible and to exercise judgement in the event of any of the facts remaining in dispute. In such circumstances any conclusions must be reached on the basis of the balance of probabilities. The Investigating Officer will produce a report detailing their findings; the basis for their decision; and any recommendations where appropriate to resolve the grievance.

The outcome of the grievance will be issued in writing along with the report as soon as reasonably practicable and if possible within ten (10) College working days of the grievance meeting. Any delay with the issuing of the grievance response will be identified and communicated as timeously as possible to all concerned parties.

11.6 The outcome of an Investigation

The outcome could be that:

- i) the grievance is not upheld, and no further formal action will be taken;
- ii) only part of the grievance is upheld, and part not upheld, and any appropriate action will be taken;
- iii) the grievance is upheld in full, and appropriate action will be taken.

If a grievance has been upheld and it may have an impact on working relationships the Investigating Officer should meet with the line manager/individual to confirm their decision and invite them to discuss the implications in relation to any further potential action.

Further action in these circumstances may include for example:

- i) mediation;
- ii) training and/or development activities; and
- iii) coaching or mentoring.

In most cases the College would anticipate that the Investigating Officer's decision to be final and for the matter to come to a close. However, in some circumstances the person raising the grievance may remain aggrieved and they can appeal against the decision or remedy proposed by the Investigating Officer concerned.

The person raising the grievance should be advised of their right to appeal and informed of the next stage of the procedure in accordance with the Grievance Referral Guide, Table 1.

Where a grievance has not been upheld and the person raising the grievance has not appealed against the decision the Investigating Officer should ensure that all employees involved in the process are aware that it has been brought to an end.

12.0 Grievance Stage One Appeal

In the event that the person raising the grievance feels that their grievance has not been satisfactorily resolved they may appeal in writing using the Grievance Stage One Appeal Form, appendix 2. The person raising the grievance should inform the Head of Human Resources in writing of their intention to submit an appeal within five (5) College working days of receiving the written decision of the grievance. The completed Grievance Stage One Appeal Form should be submitted within ten (10) College working days of receipt of the written decision of the grievance. The Grievance Appeal Form should state the grounds of the appeal and should be submitted to the Head of Human Resources who will advise the appropriate senior manager as indicated in Grievance Referral Guide, Table 1 (the "appeal manager"). The appeal will be heard as soon as reasonably practicable, normally not later than three weeks after the appeal has been lodged. If necessary, this time limit may be extended through mutual agreement.

The College should write to the person raising the grievance without unreasonable delay to confirm the arrangements for an appeal hearing, including the date on which it will be heard and the place it will be heard.

Prior to any appeal meeting the employee will be reminded of their right to be accompanied by a Trade Union representative, or official employed by a Trade Union or a workplace colleague.

12.1 Grounds for Appeal

Grounds of appeal will normally come under one of the headings set out below although there may be other relevant grounds of appeal not mentioned which may be considered by the College.

- Relevant new evidence not previously considered: This is where the employee can provide relevant new evidence which was not available at

the time of the original investigation.

- Breach of procedure: This is where the employee identifies areas of the procedure which were not followed, and which could have influenced the final outcome.
- Decision or remedy unreasonable: This is where the employee considers that the decision or remedy is unreasonable.

12.2 Appointment of person hearing Appeal

A senior manager (the "appeal manager") will be appointed to hear the appeal in accordance with the Grievance Referral Guide, Table 1 and will be given access to all paperwork generated from the original grievance. Wherever possible the appeal manager will not be the Investigating Officer and will not otherwise have been involved in the grievance previously.

The person raising the grievance will be provided with copies of the evidence relied upon by the Investigating Officer prior to the appeal meeting.

The appeal manager must decide if the appeal is a rehearing of the original grievance or simply an evaluation of the evidence and the fairness of the decision taken. A rehearing may be considered appropriate for example where there has been an alleged procedural error earlier in the process.

The appeal manager may decide to carry out further investigation, if necessary, including further meetings with the parties involved, before they are able to make a decision. Witnesses and concerned parties will be informed that a copy of their statement may be provided to the person raising the grievance at some stage during the appeal process.

A member of Human Resources will provide appropriate support and advice for the appeal manager throughout the process. A member of Human Resources will attend the appeal meeting to provide advice and support to the appeal manager and to take notes.

12.3 Outcome of the Stage One Appeal

The outcome of the appeal meeting will be issued in writing as soon as reasonably practicable, and if possible within ten (10) College working days of the appeal meeting. In addition to issuing the outcome in writing, the appeal meeting may be reconvened to explain any action which the College intends to take. The purpose of the reconvened meeting is not for the appeal manager to explain in detail why they reached the decision or put forward the proposed remedy. The reconvened meeting is to afford the employee the opportunity to discuss the decision or remedy proposed not how the decision or remedy was reached.

The possible outcomes of the appeal are as follows:

- Appeal upheld;
- Appeal partially upheld;
- Appeal not upheld.

If the person raising the grievance remains dissatisfied with the response they may intimate their continuing dissatisfaction in writing on Grievance Stage Two Appeal Form, appendix 3 within ten (10) College working days of receipt of the outcome of the appeal at stage one. The Grievance Stage Two Appeal Form should be submitted to the Head of Human Resources who will inform the appropriate senior manager as indicated in the Grievance Referral Guide, Table 1 (the "second appeal manager")

The appeal process timescale will commence once the person raising the grievance has confirmed to the Head of Human Resources or that they have received the appropriate Grievance Stage Two Appeal Form.

The person raising the grievance may only submit a second appeal and proceed to Stage Two of the procedure on the basis of:

- a breach of the procedure during the Stage One Appeal procedure;
- relevant new evidence being submitted which was not available to the appeal manager in the course of Stage One of the appeal procedure;

and/or the employee feels that the decision of the Stage One appeal is perverse or unreasonable.

13.0 Grievance Stage Two Appeal

Upon receipt of the Grievance Stage Two Appeal Form a meeting shall be arranged by the appropriate manager (but not necessarily take place) within five (5) College working days. The person raising the grievance shall be informed in advance of the date, time and place of the meeting.

If a stage two appeal is to be heard by an ad hoc Committee (as detailed in Table 1) of the Board of Management the employee should still submit the Grievance Stage Two Appeal Form to the Head of Human Resources. A meeting of the ad hoc committee shall normally be arranged (but not necessarily take place) within ten (10) working days. The meeting shall take place within a reasonable time scale however this will be dependent upon the availability of Board Members. The person raising the grievance shall be informed in advance of the date, time and place of the meeting.

An ad hoc Committee of the Board of Management shall comprise of three members, to include a Chair of a standing committee. The Chair of the Board, the Principal, Staff Representatives and Student Representatives shall be excluded from such a Committee.

The person raising the grievance will be required to provide the second appeal manager or ad hoc Committee hearing the stage two grievance appeal, in addition to the Grievance Stage Two Appeal Form, copies of all forms and correspondence connected with the grievance to which they have access. The appeal manager will provide details of what steps have been taken or proposed to resolve the issue.

The appeal process timescale will commence upon once the person raising the grievance has confirmed to Human Resources that they have received the appropriate Grievance Stage Two Appeal Form.

The appeal meeting will be conducted in line with section 11.5. The person raising the grievance will be reminded of their right to be accompanied by a Trade Union representative, an official employed by a Trade Union or workplace colleague.

At the conclusion of Stage Two there is no further right of appeal and the decision made at this stage is final.

14.0 Collective Grievance

A collective grievance is defined as a grievance held in common by two (2) or more members of staff who are not members of a recognised Trade Union. Staff using this procedure must be aware that they cannot then use the Individual Grievance Procedure for raising the same issue.

Any matters relating to a collective dispute raised by Trade Union representatives on behalf of all staff with the staff group whom they represent should be raised in accordance with the Recognition and Procedures Agreement (the "RPA"). For the purposes of the RPA, a collective grievance is defined as a grievance held in common by two (2) or more members of staff represented by a recognised Trade Union and supported by a College Branch Office Bearer. Where such a collective grievance arises relating to terms and conditions of employment, the procedure within the RPA should be followed.

14.1 Definitions

Issues that may cause a collective grievance could include problems concerning terms and conditions of employment or working practices, health and safety, working relationships, bullying and harassment and/or discrimination. This list is not exhaustive or exclusive.

14.2 Procedure

14.2.1 Informal – Collective Stage

A collective grievance should, in the first instance, be raised with the immediate supervisor/manager who should discuss the issue and make appropriate arrangements to investigate. As a general rule, a response will be provided within seven (7) College working days. If the grievance involves the line manager it should be raised with their manager in accordance with the Grievance Referral Guide, Table 1. One representative from the group of staff raising the grievance should raise it with the manager on behalf of those involved.

14.2.2 Formal – Collective Grievance

If the grievance is not resolved informally to the satisfaction of the staff members concerned and they wish to take it further, then they must put their issue in writing using the Collective Grievance Form, appendix 4, to Human Resources who will advise the appropriate senior manager as indicated in the Grievance Referral Guide, Table 1. The matter may be presented to Human Resources by two representatives of the group of staff involved accompanied by their Trade Union representative or by two members of the Trade Union on behalf of that staff group.

The written submission must cover the following points:

- The specific cause of the grievance;
- The specific staff involved in the grievance (not necessarily by name but in enough detail, i.e. job titles, department / curriculum area, etc. for it to be quite clear who is affected and who is not); and
- The name(s) of the representative(s) nominated or elected by the staff to act as their spokesperson/s. A meeting will be arranged as soon as possible, or at least within ten working days, when the staff representative(s) and management will meet to discuss what can be done to settle the grievance. The staff representatives will be informed in advance of the meeting of the date, time and place of the meeting.
- The meeting will be conducted in line with section 11.5.

14.2.3 Collective Grievance Appeal Stage One

If still unresolved, the employees may appeal in writing using the Collective Grievance Stage One Appeal Form, appendix 5. The employees should inform the Strategic Leadership Team in writing of their intention to submit an appeal within five (5) College working days of receiving the written decision of the collective grievance. The completed Collective Grievance Stage One Appeal Form should be submitted within ten (10) College working days of receipt of the written decision of the collective grievance.

Grounds of appeal will normally come under one of the headings set out below although there may be other relevant grounds of appeal not mentioned which may be considered by the College.

- Relevant new evidence not previously considered: This is where the employees can provide relevant new evidence which was not available at the time of the original investigation.
- Breach of procedure: This is where the employees identify areas of the procedure which were not followed, and which could have influenced the final outcome.
- Decision or remedy unreasonable: This is where the employees consider that the decision or remedy is unreasonable.

A written record of the meeting held according to section 14.2.2 should be agreed and sent to the Head of Human Resources who will arrange an appeal. The appeal panel will consist of a member of the College Leadership Team and two members of the Operational Management / Curriculum Management Team (OM/CM Team).

The appeal meeting will take place as soon as possible following the process in section 14.2.2 and usually no later than two weeks after receipt of the written Collective Grievance Stage 1 Appeal form. The staff and staff representatives will be informed in writing in advance of the appeal meeting of the date, time and place of the meeting.

The purpose of this panel will not be to rehear the original grievance, unless this will remedy any earlier procedural deficiencies or there is another compelling reason to do so, but to consider any new facts or information which could change the previous decision on the grievance.

The appeal meeting will be carried out in accordance with section 11.5.

Following the appeal meeting the decision will be notified in writing to the staff concerned and their representative(s).

If management and the staff members concerned are unable to resolve the dispute through stage one of the appeal procedure, staff members may submit a second appeal and proceed to the Collective Grievance Appeal Stage Two of the procedure on the basis only of the following:

- a breach of the procedure during the Collective Stage One Appeal;
- relevant new evidence being submitted which was not available to the appeal panel in the course of Collective Grievance - Stage One of the

- procedure; and/or
- the staff members feel that the decision of the appeal panel is perverse or unreasonable.

14.2.4 Collective Grievance Appeal Stage Two

Upon receipt of the Collective Grievance Stage Two Appeal Form, appendix 6 a meeting shall be arranged (but not necessarily take place) within five (5) College working days. The staff and their representatives shall be informed of the date, time and place of the meeting.

If the Stage Two Appeal is to be heard by an ad hoc Committee (as detailed in Table 1) of the Board of Management, the staff members should still submit the Collective Grievance Appeal Stage Two form to the Head of Human Resources. A meeting of the ad hoc committee shall normally be arranged (but not necessarily take place) within ten (10) College working days. The meeting shall take place within a reasonable time scale however this will be dependent upon the availability of Board Members. The staff and their representatives the appeal shall be informed in advance of the date, time and place of the meeting.

An ad hoc Committee of the Board of Management shall comprise of three members, to include a Chair of a Standing Committee. The Chair of the Board, the Principal, Staff Representatives and Student Representatives shall be excluded from such Committee

The staff members will be required to present the grievance to the panel at the hearing and any evidence. Any written documentation must be submitted in advance of the hearing to the Head of Human Resources no later than 3 College working days prior to the hearing. Management will provide any ad hoc Committee hearing the grievance, in addition to the Collective Grievance Appeal Form Two, copies of all forms and correspondence connected with the grievance. The appeal panel will provide details of what steps have been taken or proposed to resolve the issue.

The appeal process timescale will commence once the employees or their representatives have confirmed to Human Resources that they have received the appropriate Collective Grievance Appeal Stage Two form.

The appeal meeting will be conducted in line with section 11.5.

Following the collective stage two appeal meeting the decision will be notified in writing to the staff concerned and their representative(s).

If the parties are unable to resolve the issue(s) through the Collective Stage Two appeal then the parties may agree to seek conciliation or arbitration through a mutually agreed independent third party. Failure to reach agreement on selection of a third party will result in referral to the Advisory, Conciliation and Arbitration Service (ACAS).

All parties to any dispute should, wherever possible, reach agreement on interim arrangements to allow work to continue while the procedure is being followed.

