

Scope of the Review

Purpose

The purpose is to review the process (including the policy and procedures adopted) of the disciplinary case against a previous General Manager from the point of complaint through to the Employment Tribunal decision. Explicitly the review should not consider the decision by the Employment Judge or its reasonableness – this is a matter of fact.

Objectives

To determine whether the policy and procedures adopted in respect of the case remain fit for purpose given the decision by the Tribunal and developments in disability case law.

Provide any recommendations for an update of the relevant Disciplinary and Grievance Procedures adopted by SLLC and by the Council to reflect best practice.

To confirm whether the policy and procedures followed at the time of the disciplinary investigation and subsequent dismissal were applied correctly including how information was disseminated to the relevant parties and how decisions were made at each stage of the process.

To advise on whether the Terms and Conditions of Employment and the Service Level Agreement between SLLC and the Council are clear in their terms and whether the respective roles were clearly understood by all parties.

Provide any recommendations for an update of the Service Level Agreement between SLLC and the Council to address any finding in relation to its current fitness for purpose.

Consider the decisions taken in respect of the grievance from Employee A – in the event that a grievance is not concluded at the time an employee leaves SLLC, the reasonableness of the approach adopted to hear the grievance.

Outputs

The reviewer should produce a report with findings on any lessons to be learned for consideration by the SLLC Board which the General Manager and Strategy and Business Development Manager (Company Secretary) will share with the Chief Executive of the Council. The reviewer may be asked to waive legal privilege in respect of the report in the event of the SLLC Board and the Chief Executive of the Council believing that it is in the public interest to share or publish the report.

In the first instance the report should be marked as confidential to your client but with the understanding that it will be shared with the Chief Executive of the Council. Your consent will be sought to waive legal privilege prior to any further disclosure.

Timing

The reviewer should set out a suggested timeline for the effective conduct of the review – it would be anticipated that this should not exceed 3 months from the point of being commissioned.

Governance and Methodology

The SLLC Board is the client in respect of this review however the operational contacts for the reviewer will be the General Manager, the Strategy and Business Development Manager and the Council Chief Executive.

There is considerable documentary evidence available to the reviewer including the submitted evidence to the Tribunal and the written judgement by M Kearns, Employment Judge.

It is anticipated that the reviewer may wish to speak with parties connected with the case – in doing so, it is important that the scope of the review is adhered to and it is not the validity of the dismissal or the Tribunal judgement that is under review.