



EMPLOYMENT TRIBUNALS (SCOTLAND)

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Case No: 4102824/2016 and others

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**Hearing held at Dundee on 9, 10, 11, 12, 13, 16, 17, 30, 31 January; 1, 2
February; 3, 4, 5, 6, 17, 18 April and 7 July 2023**

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**Employment Judge I McFatridge
Tribunal Member K Culloch
Tribunal Member R A'Brook**

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**Mrs Y Allan and others (see appendix attached) Claimants
Represented by
Ms Romney, KC
Instructed by
Dallas McMillan,
Solicitors**

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**Fife Council Respondent
Represented by
Mr Miller,
Solicitor Advocate**

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

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The unanimous judgment of the Tribunal is that the respondent's job evaluation scheme does not meet the requirement set out in section 131(6)(b) of the Equality Act 2010 in respect of the following evaluations on the basis that the Tribunal has reasonable grounds for suspecting that the following evaluations contained in the scheme are unreliable:-

Home carer 2 evaluation dated 28 June 2005

Home carer 2 evaluation dated 19 May 2010

Home carer 2 evaluation dated 26 May 2017

E.T. Z4 (WR)

Catering Assistant evaluation dated 20 December 2005

Catering Assistant evaluation dated 9 March 2010

Assistant Cook evaluation dated 20 December 2005

Catering Supervisor (primary schools) dated 20 December 2005

5 Cleaner evaluation dated 9 November 2005

Cleaner evaluation dated 20 June 2017

Cleaning supervisor evaluation dated 23 February 2006

Cleaning Supervisor evaluation dated 31 May 2013

Road Sweeper evaluation dated 9 November 2005

10 Road Sweeper evaluation dated 20 November 2008

Street Orderly evaluation dated 22 April 2008

Environmental Cleansing Operative evaluation dated 20 May 2021

Refuse Collector evaluation dated 9 November 2005

Refuse Collector evaluation dated 6 November 2008

15 Gardeners P & A evaluation dated 25 January 2006

Gardeners P & A evaluation dated 9 February 2010

Specialist Gardeners P & A evaluation dated 25 January 2006

Specialist Gardener P & A dated 1 October 2009

Lead Operative evaluation dated 1 May 2014

20 Chargehand Gardener evaluation dated 26 January 2006

Chargehand Gardener evaluation dated 23 September 2009

Area Coordinator evaluation dated 1 May 2014

Area coordinator evaluation dated 10 April 2018

Operative 1 evaluation dated 30 April 2014

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REASONS

1. In this case a number of claimants who are present or past employees of the respondent claim that their right to equal pay has been infringed. The case has been subject to a considerable degree of case management. The claimants make claims which include claims that their work is of equal value to various comparators. The respondent sought to avail themselves of the defence contained in sections 131(5) and (6) of the Equality Act. The claimants resist this and originally did so on the basis that the job evaluation study referred to was not a valid job evaluation study and that in any event, it was either tainted by sex or otherwise unreliable. For reasons of convenience and in order to keep the hearings to a reasonable length the Tribunal decided to divide up the issue of validity and reliability. A substantial multi-day hearing took place in 2020 which dealt with the issue of whether or not the job evaluation study was valid. The claimants' position was that it was not, essentially focusing on the issue of job families. The Tribunal subsequently issued a judgment in which they confirmed that in their view the job evaluation study was a valid job evaluation study for the purposes of section 131.
2. Matters then moved on to the claimant's challenge based on their averments that the study was based on a system that discriminated because of sex or was otherwise unreliable. This claim was subject to a degree of case management and the claimants eventually dropped their claim that the job evaluation study was based on a system that discriminated because of sex but maintained their position that it was otherwise unreliable. Consolidated pleadings were produced and the claimant's pleadings are to be found at pages 2-11 of the joint bundle headed "*Inventory of Productions*". The respondent's pleadings are to be found at pages 12-17 of the joint bundle. The claimant produced an analysis of marks setting out their detailed critique of the job evaluation study in respect of the evaluations carried out of the job roles held by the claimants and their comparators. This is lodged at pages 18-89 of the bundle. The respondent produced their response to this which is set out in pages 90-152 of the bundle. Following developments during the first few days of the hearing the respondent were allowed to produce an amended version of the analysis of marks, the amendments being contained as an attachment to an email sent to the Tribunal on 16 January

2023. Essentially this was to include a response in respect of various additional roles which the claimant was allowed to refer to during the initial days of the hearing.