In certain circumstances where a collective grievance raised refers to a change, for example in working practices, the status quo may be maintained until the grievance procedure is exhausted. This will exclude matters involving Health and Safety or a breach of legislation.

Table 1 - Grievance Referral Guide

Aggrieved Employee	Informal Stage	Formal Stage	Stage 1 - Appeal	Stage 2 - Appeal
Principal	Chair of Board of Management	Ad hoc Committee of the Human Resources Committee	Ad hoc Committee of the Board of Management	Ad hoc Committee of Chair of Chairs
Depute Principal	Line Manager	Ad hoc committee (Human Resources Committee)	Ad hoc committee (Board of Management)	Ad hoc committee of Chair of Chairs
Associate Principal or Head of Department	Line Manager	Principal (or nominated member of the Board)	Principal or Ad hoc committee (Human Resources Committee)	Ad hoc committee (Human Resources Committee) or Ad hoc committee (Board of Management)
Depute Head of Faculty	Line Manager	Associate Principal or Head of Department	Depute Principal	Principal or Ad hoc committee (Human Resources Committee)
Curriculum Manager or Line Manager	Line Manager	Associate Principal or Head of Department	Depute Principal	Principal
Lecturers or Support Staff	Line Manager	Curriculum Manager or Line Manager	Associate Principal or Head of Department	Depute Principal
All Staff - Collective	Line Manager	College Leadership Team – panel consisting of two members	Senior Leadership Team – panel consisting of two members	Ad hoc committee (Human Resources Committee) or Ad hoc committee (Board of Management)

Note An ad hoc Committee of the Human Resources Committee, Board of Management or Chair of Chairs shall comprise of three members, to include a Chair or Vice Chair of a standing committee. The Chair of the Board, the Principal, Staff Representatives and Student Representatives shall be excluded from such Committee. The Vice Chair will Chairing member of the Chair of Chairs. It may be agreed by all parties to deviate from the above structure under certain circumstances.

Table 2 – Grievance Raised Against

Grievance Raised Against	Informal Stage	Stage 1	Stage 1 - Appeal	Stage 2 - Appeal
Principal	Chair	Ad hoc committee of Human Resources Committee	Ad hoc Committee of Board of Management	Ad hoc Committee of Chair of Chairs
Depute Principal	Principal	Vice Chair	Ad hoc committee of Human Resources Committee	Ad hoc Committee of Board of Management
Associate Principal or Head of Department	Depute Principal	Principal	Ad hoc committee of Human Resources Committee	Ad hoc committee of Human Resources Committee or Ad hoc Committee of Board of Management
Depute Head of Faculty	Associate Principal from other Faculty	Associate Principal or Head of Department	Depute Principal	Principal or Ad hoc committee of Human Resources Committee
Curriculum Manager or Line Manager	Depute Head of Faculty	Associate Principal or Head of Department	Depute Principal	Principal
Lecturer or Support Staff	Curriculum Manager	Curriculum Manager or Line Manager	Associate Principal or Head of Department	Depute Principal

Note

An ad hoc Committee of the Human Resources Committee, Board of Management or Chair of Chairs shall comprise of three members, to include a Chair or Vice Chair of a standing committee. The Chair of the Board, the Principal, Staff Representatives and Student Representatives shall be excluded from such Committee. The Vice Chair will Chairing member of the Chair of Chairs. It may be agreed by all parties to deviate from the above structure under certain circumstances.

Appendix 1 – Grievance Form

Application for Consideration of Grievance

You should in the first instance aim to resolve a grievance informally with your line manager or as near the point of origin as possible.

Employee Name: _____

Job Title: _____

Section/Faculty: _____

Trade Union (where applicable): _____

Nature of Grievance:

Full details - you must set out the nature of the grievance and the basis for it providing as much information as possible including date(s), time(s) and the name(s) of any individual(s) concerned. This should include references to incidents, documents and evidence where possible. Continue on a separate sheet if necessary.

Prior to invoking the formal procedure you should first have tried to resolve the matter informally.

What steps did you take to attempt to resolve the grievance informally?

Manager's Name: _____ Date of meeting(s): _____

If you have not taken steps to resolve the issue informally what were your reasons for not doing so?

What was the result of any discussions held with your line manager or the individual(s) concerned in this connection?

What steps do you feel could be taken by the College to assist to resolve this complaint?

Evidence

Documentation in support of grievance attached Yes/No

If no, why not?

List documents and purpose:

Name of Witness(es) to be interviewed, if any.

Name:

Title:

Relevance of evidence (brief outline):

Name:

Title:

Relevance of evidence (brief outline):

Name:

Title:

Relevance of evidence (brief outline):

Name:

Title:

Relevance of evidence (brief outline):

I apply for my grievance to be formally investigated under Stage 1 of the College Grievance Procedure.

My representative will be: _____

Employee's signature: _____

Date: _____

Appendix 2 - Grievance Stage One Appeal Application

You have the right to appeal and to proceed to Stage One Appeal of the Grievance Procedure on the following grounds:

- you can demonstrate a breach of the procedure during the Formal Grievance process;
- you have relevant new evidence which was not available during the course of the formal grievance procedure; and/or
- you feel that the decision is perverse or unreasonable.

There may be other grounds of appeal which the College would consider.

You should submit your appeal within ten College working days of receipt of the grievance decision or proposed remedy.

Employee Name: _____

Job Title: _____

Department/Faculty: _____

Trade Union (Where applicable): _____

Nature of Appeal

I wish to progress my grievance to Stage One Appeal of the grievance procedure on the following grounds.

I am dissatisfied with the decision or proposed remedy stated in form Grievance Form and appeal against the decision or remedy on the following grounds (continue on a separate sheet if necessary):

I will submit in writing by (date)

- any questions for the investigating officer or witnesses; and
- any documentation relevant to my case.

I apply for my grievance to be considered under Stage One – Appeal

My representative will be: _____

Employee's signature: _____

Date: _____

The Grievance Form Stage 1 or a copy of your original letter stating the grounds for your grievance must be attached along with any other or documentation.

Appendix 3 – Grievance Stage Two Appeal Application

You have the right to appeal and to proceed to Stage Two Appeal of the Grievance Procedure on the following grounds:

- you can demonstrate a breach of the procedure during the Appeal Stage One;
- you have relevant new evidence which was not available during the course of the Appeal Stage One of the procedure; and/or
- you feel that the decision is perverse or unreasonable.

You should submit your appeal within ten College working days of receipt of the appeal, stage one decision or proposed remedy.

Employee Name: _____

Job Title: _____

Department/Faculty: _____

Trade Union (Where applicable): _____

Nature of Appeal

I wish to progress my grievance to Stage Two - Appeal of the grievance procedure on the following grounds.

I am dissatisfied with the decision or proposed remedy and appeal against the decision or remedy on the following grounds (continue on a separate sheet if necessary):

I will submit in writing by (date)

- any questions for the investigating officer, stage one appeal manager or witnesses; and
- any documentation relevant to my case.

I apply for my grievance to be considered under Appeal Stage Two

My representative will be: _____

Employee's signature: _____

Date: _____

The Grievance Form and the outcome of the Appeal Stage One or a copy of your original letter stating the grounds for your grievance must be attached along with any other documentation.

I understand and accept that at the conclusion of the Appeal Stage Two there is no further right of appeal and the decision made at this stage is final.

Employee's signature: _____

Date: _____

Appendix 4 – Collective Grievance

Application for Consideration of Grievance.

Employees should in the first instance aim to resolve a grievance informally with their line manager or as near the point of origin as possible.

Employee Names & Job Title(s):	
Department/Curriculum Area:	
Trade Union (where applicable):	

Nature of Grievance:

Full details - staff must set out the nature of the collective grievance and the basis for it providing as much information as possible including date(s), time(s) and the names of any individuals concerned. This should include references to incidents, documents and evidence where possible. Continue on a separate sheet if necessary.

Prior to invoking the formal procedure the staff group should first have tried to resolve the matter informally.

What steps did the staff members take to attempt to resolve the grievance informally?

Manager's Name: _____ Date of meeting(s): _____

If you have not taken steps to resolve the issue informally what were the reasons for not doing so?

What was the result of any discussions held with your line manager or the individual(s) concerned in this connection?

What steps do you feel could be taken by the College to assist resolve this complaint?

Evidence

Documentation in support of grievance attached Yes/No

If no, why not?

List documents and purpose:

Name of Witness(es) to be interviewed, if any.

Name:

Title:

Relevance of evidence (brief outline):

Name:

Title:

Relevance of evidence (brief outline):

Name:

Title:

Relevance of evidence (brief outline):

Name:

Title:

Relevance of evidence (brief outline):

We apply for our grievance to be formally investigated under the Collective Grievance Procedure of the College.

Our representative will be: _____

Employees' signature:

Date: _____

Appendix 5 – Collective Grievance Stage One Appeal Application

You have the right appeal and to proceed to Stage One Appeal of the Grievance Procedure on the following grounds:

- you can demonstrate a breach of the procedure during the Grievance process;
- you have relevant new evidence being which was not available to the Chair in the course of the grievance procedure; and/or
- you feel that the decision is perverse or unreasonable.

You should submit your appeal within ten working days of receipt of this decision or proposed remedy.

Employee Name(s) and Job Title(s):	
Department/Curriculum Area:	
Trade Union (where applicable):	

Nature of Appeal

We wish to progress our collective grievance to Stage One Appeal of the collective grievance procedure on the following grounds.

We are dissatisfied with the decision or proposed remedy stated in the response and appeal against the decision or remedy on the following grounds (continue on a separate sheet if necessary):

We will submit in writing by (date)

- any questions for the investigating officer or witnesses; and
- any documentation relevant to our case.

We apply for our collective grievance to be considered under Grievance Appeal Stage One

Our representative will be: _____

Employees' signature:

Date: _____

The Collective Grievance Form or a copy of your original letter stating the grounds for your grievance must be attached along with any other or documentation, including the outcome response issued to you by management.

Appendix 6 – Collective Grievance Stage Two Appeal Application

You have the right appeal and to proceed to Stage Two Appeal of the Grievance Procedure on the following grounds:

- you can demonstrate a breach of the procedure during the Grievance process;
- you have relevant new evidence being which was not available to the Chair in the course of the grievance procedure; and/or
- you feel that the decision is perverse or unreasonable.

You should submit your appeal within ten working days of receipt of this decision or proposed remedy.

Employee Name(s) and Job Title(s):	
Department/Curriculum:	
Trade Union (where applicable):	

Nature of Appeal

We wish to progress our collective grievance to Stage Two Appeal of the collective grievance procedure on the following grounds.

We are dissatisfied with the decision or proposed remedy stated in the response and appeal against the decision or remedy on the following grounds (continue on a separate sheet if necessary):

We will submit in writing by (date)

- any questions for the investigating officer or witnesses; and
- any documentation relevant to our case.

We apply for our collective grievance to be considered under Stage Two

Appeal Our representative will

be:

Employees' signature:

Date:

The Collective Grievance Form or a copy of your original letter stating the grounds for your grievance must be attached along with any other or documentation, including the outcome response issued to you by management to your Collective Grievance and the outcome of the Grievance Appeal Stage One.



South
Lanarkshire
College

East Kilbride

Human Resources Committee

DATE	15 May 2025
TITLE OF REPORT	Public Interest Disclosure (Whistleblowing) Policy & Procedure – Revised
REFERENCE	08
AUTHOR AND CONTACT DETAILS	Gary McIntosh, Head of Human Resources gary.mcintosh@slc.ac.uk Vari Anderson, Governance Professional vari.anderson@slc.ac.uk
PURPOSE:	To review a proposed update to the Public Interest Disclosure (Whistleblowing) Policy and Procedure and approve an extension to the current Policy and Procedure.
KEY RECOMMENDATIONS/ DECISIONS:	Members are recommended to: <ul style="list-style-type: none"> • approve a 12-month extension to the current Public Interest Disclosure (Whistleblowing) Policy and Procedure, from 15 May 2025; • note that a full review will be undertaken, with a revised Policy and Procedure to be presented in due course; and • note that no changes are being proposed for approval at this time.
RISK	The following risks apply: <ul style="list-style-type: none"> • A failure to update the Policy and Procedure in line with legislative changes could expose the College to legal and reputational risks. • Proceeding with consultation before final approval mitigates this risk and demonstrates a proactive approach to governance and compliance. • A formal extension ensures there is no perceived gap in the College's commitment to supporting whistleblowers during the consultation period.
RELEVANT STRATEGIC AIM:	<ul style="list-style-type: none"> • Successful Students • The Highest Quality Education and Support • Sustainable Behaviours
SUMMARY OF REPORT:	<ul style="list-style-type: none"> • This paper seeks the Committee's approval to extend the current Public Interest Disclosure (Whistleblowing) Policy and Procedure by 12 months from 15 May 2025, to allow for formal consultation with trade unions on a proposed updated version. • This extension will allow for a more comprehensive review of the Policy and Procedure at a later date.

1. INTRODUCTION

- 1.1. This paper outlines the context for the review of the Public Interest Disclosure (Whistleblowing) Policy and Procedure.
- 1.2. Due to internal review scheduling, a 12-month extension to the current Policy and Procedure is now requested. This extension will allow sufficient time to carry out a full and thorough review before presenting any updated document for consideration.

2 BACKGROUND

- 2.1 The College's Public Interest Disclosure (Whistleblowing) Policy and Procedure was scheduled for review in October 2024.
- 2.2 Due to an administrative error, no system alert was generated to highlight the upcoming expiry; this error has since been resolved to prevent recurrence.
- 2.3 A substantial review of the Policy and Procedure is planned to ensure it remains compliant with legislative requirements and best practice.

3 DISCUSSION

- 3.1 The Public Interest Disclosure (Whistleblowing) Policy and Procedure plays a critical role in protecting individuals who raise concerns about wrongdoing within the College.
- 3.2 To enable appropriate consultation and to avoid a gap in policy coverage, a 12-month extension to the existing Policy and Procedure from 15 May 2025 is requested.
- 3.3 If consultation progresses swiftly, earlier approval and implementation of the revised Policy and Procedure may be possible.

4 RESOURCE IMPLICATIONS

- 4.1 There are no significant resource implications associated with extending the review date.
- 4.2 Staff and trade union time will be required to facilitate the consultation process, review feedback, and implement the update Policy and Procedure.

5 EQUALITIES

- 5.1 An Equality Impact Assessment will be completed following consultation with trade unions.
- 5.2 The revised Policy and Procedure aims to promote fairness, transparency, and accessibility for all staff.
- 5.3 There are no new matters for people with protected characteristics which arise from consideration of the report.

6 RISK

- 6.1 A failure to update the Policy and Procedure in line with legislative changes could expose the College to legal and reputational risks.
- 6.2 Proceeding with consultation before final approval mitigates this risk and demonstrates a proactive approach to governance and compliance.
- 6.3 A formal extension ensures there is no perceived gap in the College's commitment to supporting whistleblowers during the consultation period.

7 COMMUNICATIONS

- 7.1 Staff will be advised that the current Public Interest Disclosure (Whistleblowing) Policy remains in effect.
- 7.2 Internal communications to staff will be issued following final approval, ensuring that all employees are aware of their rights and protections under the updated procedure.

8 RECOMMENDATIONS

- 8.1 Members are recommended to:
 - 8.1.1 approve a 12-month extension to the current Public Interest Disclosure (Whistleblowing) Policy and Procedure, from 15 May 2025;
 - 8.1.2 note that a full review will be undertaken, with a revised Policy and Procedure to be presented in due course; and
 - 8.1.3 note that no changes are being proposed for approval at this time.

Human Resources Committee

DATE:	15 May 2025
TITLE OF REPORT:	Quarterly HR Report
REFERENCE:	09
AUTHOR AND CONTACT DETAILS	Gary McIntosh, Head of Human Resources gary.mcintosh@slc.ac.uk
PURPOSE:	Provide the HR Committee with a quarterly update on HR matters.
KEY RECOMMENDATIONS/ DECISIONS:	Members are recommended to: <ul style="list-style-type: none"> • note and question the updates relating to Headcount Management, Health and Wellbeing, Employee Engagement, Learning and Development and Employee & Industrial Relations.
RISK	The following risk is identified: <ul style="list-style-type: none"> • Failure to manage: the headcount; employee health and wellbeing; employee engagement; learning & development; and employee relations, could result in poor delivery for students.
RELEVANT STRATEGIC AIM:	<ul style="list-style-type: none"> • Successful Students • Highest Quality Education & Support • Sustainable Behaviours
SUMMARY OF REPORT:	<ul style="list-style-type: none"> • The College's headcount movement remains stable and consistent with the previous year, and all vacancies continue to be filled within a reasonable period of time. • The College continues to support staff health and wellbeing, including ongoing support from Maximus' Access to Work, Mental Health. • There is an ongoing tender for the employee assistance program and occupational health services. • The staff sickness absence rate has decreased slightly at the beginning of 2025. • UNISON Further Education Branch is under regional supervision, with some activist members moving from UNISON to GMB.

1 INTRODUCTION

1.1 This paper seeks to provide members with an overview of HR matters for the College for the period of 1 January to 31 March 2025.

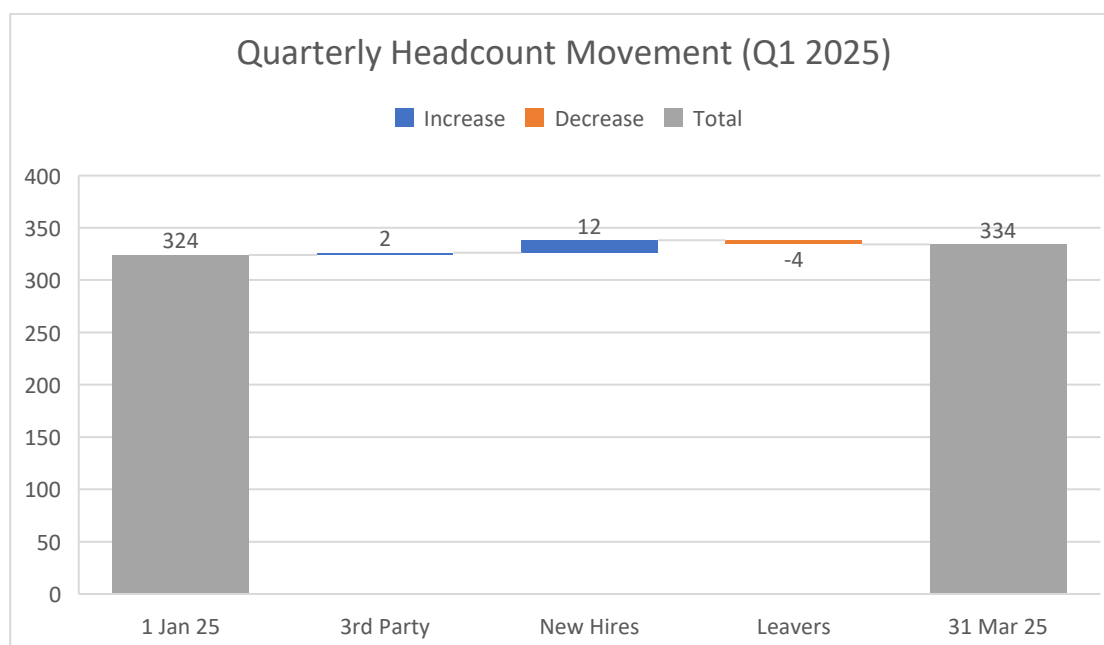
2 HEADCOUNT MANAGEMENT

2.1 The quarterly headcount movement is shown in the graph below, which demonstrates a slight movement in headcount over the period, with 2 x 3rd party contractors, 12 new hires and 4 leavers.

2.2 Five out of the twelve new hires in Q1 2025 were appointed to vacancies that were advertised and interviewed in a previous quarter.

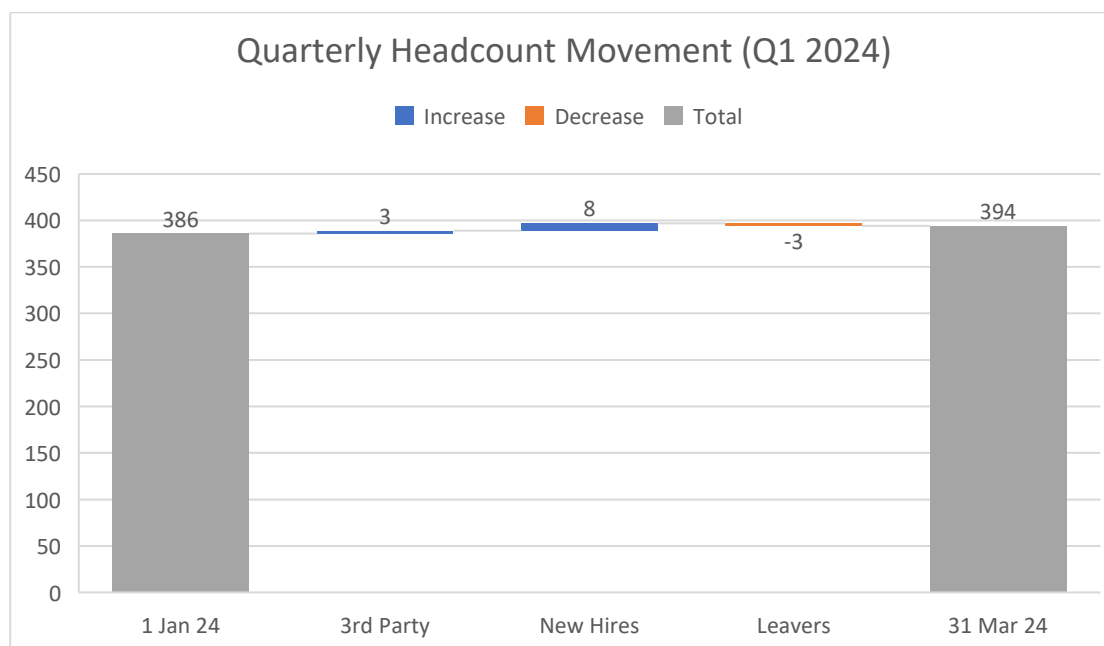
2.3 Seven out of the twelve new hires in Q1 2025 were appointed to vacancies that were advertised and interviewed in Q1 2025.

2.4 *Chart 1: Quarterly Headcount Movement 2025*



2.5 The following graph shows a comparison to the prior year.

2.6 Chart 2: Quarterly Headcount Movement 2024



2.7 Recruitment

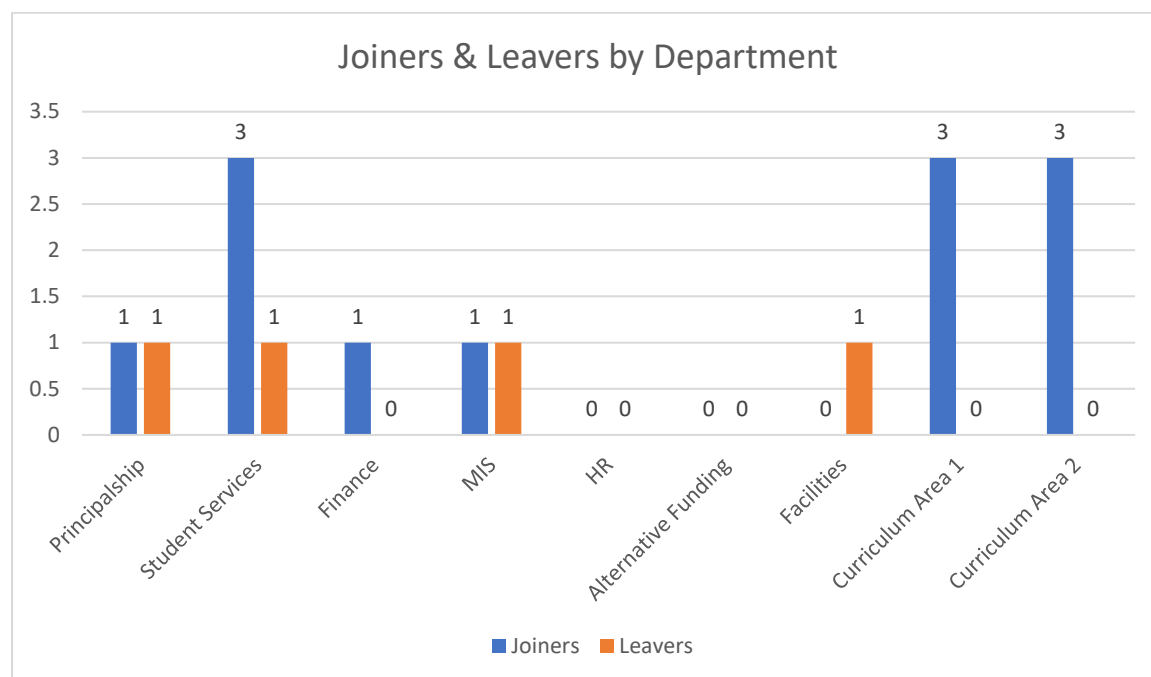
2.8 Recruitment activities during the period are shown below:

2.9 Table 1: Recruitment

Position	Status
Temporary Lecturer – English for Speakers of Other Languages (ESOL)	Shortlisting
Lecturer – Health and Social Care (Maternity Cover)*	Appointments made
Lecturer - 3D Printing*	Internal Appointment made
Student Counsellor*	Appointments made
Student Counsellor – Placement*	Appointment made
Temporary Lecturer - Early Education & Childcare	Appointments made
Interim CM - Early Education & Childcare (0.2 FTE)*	Internal Appointment made
Vice Principal – Student Experience and Innovation	Offer made
Desktop Support Apprentice	Appointment made

* started during this quarter

2.10 Chart 3: Joiners and Leavers



3 HEALTH & WELLBEING

3.1 Mental health initiatives continue to be at the forefront of College Health and Wellbeing efforts. The College continues to raise awareness of the Access to Work Mental Health Support Service. This service, delivered by Maximus, offers support to employees who feel their wellbeing is impacting on their work, or stopping them from attending work. It is open to all employees, including apprentices, at South Lanarkshire College. Each month, the Access to Work Mental Health Support Service have designated days for one to one, virtual confidential appointments for the College.

3.2 Employees are informed about these sessions through the Microsoft Teams Wellbeing Activities page. Additionally, an animation explaining the Access to Work Support Service is promoted via Teams. <https://vimeo.com/875592584>

3.3 Wellbeing Initiatives

3.3.1 The College continues to Work with Access to Work to ensure employees are aware of the grant that funds practical support for those who have a disability, health or mental health condition. This support accommodates individual needs and ensures all the reasonable adjustments are in place so that the employee can do their job to the best of their ability.

3.3.2 The College provides support services to employees through partnerships with PAM Assist (the employee assistance programme) and the Access to Work Mental Health support service. The employee assistance programme and occupational health provision is now at tender stage. We look forward to engaging with potential service providers to explore innovative and effective solutions that will enhance the well-being of employees.

3.3.3 Staff and students have access to lunchtime mindfulness classes every Tuesday in the Library Group Study Room.

4 EMPLOYEE ENGAGEMENT

4.1 *Employee Engagement and Internal Communications*

- 4.1.1 The College continues to issue fortnightly updates to all colleagues, to provide a platform to raise awareness of College-wide activities. This approach has received positive feedback from staff.