3. So far as the scope of the hearing was concerned the parties and the Tribunal were in agreement that it would be impracticable to hear detailed evidence in relation to every single one of the claimants' job roles and every single one of the comparator job roles. The hearing would therefore only deal with a specific subset of these and therefore a specific subset of the claimants. The particular roles were subject to a degree of change right up until the end of the first week of the hearing with the agreement of the parties. The hearing dealt with the following claimant roles: Home Carers, Catering Assistants, Assistant Cooks, Catering Supervisors, Cleaners, Cleaning Supervisors. It dealt with the job evaluations in respect of the following comparator roles: Road Sweepers, Street Orderly, Refuse Collectors, Environmental cleansing operative, Gardeners P&A, Specialist Gardeners, Chargehand Gardeners, operative 1, Lead Operative, Area Co-ordinator. In certain cases there were several job evaluations which had been carried out in respect of each of these posts over a period of years. The Tribunal dealt with every one of these evaluations. It follows from the above that Tribunal's findings in respect of whether or not there are reasonable grounds for suspecting that the job evaluation scheme is unreliable only relate to those job evaluations which we specifically considered i.e. the list of claimants and comparators set out above. We have not made any findings in respect of any other job evaluation studies carried out and our findings do not cover these. As indicated at the case management stage however it may well be that our findings in respect of those specific job evaluation studies will inform the parties as to the view the Tribunal would be likely to take in respect of the additional claimant posts and comparators posts which are included in this claim but were not specifically dealt with at the hearing.

Course of the hearing

4. The hearing was initially set down for 15 days comprising of two consecutive weeks commencing 9 January with a short break before recommencing for a further four days on 30 January. Matters proceeded fairly uneventfully until the morning of Wednesday 18 January. On that day it became clear that two things had happened which meant that the Tribunal could not sit for the rest of the week. The first was that a member of the Tribunal suffered a close family bereavement on 17 January 2023. The other issue related to the hearing itself. The respondent's first witness was Ms J A Green. During the course of her evidence she was cross examined about why there appeared to be no records of what changes had been made and when. She confirmed that there had been a large number of paper records but stated that, over a period, these had been disposed of. She referred to an information management system called JATMIS and stated that a lot of audit information was on this system. She then gave evidence that she understood this system was no longer available since at some point she had been told that it was not compatible with the council's IT systems. She believed this may have been related to an upgrade to Windows. She could not give a specific date for this.
5. Following the end of the Tribunal proceedings on 17 January the respondent appear to have considered the matter and at 7.30 that evening they forwarded to the claimants' representatives an Excel spreadsheet containing approximately 4400 entries. They advised that the JATMIS system had previously been run as an access database but that following changes to Windows Office the use of the system had been discontinued. They advised that immediately prior to this use being discontinued the information contained in the JATMIS system had been converted into an Excel spreadsheet. This was what they had sent to the claimants.
6. On the morning of 18 January I advised the parties that the Tribunal could not sit on that or the two subsequent days due to the member's bereavement. The Tribunal was then advised that in any event the claimants' representative would require some time to consider the additional information and it was agreed that the hearing would be adjourned until the next tranche of days due to start on 30 January. On 30 January evidence was interposed from Stevie Murray an HR Manager

5 with the council who had in fact been sitting in the hearing. He gave evidence in relation to the circumstances relating to the JATMIS system and other matters and the Tribunal's findings are set out below in our findings of fact. Subsequently it was necessary for additional days to be fixed in April in order to conclude the hearing. Submissions were heard and judgement reserved on 18 April and the tribunal panel met on 18 April and 7 July in order to finalise their judgement.