4.2 *Equality, Diversity and Inclusion (EDI)*

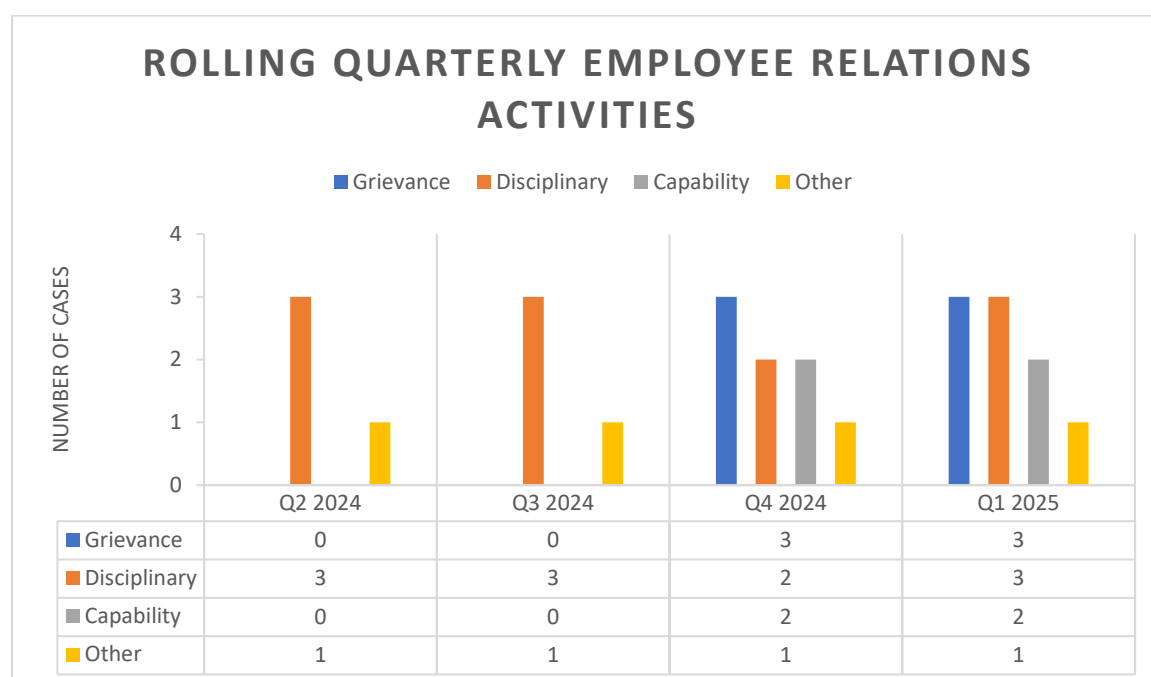
- 4.2.1 The College has completed its reporting duty of the Public Sector Equality Duty, and reports will shortly be available on the College website.

5. EMPLOYEE & INDUSTRIAL RELATIONS

5.1. *Employee Relations*

- 5.2. The following graph demonstrates a drop in grievances, disciplinaries and other employee relations matters.

5.3. *Graph 3: Employee Relations Activity*



5.4. *Industrial Relations*

- 6.4.1 The UNISON branch remains under regional supervision. Some of UNISON lay activist colleagues, who previously presented themselves as being 'on strike against UNISON', have now joined GMB. GMB are recognised nationally, but currently not locally at the College's Joint Negotiating Committee.

7 HR PROJECTS

7.1 *Pensions Contributions Project*

- 7.1.1 The College has concluded the project scope of re-calculating part-time pension contributions for all Lecturer staff employed during the project scope period. The College is progressing its engagement with former employees to conclude on the outcome and any rebate, which requires the temporary return of the employee to payroll for the transaction to be completed.
- 7.1.2 The re-calculation of part-time pension contributions for all Support Staff is anticipated to conclude by the end of July 2025.
- 7.1.3 As an additional action, which was identified from this project, but is outside of the project scope, the College is engaging with the local EIS-FELA branch on an approach for resolving historic under-contribution of pension contributions for some employees.

7.2 HR System Project

- 7.2.1 The College is continuing to parallel run the new payroll module of iTrent alongside its legacy system. This stops in April 2025. iTrent Payroll requires resolution of sick pay calculations and also the setting up of maternity leave – MHR have now committed a short-term resource to hopefully resolve the matters. The SLC project team continues to meet on a weekly basis with the software provider to work through any outstanding issues.
- 7.2.2 Employee Self-Service and Manager Self-Service will go live soon, initially with pay, expense claims, career reviews and personal & equality data. Following a dispute with the supplier, a timesheet system will be developed with internal, college experts.

8. ABSENCES

8.1 Five Year Rolling Absence Data

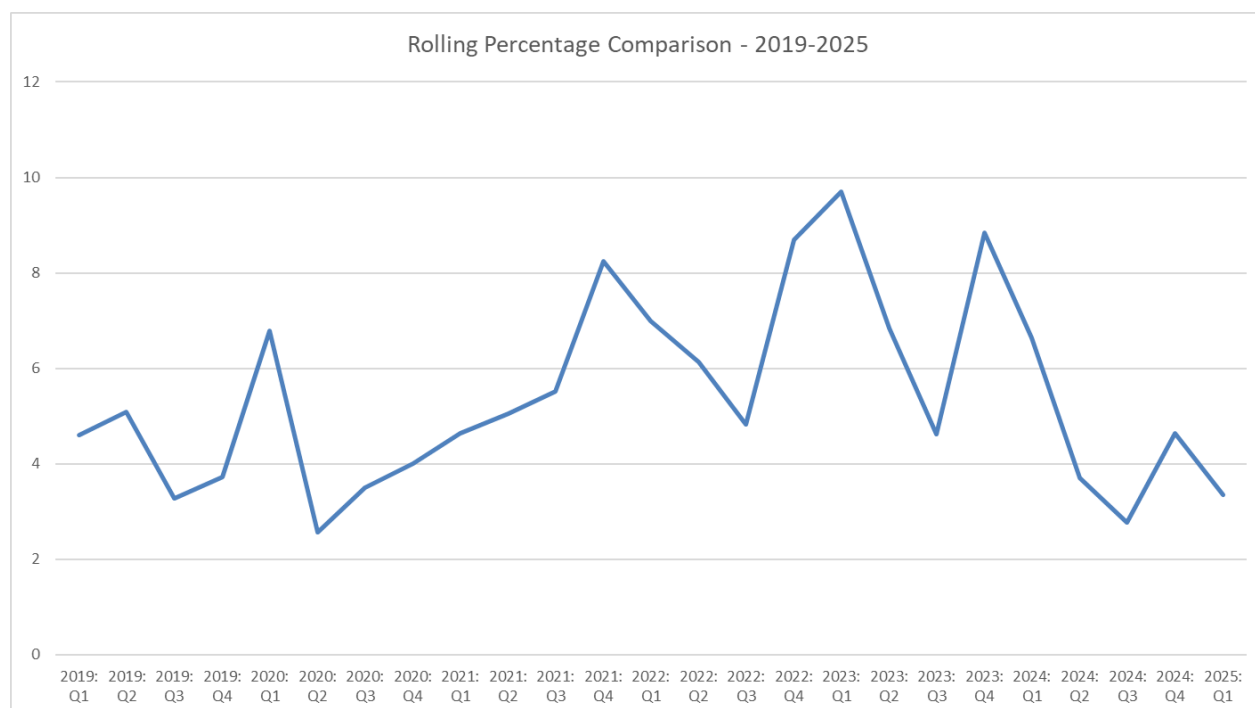
- 8.2 The College rolling absence percentages are shown in Chart 1. The current absence rate has decreased to 3.34%. Absence rates remain above the official average data from the Office for National Statistics (ONS). The table below is updated with the ONS 2022 Absence Rates data:

8.3 Table 1: ONS 2022 Absence Rates

UK	Scotland	Public Sector	Education
2.7%	3.15%	3.6%	3.0%

- 8.4 Unofficial Scotland Colleges data highlights an average range of between 1.4% and 3.6% for academic year 2020-2021 versus the College average of 4.2%. The average range for academic year 2021-2022 is between 3.13% and 5.5% versus the South Lanarkshire College average of 6.7%. The College anticipates that the introduction of the new Attendance Management & Support Procedure and the HR & Payroll System will provide appropriate support for employees and will have a positive impact on these figures.

8.5 Chart 1: Rolling Percentage Comparison



8.6 Departmental Absence Data

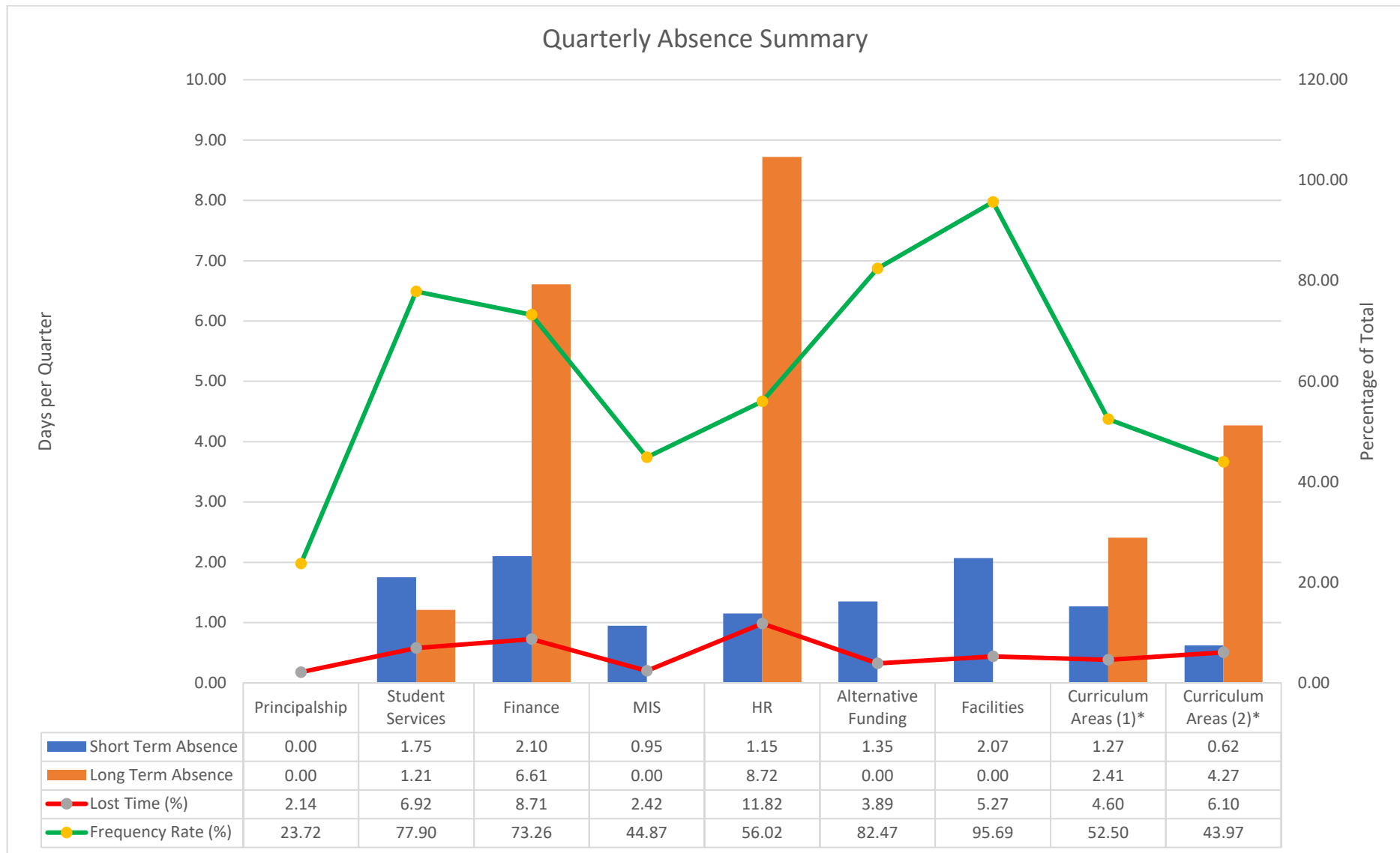
8.7 The following graph shows that long-term sickness (absences longer than 3 weeks) accounts for 48.28% of all absences. Comparative data from the Office of National Statistics 2021 Absence report highlights that similar absence categories that are comparable to College Long-Term Absences (categories of “mental health conditions” and “musculoskeletal problems”) are 16.25% of total absences.

8.8 The graph below also highlights the following:

8.8.1 Lost time (%) per department which expresses the percentage of total time available which has been lost due to absence. The College has lost 3.34% of available working days to absences. The Finance and HR teams have higher time rates lost than other areas of the College. The approximate salary cost of lost time is £83,808.22. This does not consider the costs of overtime, replacements, impact of service and salary oncosts.

8.8.2 Frequency rate (%) per department, which is measured as the average number of absences per employee, based on the department headcount and the number of days absence in the department, expressed as a percentage. Facilities and Student Services teams have higher frequency rates of absence based on headcount due to an increase in the proportionate number of sickness instances.

8.9 Chart 2: Quarterly Absence Summary



***Breakdown of Curriculum Areas**

Curriculum Areas (1): Early Education and Childcare
Hairdressing, Beauty and Make Up
Health and Social Care
Inclusive Learning, ESOL and Counselling
Life Science

Curriculum Areas (2): Building Service Engineering
Built Environment
Business, Management and Media (inc. Accounts)
Carpentry and Joinery
Hospitality, Events, Police and Legal Studies
Wet Trades

9. EQUALITIES

- 9.1. There are no new matters for people with protected characteristics or from areas of multiple deprivation which arise from consideration of this report.

10. RISK

- 10.1 The following risk is identified:
 - 10.1.1 Failure to manage: the headcount; employee health and wellbeing; employee engagement; learning & development; and employee relations, could result in poor delivery for students.

11. RECOMMENDATIONS

- 11.1 Members are recommended to:
 - 11.1.1 note and question the updates relating to Headcount Management, Health and Wellbeing, Employee Engagement, Learning and Development and Employee Relations.

HR COMMITTEE

DATE:	15 th May 2025
TITLE OF REPORT:	Quarterly Health and Safety Report
REFERENCE	10
AUTHOR AND CONTACT DETAILS	Craig Ferguson; Head of Facilities and Health & Safety Craig.Ferguson@slc.ac.uk
PURPOSE:	To provide the members with a summary of in-year performance to date.
KEY RECOMMENDATIONS/ DECISIONS:	Members are recommended to note: <ul style="list-style-type: none"> the extract system in painting workshops and cooling in the annex rooms the update from the internal Health and Safety Committee meeting the accident reporting period and an increase of 11 from the previous quarter; the first aid update and near miss report; the training record update.
RISK	<ul style="list-style-type: none"> That there is a failure to adhere to statutory and legislative health and safety requirements
RELEVANT STRATEGIC AIMS:	<ul style="list-style-type: none"> Successful Students Highest Quality Education and Support Sustainable Behaviours
SUMMARY OF REPORT:	<ul style="list-style-type: none"> Ventilation works were completed in the Painting and Decorating workshops. A complete updated report was provided in January 2025. Annex Cooling investigation All new employees continue to go through Health & Safety training Housekeeping inspections not occurring during period. Resumed in April in conjunction with union representatives, There has been a slight increase in the number of accidents for this reporting period There were no fire alarm activations over the reporting period.

1 INTRODUCTION

1.1 This paper provides an overview of health and safety activity for the reporting period of January to March 2025

2 COMPLIANCE

2.1 The planned Health and Safety Committee took place on the 4 March 2025 and minutes are included. (Annex A)

2.2 The extract system in the painting workshops has been updated successfully. The College commissioned a follow up Occupational Hygienist report in January 2025 to check if the updated system has reduced the risk and to understand if any further controls are needed. The following recommendations were made:

- 2.2.1 Investigate measures to further improve extract ventilation provision in the workshop when solvent-based products are in use.
- 2.2.2 Provide organic vapour respiratory protective equipment (RPE) to staff and students when solvent-based paints and white spirit are being used.
- 2.2.3 Provide fit testing to staff to ensure the suitability of the RPE made available.
- 2.2.4 Provide employees with information, instruction, and training on how to wear, examine, maintain and store their respirator (as appropriate), maintaining a documented record of this provision.
- 2.2.5 Make the individuals investigated during this programme aware of the monitoring results

2.3 The report is attached and all actions required have been taken. (Note the attached report)

2.4 The cooling facilities in the annex was highlighted and investigated as per attached report. (Annex B) The facilities department have exhausted all other options except installing Climate Control. This is in hand at time of writing this report.

3 TRAINING

3.1 All new employees go through in-person and e-learning Health & Safety training.

3.2 Health and Safety specific training is ongoing, but much reduced this quarter due to non-requirement. It normally includes new staff inductions, First Aid training and refresher training, Fire Wardens, COSHH awareness training etc. The full training details are:

- 3.2.1 Health and Safety Inductions - A total of 11 Health and Safety inductions took place. Ongoing sessions will continue with 1 session per month.
- 3.2.2 Fire warden training – No training in this period – Not required as up to date.
- 3.2.3 Control of Substances Hazardous to Health (CoSHH) Training – No training in this period – Not required as up to date.
- 3.2.4 First Aid: Training – 8 possible new First aiders have shown interest, but this has reduced. Training will be carried out once firmed up by HR

4 ACCIDENTS AND FIRST AID AND NEAR MISSES (INCIDENT REPORTS)

- 4.1 The accident reporting period is from January to March 2025. During this period there were 40 minor accidents reported, which is an increase of 3 from the previous quarter. Members should note that there were no RIDDOR incidents. The increase is insignificant, but it is noted that there was an increase of 8 in cut injuries, attributed to the point in term time. New users, nature of class activity etc.
- 4.2 There were five near misses for the period. Four were pre alarms due to vaping and one is believed to be drug related. Incident reporting captures all issues of note/concern. Further work continues with staff teams to support them with reporting near misses. (Annex C)

5 HOUSEKEEPING

- 5.1 The Health and Safety Housekeeping inspections were not carried out in this period, The inspections are carried out in conjunction with union representatives, but this was not possible because of lack of resource availability. Housekeeping inspections resumed in April 2025.

6 FIRE ALARM ACTIVATION

- 6.1 There were no fire alarm activations over this reporting period.

7 RISK

- 7.1 That there is a failure to adhere to statutory and legislative health and safety requirements.

8 EQUALITIES

- 8.1 There are no new matters for people with protected characteristics or from areas of deprivation which arise from consideration of the report.

9 RECOMMENDATIONS

- 9.1 Members are recommended to note:
- 9.1.1 Painting workshop OH report
 - 9.1.2 Annex cooling report
 - 9.1.3 the accident reporting period and an increase from the previous quarter
 - 9.1.4 the first aid update (no new training) and new near miss report
 - 9.1.5 the housekeeping inspections resuming in April 2025

Annex A

MINUTES OF HEALTH AND SAFETY MEETING 04.03.25 12 noon

Attendees

Present: Stella McManus, Craig Ferguson, Richard Lawton, Chelsea Coleman, Alisdair McTavish, Mandy Murray, Fraser McCormack

1. Apologies

- Gary McIntosh, Susan Thorburn, Elaine McKechnie, Angela Pignatelli, John Dick, Joanne Warwick

2. AIR Log Operational

- AIR log reviewed and updated (please see separate document in Teams Folder)

3. Minutes of Previous Meeting (26.11.24)

- Committee members agreed previous meeting minutes.

4. Accident Report (inc. Minor Accidents report) (Quarter figures)

- CF reported main types of injuries during this reporting period were from Built Environment / Construction and Hospitality
- 1 Near Miss reported. Need to improve staff reporting Near Misses. Chelsea suggested introducing an incentive such as vouchers to encourage this. Action: JD to take forward with CF.
- QR code has been created to help staff report Near Misses and JD has issued a copy to reception. **Action: JD investigate ways of communicating this QR code throughout the college to staff.**

5. Fire Report (inc. Fire Alarm Records) (Quarter figures)

- CF advised there had been 2 fire alarm activations during period October to December
- Cause was from Smoke from Pizza oven in canteen area and Air Freshener sprayed in toilet. Alarm contractor been engaged to resolve issue at canteen area

6. H&S Training Report (Quarter figures)

- **Inductions** - 7 H&S inductions have taken place within period October to December
- **Fire warden training** – A total of 8 personnel were trained during this period who missed the original training sessions. All training has now been completed and updated procedures for fire warden duties/responsibilities during evacuations issued.
- **CoSHH Training** – A total of 22 personnel were trained during this period who currently complete CoSHH assessments. JD will provide further sessions to staff. Now on the staff portal.
- **First Aid** - Meeting took place to welcome all the newly trained first aid personnel and to run through first aid procedures.

7. Health & Safety Update

- Allianz Local Ventilation Report was provided. **Action: Add to H&S committee page**

8. Housekeeping Inspections (Joint H&S & Union Rep.)

- H&S Housekeeping audits will continue weekly where practicable until all areas of the college have been covered. After that a short break will take place so that actions can be completed and then the weekly cycle will start again. **Action: Re-start housekeeping audits in conjunction with the trade unions**
- Additional support for H&S Housekeeping audits. CC suggested a member of the H&S committee attend the walk rounds to help identify any issues from a different perspective. **Action: JD discuss this further with CF**

9. Facilities Update

- PAT testing – continues to be carried out by Building Supervisors. Our Asset Tagging Technician continues to keep the college assets up to date. Once this project is complete the carrying out of PAT testing by Curriculum Areas will be looked at.

10. A.O.C.B.

Security Guards

- SMcM updated the committee that the Security Guards will be in place for 1st August 2025 for the start of the new term.

Ground Floor Double doors entering the painting corridor

- Fraser highlighted these were not locked. **Action: Craig to check and lock doors so card access only**

New COVID Policy

- Fraser highlighted to committee there is a new policy coming out regarding COVID

Summary of Meeting Action Items

Agenda Point	Action	Who to Action
4	Investigate ways of communicating the QR code throughout the college to staff.	John Dick
7	Allianz Ventilation Report Add to H&S committee page	Richard Lawton
8	Re start housekeeping audits in conjunction with the trade unions	John Dick
8	Additional support for H&S Housekeeping audits. CC suggested a member of the H&S committee attend the walk rounds to help identify any issues that could be missed.	John Dick & Craig Ferguson

10	Ground Floor Double doors into painting corridor. Craig to check and lock doors so card access only	Craig Ferguson
----	---	----------------

Annex B: TEMPERATURE ROOM AG04 ANNEX ASSESSMENT

Temperature readings were taken throughout the day on Thursday 20 March 2025 following a report of excessive temperatures in the room and laptop charging cabinet. Both laptop charging cabinets were turned on during the temperature recordings.

Readings were taken in the centre of the room at head height (Seated). The room was devoid of students at the time, so there may be a very slight increase in temperature levels when the room is populated. The readings taken were on a mild sunny day and windows were open throughout the day.

Person conducting assessment, John Dick (H&S Advisor) using Temperature/Humidity meter IM-730 (serial No. 240200028).

Room AG04 Annex		
Temperature 1	09:00 am	22.4 °C
Temperature 2	11:45 am	25.3 °C
Temperature 3	1:45 pm	26.3 °C
Temperature 4	4:10 pm	25.3 °C
The temperature of the laptop charging unit and laptops were normal, no signs of overheating		

Conclusion and Recommendations

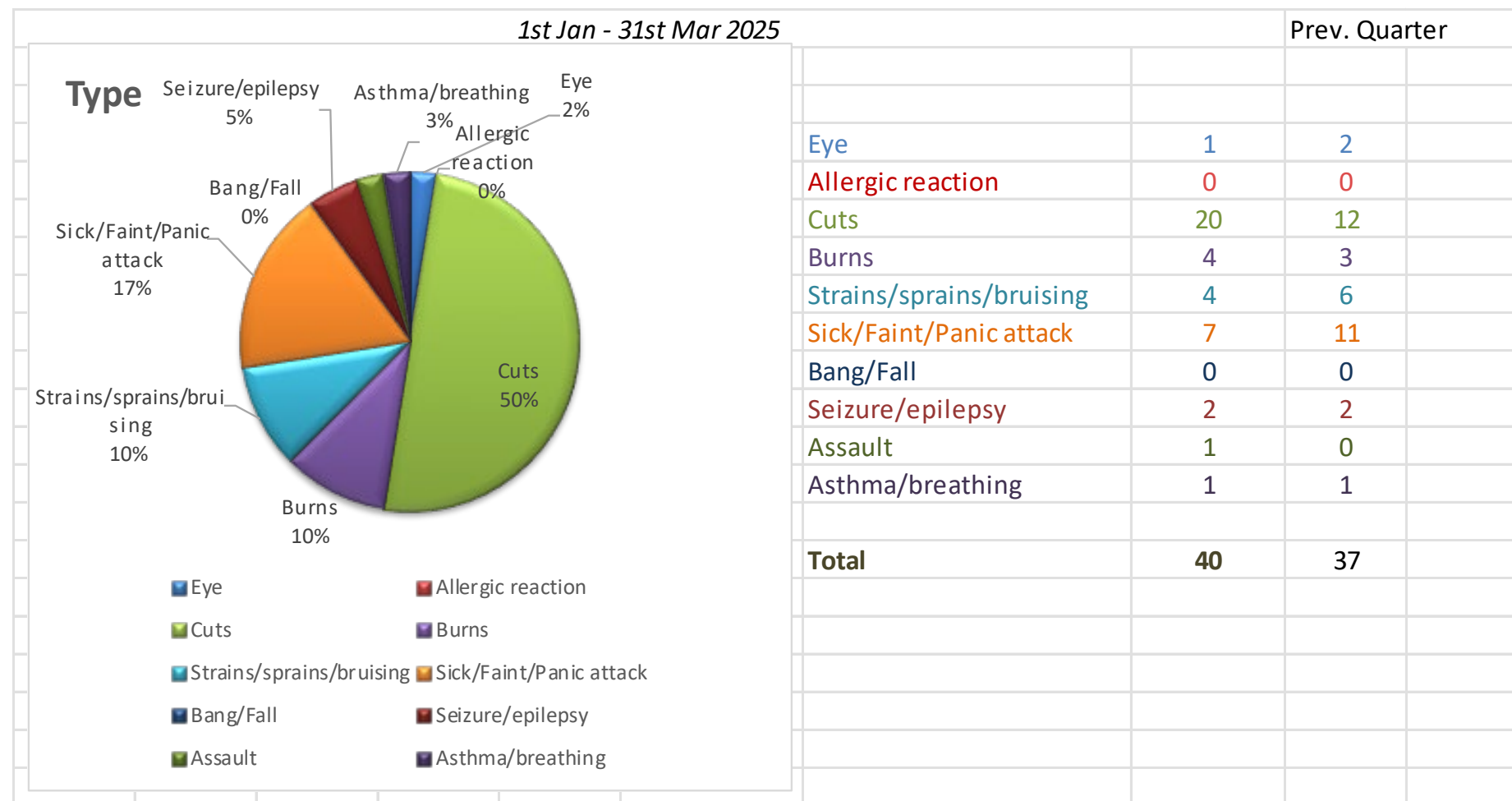
The HSE's approved code of practice (ACoP) on the 1992 Workplace Regulations requires employers to take all reasonable steps to achieve a reasonably comfortable temperature in workplaces. Although there is no legal maximum temperature in the UK, the World Health Organization recommends a maximum temperature of 24°C for classrooms with a range of between 20°C to 23°C considered as a comfortable working environment for classrooms.

No air conditioning units are fitted in this classroom to facilitate effective temperature control and the only fresh air provided is by opening the windows. With the summer months approaching and potential temperature rises, I recommend that alternative cooling options are investigated to allow a comfortable working temperature to be achieved in the annex classrooms.

John Dick (Health & Safety Advisor)

21/03/2025

ANNEX C: MINOR ACCIDENT REPORT ANALYSIS



ANNEX D**Near Miss/ Incident report Jan/Feb/Mar 2025**

ID	Date/Time	Location	Description	Comments/Outcome
02 electronic	12/03/2025 11:13	G55	Pre-alarm notification toilet. Students vaping.	Lecturers informed to speak to all students
03 electronic	14/03/2025 13:15	216	Pre-alarm notification Keraton blow dry taking place underneath detector	CM informed safe system of work in place but not used
04 electronic	21/03/2025 08:35	Annex ground floor	Student handed in a small clear bag containing a white substance to annex reception staff	Package handed to student services manager Rose Harkness to dispose of.
05 electronic	27/03/2025 13:45	LG77	Pre-alarm notification toilet. Students vaping.	Lecturers informed to speak to all students
06 electronic	28/03/2025 11:40	LG77	Pre-alarm notification toilet. Students vaping.	Lecturers informed to speak to all students

Assessment of Exposures to Hazardous Substances - Painting and Decorating Workshop G11

Prepared by: Omar Khalid | Arthian Ltd

For: South Lanarkshire College

Site: College Way, East Kilbride, South Lanarkshire

Date: 24/01/2025

Document Ref: 316546

Issue-1.0

Quality Assurance

Issue Record

Revision	Description	Date	Author	Reviewer	Approver
1.0	Final Issue to Client	24/01/2025	O Khalid	I Kellie	I Kellie

Executive Summary

Occupational hygiene monitoring has been carried out in Painting and Decorating Workshop G11 at South Lanarkshire College, East Kilbride to assess staff and students' exposures by inhalation to organic solvent vapours. Monitoring was undertaken on Thursday 19 September 2024.

This assessment was requested following a programme of monitoring having been carried out in December 2023 and the College subsequently having taken measures in an attempt to reduce exposures to solvent vapours.

During this assessment, personal monitoring was undertaken on one staff member and seven students. It was found that, although solvent vapour exposures had reduced substantially since 2023, they were still significant while solvent-based paints and white spirit were being used.

Recommendations are made to further improve ventilation in the workshop when solvent-based products are used. In the meantime, organic vapour respiratory protective equipment (RPE) should be provided to staff and students during solvent-based painting activities. Advice is given on effective management of RPE use. Other recommendations refer to administrative controls under the *Control of Substances Hazardous to Health Regulations 2002, as amended*.



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1. Introduction

1.1 Background

- 1.1.1 South Lanarkshire College, located at College Way, East Kilbride, provides higher and further education through both full-time and part-time courses. There are a number of workshops in the College for the teaching of various trades, including painting and decorating.
- 1.1.2 In December 2023, Mabbett & Associates Ltd (now Arthian Ltd (Arthian)) carried out occupational hygiene monitoring in various painting and decorating workshops. Elevated exposures to vapours of long-chain hydrocarbons were measured in Workshop G11, where students were using solvent-based paints and white spirit. A recommendation was subsequently made to improve ventilation in the workshop.
- 1.1.3 Following measures having been taken to improve ventilation in Workshop G11, namely increasing the rate at which air is extracted from the area, South Lanarkshire College requested that monitoring be repeated.
- 1.1.4 Monitoring was undertaken on Thursday 19 September 2024 to evaluate exposures to solvent vapours, and the findings then used to help assess any risks to health and establish the level of compliance with the *Control of Substances Hazardous to Health Regulations 2002, as amended* (COSHH Regulations).
- 1.1.5 This report presents information on the activities that were carried out, observations, monitoring results, conclusions on risk and, where appropriate, risk reduction recommendations.



2. Health and Safety Legislation

2.1 Regulations

2.1.1 Under the *Health and Safety at Work etc. Act 1974* (HSW Act), employers have a duty to ensure the health, safety and welfare of their employees and all others who may be affected by the work being carried out. The Act is supported by topic-specific legislation in the form of regulations.

2.1.2 With specific reference to exposure to hazardous substances, the *Control of Substances Hazardous to Health Regulations 2002, as amended* (COSHH Regulations) is the relevant piece of legislation.

2.1.3 Substances considered hazardous to health under the COSHH Regulations include:

- substances or mixtures of substances classified as dangerous to health under the *Classification, Labelling and Packaging of Chemicals Regulations 2015* (CLP Regulations);
- substances assigned workplace exposure limits (WELs), as listed in the Health and Safety Executive (HSE) publication *EH40/2005 Workplace exposure limits*¹;
- biological agents (bacteria and other micro-organisms), if they are directly connected with the work, such as with farming, sewage treatment, or healthcare, or if the exposure is incidental to the work (e.g., exposure to bacteria from an air conditioning system that is not maintained properly);
- any kind of dust if the average concentration in the air exceeds the levels specified in the COSHH Regulations, and
- any other substance which creates a risk to human health.

2.1.4 Hazardous substances may cause various effects including:

- skin irritation or dermatitis following skin contact;
- asthma due to developing an allergy to substances used at work;
- loss of consciousness as a result of being overcome by toxic fumes;
- cancer (which may appear long after the exposure to the chemical that caused it), and
- infection from bacteria and other micro-organisms (biological agents).

2.1.5 Employer's duties under the COSHH Regulations are:

- assessing risks to health created by work with substances hazardous to health;
- preventing or controlling exposure to substances hazardous to health;
- using control measures;
- maintaining, examining, and testing of control measures;
- monitoring exposure at the workplace;
- health surveillance;
- providing information, instruction and training for persons who may be exposed to substances hazardous to health, and
- ensuring arrangements to deal with accidents, incidents and emergencies are in place.

¹ Health and Safety Executive (HSE), *EH40/2005 Workplace exposure limits*, The Stationery Office, Fourth Edition 2020, ISBN 9780717667338.

- 2.1.6 WELs are set to help protect the health of employees. Employers have a duty to apply principles of good practice in the control of substances hazardous to health and to ensure that WELs are not exceeded. WELs refers to concentrations of substances in the air averaged over a reference period, referred to as a time-weighted average (TWA) period. For assessment to ascertain a worker's daily exposure, an 8-hour TWA reference period is generally used. For short exposures, a 15-minute reference period is used.
- 2.1.7 Information on the COSHH Regulations is present in the HSE publication L5, <http://www.hse.gov.uk/pubns/priced/l5.pdf>.

3. Site Data

3.1 Overview

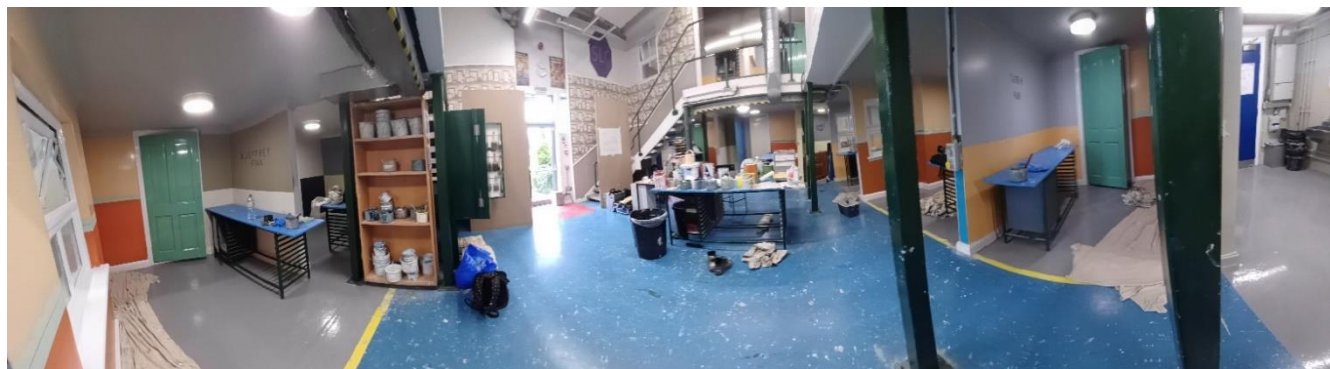
- 3.1.1 Lecturers at the College can have one or two teaching sessions per day, i.e. in the morning and afternoon. These sessions can be classroom only, workshop only, or a combination of both, depending upon the time of the academic year. Technicians and workshop stewards are workshop-based throughout each day.
- 3.1.2 Employees work 8-hour days including up to 75 minutes of breaks. Teaching sessions are typically over a 7.5 hour period, including up to 75 minutes of breaks, i.e. a teaching time of 6.25 hours. One technician and one lecturer are usually present during each teaching session, with up to about 15 students.

3.2 Painting and Decorating Workshop G11

Overview

- 3.2.1 The workshop is an open plan area with a mezzanine level, in which bays have been built to simulate 3- or 4-walled rooms; there are four bays each on the ground floor and the mezzanine level. Skills taught to students include how to prepare and then apply paints to surfaces (e.g. walls and skirting boards), as well as how to maintain painting equipment, such as brushes and rollers. Paints including emulsions, glosses and undercoats are used, each of which can be water- or solvent-based. Where required, white spirit is used to prepare paints and, thereafter, clean equipment. The types and quantities of paints used, and duration of painting, varies in the workshop depending upon factors including the time of the academic year, the type of class being taught, and the surfaces to be painted.
- 3.2.2 As per the previous monitoring programme (in December 2023), monitoring in Workshop G11 was undertaken while solvent-based products were being used. Information on the activities being carried out is presented in the table below, along with the identification of substances to be monitored for, determined by reference to the safety data sheet (SDS) for the products being used.

Activities Being Carried Out	Products Being Used	Main Constituent(s)		Substances Identified to be Monitored
<ul style="list-style-type: none"> Students using various paints to paint walls and skirting boards within bays, using a brush and/or roller. White spirit used at times to thin paints, then clean brushes and rollers. Lecturer overseeing activities and instructing students. 	Armstead Trade High Gloss	Hydrocarbons, C9-C11, n-alkanes, isoalkanes, cyclics, <2% aromatics.	≥10 - <15%	<ul style="list-style-type: none"> Hydrocarbons, C9-C11. Hydrocarbons, C9-C12. Naphtha.
	Macpherson Trade Paint Eggshell	Hydrocarbons, C9-C11, n-alkanes, isoalkanes, cyclics, <2% aromatics.	≥10 - <20%	
		Naphtha (petroleum), hydrotreated heavy.	≥10 - ≤25%	
	Johnstone's Trade Stormshield Pliolite Based Masonry Finish	Hydrocarbons, C9-C11, n-alkanes, isoalkanes, cyclics, <2% aromatics.	≥10 - <20%	
		Hydrocarbons, C9, aromatics.	≥10 - <20%	
	Armstead Undercoat.	Hydrocarbons, C9-C11, n-alkanes, isoalkanes, cyclics, <2% aromatics.	≤10%	
	Hammerite Direct To Rust Metal Paint.	Hydrocarbons, C9-C11, n-alkanes, isoalkanes, cyclics, <2% aromatics.	≥25 - <50%	
	Bartoline White Spirit.	Hydrocarbons, C9-C12, n-alkanes, isoalkanes, cyclics, aromatics (2-25%).	100%	



Mezzanine level (top); ground floor (bottom).





Painting on the mezzanine level (top) and the ground floor (bottom).

3.3 Solvents - Properties and Exposure Limits

3.3.1 There are generally two main effects of exposure to solvents:

- Irritation of membranes and tissues and,
- Narcosis (depression of the central nervous system).

3.3.2 Irritation can result whenever liquid solvent or vapours come into contact with cell membranes. Hence, solvents can cause irritation to the skin, eyes, and respiratory tract.

3.3.3 On entering the body by inhalation of vapour, absorption of liquid or vapour through the skin, or by ingestion, solvents can depress the central nervous system. This can cause symptoms ranging from nausea, giddiness, confusion, drowsiness, and in extreme cases to unconsciousness, convulsions, and death due to respiratory or cardiovascular arrest following very high exposures.

3.3.4 The table below presents the occupational exposure limits assigned to the substances identified to be monitored (where present).

Substance	Occupational Exposure Limit	Type of Occupational Exposure Limit	
Hydrocarbons, C9-C11	1200 mg/m ³ (alkanes) 800 mg/m ³ (cycloalkanes)	8-hour time-weighted average (TWA).	See Note 1 below
Hydrocarbons, C9-C12	350 mg/m ³	8-hour time-weighted average (TWA).	See Note 2 below
Naphtha (petroleum), hydrotreated heavy	No occupational exposure limit assigned.	-	-

Notes:

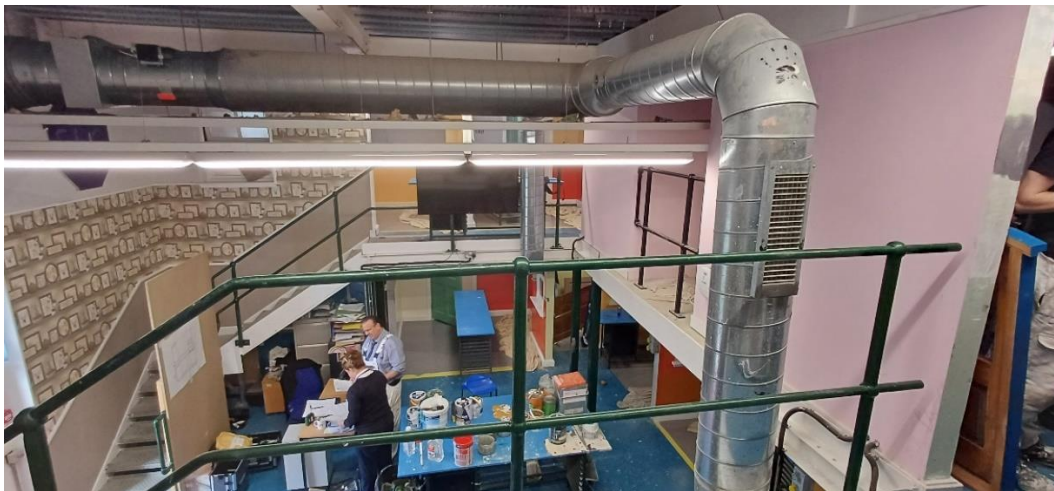
1. The exposure limits quoted for C₉ – C₁₁ alkanes (hydrocarbons) and cycloalkanes are approved as 8-hour time-weighted average values by the HSE's Advisory Committee on Toxic Substances and listed in publication *EH40/2005 Workplace Exposure Limits*. They are designed to be used by chemical producers and suppliers to allow calculation of an in-house occupational exposure limit for complex mixtures of hydrocarbons.
2. The limit of 350 mg/m³ is taken from the supplier's safety data sheet for *Bartoline* white spirit, dated 12 August 2022. It is assumed that this value has been calculated using the method specified in *EH40/2005*.



3.4 Controls

Engineering Controls

- 3.4.1 Heating within workshop G11 is provided via panel heaters at ceiling level. Additionally, a mechanical air handling system is installed in the workshop, which includes metal rigid ductwork with air intake grilles at various locations, including on ductwork and at ceiling level. Air drawn into the system is discharged via a fan directly (i.e. unfiltered) outdoors.



Panel heaters (top); metal ductwork with air intake grille (bottom).

Personal Protective Equipment (PPE)

- 3.4.2 PPE worn by the lecturer and students in the workshop include a white coat or overalls, and safety footwear. Additionally, reusable protective gloves may be worn by some students. Respiratory protective equipment (RPE) is not routinely worn.

3.5 Observation

- 3.5.1 A solvent odour was detectable in the workshop.

4. Methodology

4.1 Overview

- 4.1.1 Occupational hygiene monitoring was carried out in Workshop G11 for organic solvent vapours by O. Khalid of Arthian on Thursday 19 September 2024. This comprised personal monitoring on the lecturer and seven students.
- 4.1.2 College staff reported that activities being undertaken during the period of monitoring were representative of a typical day.

4.2 Monitoring and Analysis

- 4.2.1 Monitoring was carried out using battery-operated pumps connected, using flexible tubing, to glass tubes containing coconut charcoal adsorbent material, based on the methodology stated in the Health and Safety Executive (HSE) publication MDHS 96².
- 4.2.2 The pumps were calibrated to draw air through the connected tubes at a flowrate of about 50 ml/minute using a *Casella Flow Detective Plus* calibrator, Serial Number 1791210, which was last laboratory calibrated in February 2024.
- 4.2.3 To carry out personal monitoring, a pump was fitted to a belt around the individual's waist and the connected sampling medium was clipped onto their clothing in the breathing zone, i.e. within 30cm of the mouth and nose. All monitored persons were then requested to work as normal over the period of monitoring.
- 4.2.4 Monitoring was undertaken over a time period of about five hours. In accordance with standard occupational hygiene practice, Arthian also prepared an appropriate field blank sample.
- 4.2.5 Following the period of monitoring, the samples were packaged and transported, along with the blank sample, to a U.K.-based laboratory for analysis. The samples were analysed by gas chromatography - flame ionisation detection (GC-FID) using an in-house laboratory method based on MDHS 96.

4.3 Appraisal of Working Practices

- 4.3.1 In addition to the monitoring undertaken, an appraisal was made of the working practices carried out through visual inspection of the area of work and discussions with individuals. Operational considerations in terms of risk control were investigated, including existing systems to control exposure to airborne substances, and the provision and use of personal protective equipment.

² HSE, MDHS 96 *Volatile Organic Compounds in Air (4). Laboratory method using pumped solid sorbent tubes, solvent desorption, and gas chromatography*, HSE Books, March 2000, ISBN 0 7176 1756 4.



5. Results

5.1 Overview

- 5.1.1 The table in Section 5.2, below, presents the results of exposure monitoring during the current assessment. For comparison purposes, the exposures measured during the previous (December 2023) assessment are included also; three of the students were monitored during both occasions.
- 5.1.2 A copy of the report from the laboratory is presented in Appendix A. Information on the calculation of time-weighted average (TWA) exposures is presented in Appendix B.
- 5.1.3 All of the results provided in this section reflect the prevailing conditions at the time of the site-based work. Arthian make no guarantee that these results are typical or worst-case. Every attempt was made to ensure that individuals were wearing the monitoring equipment correctly throughout the periods, however, it was not possible to continuously observe each wearer.



5.2 Personal Exposure Monitoring

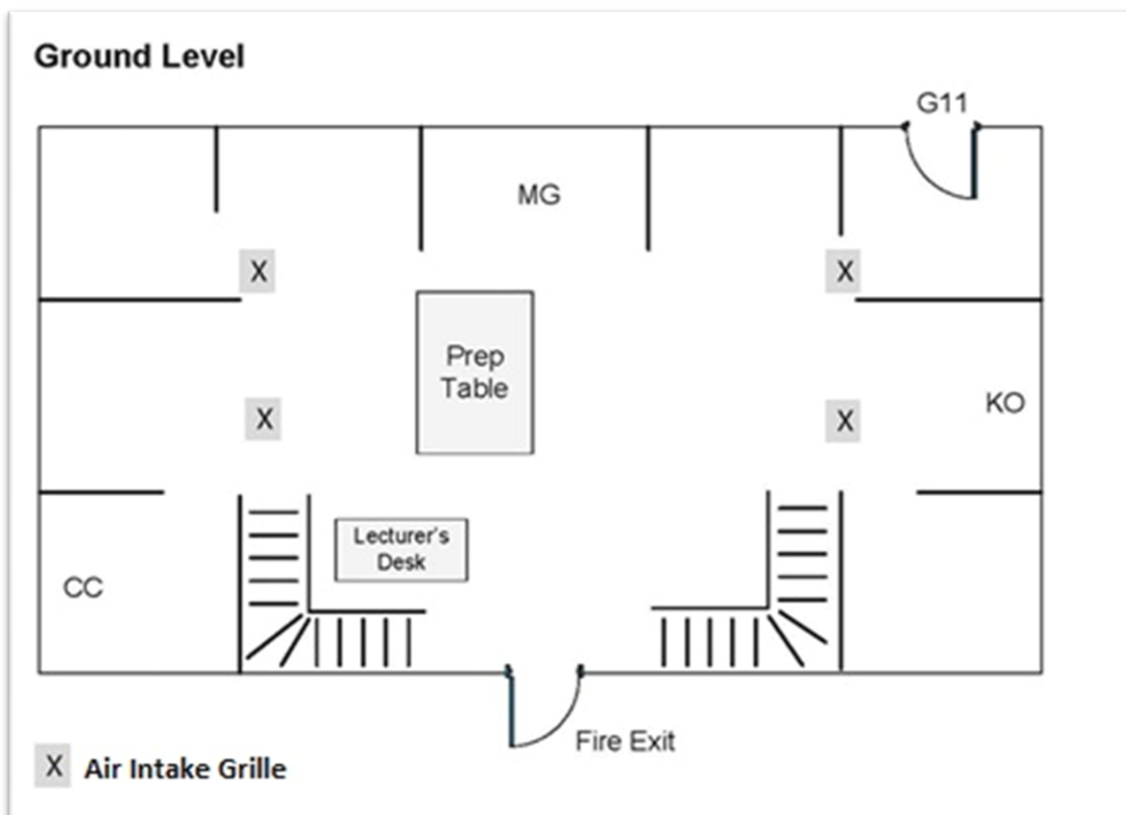
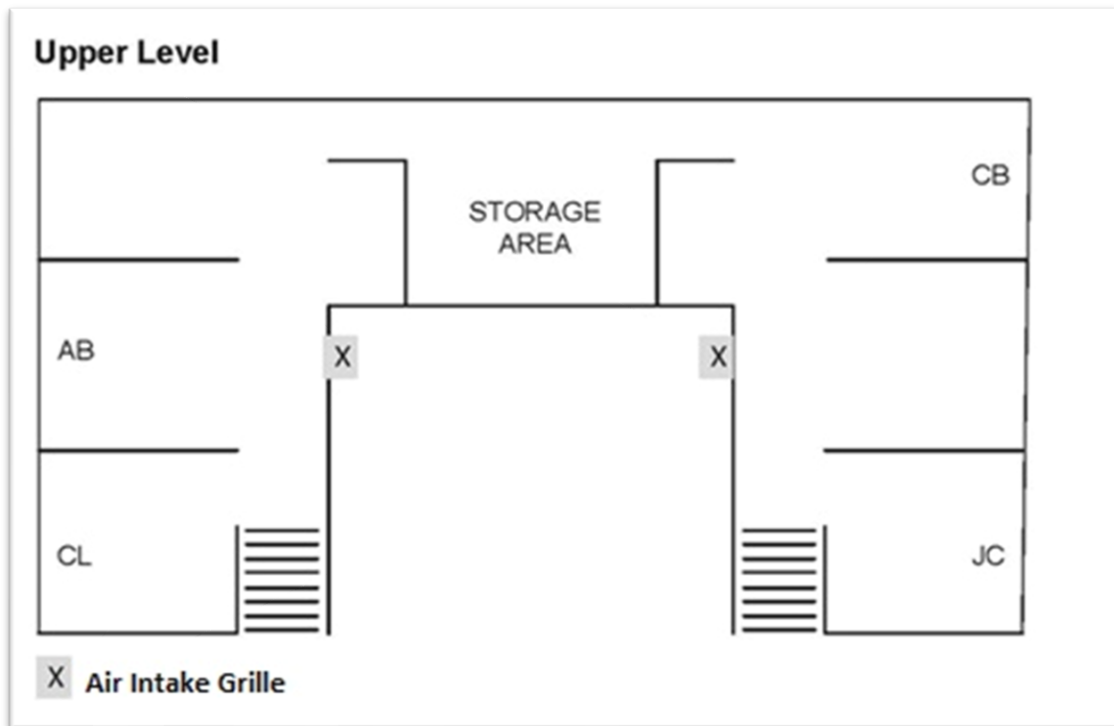
Sample Ref. (see Appendix A)	Name	Activity	Monitoring Time (in 2024, minutes)	8-Hour Time-Weighted Average (TWA) Exposure (mg/m ³)					
				Hydrocarbons, C9-C11		Hydrocarbons, C9-C12		Solvent Naphtha	
				2023	2024	2023	2024	2023	2024
-	Alexander Courtney (Student)	<ul style="list-style-type: none"> Using various solvent-based paints to paint surfaces within bays, using a brush and/or roller. White spirit used at times to thin paints, then clean brushes and rollers. 	-	518*	-	585*	-	676*	-
-	Liam Hamilton (Student)		-	323*	-	351*	-	371*	-
1	Cole Clark (Student)		316	-	313*	-	353*	-	537*
2	Andrew Bett (Student)		317	368*	184*	399*	220*	444*	346*
3	Cameron Logan (Student)		318	-	61*	-	69*	-	107*
4	Matthew Gray (Student)		297	-	237*	-	288*	-	435*
5	Kenzie O'Neill (Student)		292	312*	149*	336*	174*	365*	280*
6	Jamie Cleland (Student)		316	394*	45*	423*	49*	498*	78*
8	Craig Bradley (Student)	<ul style="list-style-type: none"> Overseeing activities and instructing students. 	300	-	260*	-	299*	-	451*
-	John Quail (Lecturer)		-	324**	-	349**	-	333**	-
7	Mark Haddow (Lecturer)		316	-	180**	-	215**	-	339**

*Based on a full-day teaching session of 7.5 hours including breaks (see Section 3.1); see Appendix B for calculation of 8-hour TWA concentration.

**Based on an 8-hour working day in a workshop including breaks (see Section 3.1).



The diagrams below show plans of the workshop, including students' working locations (designated by their initials) and the locations of air intake grilles on ductwork. The diagrams are not to scale.



6. Discussion

6.1 Overview of Results

- 6.1.1 Following the period of occupational hygiene monitoring in Painting and Decorating Workshop G11, the findings are summarised below. Further discussion on the findings is presented from Section 6.2.
- 6.1.2 As identified during the previous (December 2023) assessment also, the paints and related products in use during the period of monitoring were mainly based on solvents derived from petroleum distillation. The precise chemical composition of these solvents is complex and variable; hence they are described in safety data sheets in terms of ranges of carbon numbers, e.g. C9–C11; C9–C12 etc. Each range will contain a huge variety of individual substances, including straight- and branched-chain alkanes, cycloalkanes, and aromatic hydrocarbons. The laboratory results reported in Table 5.2 indicates airborne concentrations of substances within each of the carbon number ranges specified in the data sheets; however, it is important to stress that the same substances can appear in more than one carbon number range. For example, C10 and C11 hydrocarbons will appear in both carbon number ranges (and probably in the solvent naphtha category, too). In consequence, the exposure results in Table 5.2 cannot be added together but should simply be taken as an indication of the level of exposure to hydrocarbon vapour.

6.2 Workshop G11

- 6.2.1 All seven students and the staff member (lecturer) monitored received measurable exposures to vapours of long-chain hydrocarbons and naphtha while solvent-based paints and white spirit were being used.
- 6.2.2 One student’s exposure to hydrocarbons in the C9-C12 range just exceeded the supplier’s recommended exposure limit of 350 mg/m³, at 353 mg/m³. Exposures of the remaining six students and the lecturer were below the limit. However, this limit applies strictly to white spirit vapour, and many of the substances in the C9-C12 range collected during monitoring will have derived from sources other than white spirit.
- 6.2.3 All exposures were below HSE suggested exposure limits for C9-C11 hydrocarbons, which were the main solvent ranges quoted in safety data sheets.
- 6.2.4 Monitoring results from 2023 were generally higher than those found in 2024, indicating that measures implemented by South Lanarkshire College to reduce exposures to solvent vapours have resulted in a substantial reduction in organic vapour exposures. The table below presents a comparison of average exposures.

Average 8-Hour Time-Weighted Average (TWA) Exposure (mg/m ³)					
Hydrocarbons, C9-C11		Hydrocarbons, C9-C12		Solvent Naphtha	
2023	2024	2023	2024	2023	2024
373	179	407	208	448	322



- 6.2.5 Overall, these represent a reduction of exposures of around 50% between the 2023 and 2024 occupational hygiene surveys, assuming that the activities monitored on the two days were broadly similar.

6.3 Appraisal of Working Practices and Adequacy of Control

- 6.3.1 Under Regulation 7(7) of the *Control of Substances Hazardous to Health Regulations 2002, as amended* (COSHH Regulations), control of exposure to a hazardous substance shall only be treated as being adequate if the following conditions are complied with:

- (a) the principles of good practice for the control of exposure to substances hazardous to health set out in Schedule 2A are applied. These are:
 - 1. design and operate processes and activities to minimise emission, release and spread of substances hazardous to health;
 - 2. consider all relevant routes of exposure - inhalation, skin absorption and ingestion - when developing control measures;
 - 3. control exposure by measures that are proportionate to the health risk;
 - 4. choose the most effective and reliable control options which minimise the escape and spread of substances hazardous to health;
 - 5. where adequate control of exposure cannot be achieved by other means, provide, in combination with other control measures, suitable personal protective equipment;
 - 6. check and review regularly all elements of control measures for their continuing effectiveness;
 - 7. inform and train all employees on the hazards and risks from the substances with which they work, and the use of control measures developed to minimise the risks;
 - 8. ensure that the introduction of control measures does not increase the overall risk to health and safety.
- (b) any workplace exposure limit approved for a substance is not exceeded, and
- (c) exposure is reduced to as low a level as is reasonably practicable for the following:
 - i. known or suspected human carcinogens, including those listed in Schedule 1 of COSHH and those carrying the risk phrases R45, R46 or R49;
 - ii. any substance which carries the risk phrase R42 or R42/43 or which is listed in section C of the Health & Safety Executive (HSE) publication 'Asthmagen'³ or any other substance which the risk assessment has shown to be a potential cause of occupational asthma.

6.4 Conclusions on Adequacy of Control

- 6.4.1 While there was some variation in the solvent-based products used in the workshop between the 2023 and current assessments, their health hazards are similar. Considering the exposures measured in Workshop G11, in addition to the COSHH criteria for adequate control of exposure referred to above, it is concluded that on the day of monitoring, risks from exposure to organic solvent vapours in the workshop are reduced compared to 2023, but still not under adequate control. Options for further exposure control are discussed below.

³ Health and Safety Executive, *Asthmagen? Critical assessments of the evidence for agents implicated in occupational asthma*, HSE Books, 1997, ISBN 0 7176 1465 4.



6.5 Controlling Exposure to Hazardous Substances

6.5.1 Regulation 7 *Prevention or control of exposure to substances hazardous to health* of the COSHH Regulations refers to a hierarchy of measures being required to achieve adequate control of exposure to hazardous substances. This includes engineering means (e.g., process change, automation, enclosure, LEV etc.) being considered as control measures in preference to personal protective equipment (PPE). The principles of good practice referred to in Section 6.2, above, essentially replicate this requirement.

6.5.2 During the previous assessment, it was recommended that South Lanarkshire College consider means for improving extract ventilation provision in the workshop. While the mechanical air handling system was unchanged, comprising metal rigid ductwork with air intake grilles at various locations (including on ductwork and at ceiling level – see Section 3), arrangements were made to better control the speed of the air extraction fan. Previously, the air handling system fan was operated at one speed, i.e. with a single on/off switch. The control switch was subsequently changed to one with a five speed setting (opposite). Air drawn into the system is still discharged directly outdoors.



6.5.3 The lecturer reported operating the air handling system at speed 4 when solvent based products are being used in the workshop; the system was operated at this speed during the period of monitoring. On querying the alteration made to the air handling system, College staff reported being unaware if the size of the extraction fan had been changed, nor at what speeds the fan operates at the different number settings.

6.5.4 A solvent odour was detectable in the workshop on the day of monitoring. In the afternoon, students reported finding the solvent odour to be excessive and the area to be warm, therefore, the fire exit door was opened for ventilation purposes; a practice reported to be undertaken regularly. A portable air quality unit fixed to a wall in the workshop showed the temperature to be about 23°C during the afternoon. Use of the solvent-based paint products in warmer conditions will result in increased evaporation of volatile substances, resulting in odours being more pungent.

6.5.5 Considering the monitoring results, observations, and comments made by staff and students, it is apparent that despite increasing the rate at which air is extracted from within the workshop, occupants are still being exposed to measurable levels of solvent vapours. Additionally, solvent odours and the indoor temperature build up during the course of the day, resulting in an uncomfortable working environment being created.

Action:

It is recommended that South Lanarkshire College investigate further means for improving ventilation provision in the workshop. Options include:

- installing a higher-capacity ventilation fan.
- providing additional localised ventilation facilities in areas of high solvent-based paint usage.
- fitting openable windows to provide additional natural ventilation into the area; this would also remove the need for the fire exit door to be opened for this purpose.

- 6.5.6 A reasonably practicable approach should be taken to reduce exposures further, considering the time, effort, and cost to do so against the likely reduction achieved. Should controls to reduce exposure to organic solvent vapours be applied, further monitoring would indicate the effectiveness of the measures taken.

6.6 Personal Protective Equipment (PPE)

- 6.6.1 In the hierarchy of control, the use of PPE, including respiratory protective equipment (RPE), should only be used as a last resort, or where it is not reasonably practicable to control exposures to hazardous substances by other means.
- 6.6.2 During the previous assessment, it was recommended that staff and students wear suitable organic vapour RPE when handling and using solvent-based products.
- 6.6.3 The lecturer reported that a reusable *DeWalt* half face respirator fitted with twin replaceable A2P3 filters has been issued to staff working in painting and decorating workshops. The lecturer has been face fit tested for this respirator, as well as having been trained as a tester to fit test others. They reported not wearing the respirator very often.

Action:

It is recommended that until such time that measures have been taken to further reduce exposures to solvent vapours in the workshop (as suggested above) and a comfortable working environment can be maintained, that staff and students be provided with, and wear, suitable organic vapour RPE when handling and using solvent-based products.

- 6.6.4 Following the requirements stated within the Approved Code of Practice (ACoP) to Regulation 7, fit testing is required for all staff issued with a tight-fitting respirator. Should fit testing identify that a respirator is not suitable for an individual, an alternative must be provided. In addition to testing to ensure the issued respirator is suitable, staff should be instructed on how to wear their respirator correctly. Where reusable RPE is provided, staff should be provided with information, instruction, and training on how to examine, maintain and store this, maintaining a documented record of this provision. Staff should check that students are wearing their respirator correctly during relevant activities. Furthermore, staff and students should be instructed on the frequency for replacement of issued respirators and filters.
- 6.6.5 PPE, including RPE, should be individually issued and not shared. Where reusable RPE is shared between students, it must be ensured that appropriate means are in place for respirators to be suitably cleaned after use.

6.7 Health Surveillance

- 6.7.1 No health surveillance is currently in place at the College.
- 6.7.2 South Lanarkshire College should ensure that the requirements of Regulation 11 *Health surveillance* of the COSHH Regulations are being met, as appropriate. This may involve the setting up of a health surveillance programme, following discussions with an occupational health provider.



6.8 Information, Instruction and Training

- 6.8.1 Under Regulation 12 *Information, Instruction and Training for Persons who may be Exposed to Substances Hazardous to Health* of the COSHH Regulations, every employer who undertakes work which is liable to expose an employee to a substance hazardous to health is required to provide that employee with suitable and sufficient information, instruction, and training. This should include details of hazardous substances to which they are exposed, and health effects associated with exposure. Thus, the individuals investigated during this monitoring programme should be informed of the results.
- 6.8.2 Under Regulation 10 *Monitoring exposure at the workplace* of the COSHH Regulations, all records of personal monitoring are required to be kept for a period of at least 40 years from the date of last entry. South Lanarkshire College must also provide the HSE with copies of monitoring records on request.



7. Summary of Recommendations

Following the period of occupational hygiene monitoring in Painting and Decorating Workshop G11 at South Lanarkshire College, East Kilbride, the following recommendations have been made:

- Investigate measures to further improve extract ventilation provision in the workshop when solvent-based products are in use.
- Provide organic vapour respiratory protective equipment (RPE) to staff and students when solvent-based paints and white spirit are being used.
- Provide fit testing to staff to ensure the suitability of the RPE made available.
- Provide employees with information, instruction, and training on how to wear, examine, maintain and store their respirator (as appropriate), maintaining a documented record of this provision.
- Make the individuals investigated during this programme aware of the monitoring results.



Appendices



Appendix A: Laboratory Report





CERTIFICATE OF ANALYSIS

This report replaces S43807 which should be destroyed

ANALYSIS REQUESTED BY: Omar Khalid
Mabbett & Associates Ltd
11 Sandyford Place
Glasgow
G3 7NB

CONTRACT NO: S43807R1

DATE OF ISSUE: 11/11/2024

DATE SAMPLE(S) RECEIVED: 25/09/2024

DATE SAMPLE(S) ANALYSED: 07/10/2024

DESCRIPTION OF SAMPLE(S): 9 x 226-01 Sorbent Tubes

ANALYSIS REQUESTED: Naptha, C9-C11, C9-C12

METHOD The samples were prepared for analysis in accordance with IM 8 using a modification of **MDHS 96**.

The samples were desorbed in 1 mL of carbon disulphide. An aliquot of each sample was analysed by gas chromatography (GC) with a flame ionisation detector. The GC was fitted with 30 metre Rxi-5Sil column and programmed to heat from 40 to 320°C. Calibration standards were prepared from known weights of analytical grade chemicals in the desorption solution.

MDHS 96: Health and Safety Executive (2000). "Volatile Organic Compounds in Air (4)". Laboratory method using pumped tubes, solvent desorption and gas chromatography.

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IOM CONSULTING LIMITED, registered in Scotland No. SC205670

Page 1 of 2



CONTRACT NO: S43807R1

DATE OF ISSUE: 11/11/2024

**RESULTS:**

Client Reference: 16653

Sample	Volume (L)	Naphtha	
		Weight	Concentration
		µg	mg/m ³
1	14.54	8333.20	573.28
2	15.85	5849.70	369.07
3	17.81	2037.00	114.39
4	14.55	6754.10	464.10
5	15.77	4712.60	298.87
6	15.17	1264.50	83.36
7	15.17	5144.30	339.16
8	14.10	6780.00	480.85
9	-	<2.1	-
Reporting limit		2.1	

Sample	Volume (L)	C9-C11		C9-C12	
		Weight	Conc.	Weight	Conc.
		µg	mg/m ³	µg	mg/m ³
1	14.54	4853.40	333.89	5480.60	377.04
2	15.85	3112.90	196.40	3720.10	234.71
3	17.81	1154.40	64.82	1310.50	73.59
4	14.55	3673.30	252.41	4474.60	307.47
5	15.77	2507.20	159.00	2925.30	185.52
6	15.17	722.50	47.63	798.60	52.65
7	15.17	2727.10	179.79	3260.70	214.97
8	14.10	3909.40	277.26	4490.70	318.49
9	-	<0.4	-	<0.4	-
Reporting limit		0.4		0.4	

Comments:

All C9-C11 and C9-C12 results are quantified using a toluene calibration standard with no allowance made for trapping efficiency and relative response.

Results have been blank and recovery corrected.

This analysis was carried out on a best endeavours basis using the method detailed.

IOM Consulting cannot accept responsibility for samples that have been incorrectly collected or despatched.

AUTHORISED BY:

Carolyn McGonagle
Head of Chemistry



Appendix B: Calculation of time-weighted average (TWA) Exposure

Calculation of time-weighted average (TWA) exposure

An operator's exposure to airborne substances is unlikely to remain at a constant level throughout the working shift. In practice, due to the undertaking of different operations at different locations, being located closer to a source of airborne material at times or through variable substance emission rates from processes, the operative's exposure pattern may appear something like that indicated in Figure 1.

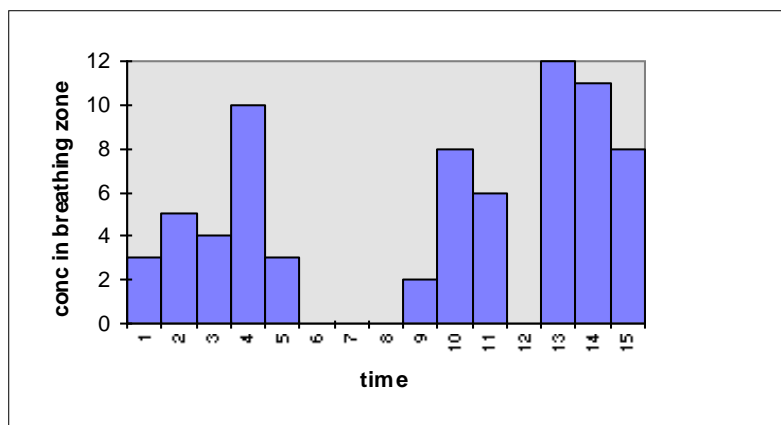


Figure 1

Where exposure is variable throughout the working shift (as is the case in the majority of occupational exposures), it is important to be able to accurately measure and report the operative's "time-weighted average" (TWA) exposure, over a reference period, for comparison with stipulated occupational exposure limits. These are normally expressed as 8-hour TWA (or 15-minute short-term exposure limit).

Thus, it can be seen that an operator's "exposure" depends upon the levels of airborne contamination and the duration of exposure to these levels.

8-hour TWA exposures may be determined using the formula:

$$\frac{C_1T_1 + C_2T_2 + \dots + C_nT_n}{8}$$

where C is the exposure concentration and T is the duration of exposure in hours.

Thus, as an example, in a particular investigation where employees members may be exposed to the "average" exposure concentration measured over a period of 7.5 hours, the associated 8-hour TWA would be calculated thus:

$$\frac{\text{exposure concentration over measuring period} \times 7.5}{8}$$