Witnesses

Claimant's witnesses

Julie Ireland	Home Carer
Neil C Kinmont	Cleaner Cleaning Supervisor
Eunice A W Blackwood	Cleaner Cleaning Supervisor Catering Assistant
Pauline Marshall	Home Carer
Beatrice Aitken	Catering Assistant
Sarah C Loutit	Carer (currently works as Rehabilitation Support Worker, a role which was not in scope for the hearing)
Heather Young	Catering Supervisor (Primary School) [During the course of the hearing it was agreed that the post of Catering Supervisor (Primary School) was included in scope of the hearing. It was also agreed that the post of Assistant could cover both primary schools and secondary schools.]
Michelle Hay	Catering Supervisor (Primary School) Assistant Cook

	Catering Assistant
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Respondent's witnesses

June Alison Green	Former Job Analyst
S Murray	HR Lead Officer (gave evidence re JATMIS system and other matters, evidence in chief given primarily by affidavit thereafter cross examined. Evidence interrupted evidence of Miss Green).
P S Duff	Retired HR Manager (managed job analysts, carried out corporate review process along with Linda Erskine, attended various meetings)
Janet Brown	Former Job Analyst
Councillor Linda Erskine	Former Joint Trade Union Secretary Fife Council (previously full time Unison representative) carried out corporate review process along with P Duff.

7. The parties lodged three volumes of joint productions. Two of these volumes were general productions and one volume essentially consisted of print outs of the various job evaluations. The documents are referred to by page number in the judgment below with page numbers from the job evaluation volume being prefixed JE. Both parties were permitted to add to the productions during the course of the hearing. When the Tribunal recommenced on 3 April the respondent sought to lodge additional documents comprising extracts from Fife Council's full accounts in particular relating to the financial consequences of the settlement agreed by the council in 2015 in relation to various equal pay claims extant at that stage. The respondent objected on the basis that the claimants had not indicated in their pleadings that they would in any way be relying on the 2015 settlement as evidence that there were grounds for considering the

job evaluation scheme to be unreliable. After discussion the Tribunal decided to accept this evidence under reservation as to relevance. The matter is further discussed below.

5 8. The respondent's representative initially indicated that they may wish to call a further witness in order to deal with the issue and the Tribunal indicated that we would be happy to accommodate this. In the event the respondent's representative advised the Tribunal on the last day of the hearing that he did not intend leading evidence from any additional witness.

10 9. On the basis of the evidence and the productions the Tribunal found the following essential facts relative to the scope of this hearing to be proved or agreed. For the purposes of convenience our findings in fact are set out in chapters, the first of which deals with the general method by which the respondent's job evaluation study was carried out. We then provide
15 detailed findings regarding the management review process. We then deal more closely with the background circumstances. We then set out the findings we could make in respect of the various high level meetings going on within the respondent at the time of implementation. We then have a short chapter looking at the overall outcomes which relies heavily on the figures contained in Equality Impact Assessment referred to below. The
20 judgment will then deal with the individual job evaluations under challenge including our findings of fact based on the evidence led from the claimant's witnesses. It is worthwhile sounding a note of caution at this point in relation to our findings of fact relating to the specific job roles under
25 evaluation. As can be seen below the respondent's process involved the gathering together of job facts in an organised way by answering the questions posed in the Gauge software. The claimant's challenge inevitably involves challenge to these job facts on the basis that the answers recorded and the consequent routes taken through the software
30 did not in fact accord with the actual facts of the job role. As was pointed out at various times during the hearing the Tribunal are not trained job analysts and it is not for us to make specific findings of alternative job facts which should be substituted for those which are contained by implication in the respondent's job evaluation study. Our findings in fact in relation to

each specific role are relatable only to the evidence we heard from the specific witnesses who are either currently in that role or had carried out that role in the past. The reason for making these findings is purely evidential with a view to assisting the Tribunal to decide the question before it namely whether there are reasonable grounds to suspect that the job evaluation study is unreliable. Our findings in fact in relation to each job relates solely to the evidence we heard and inevitably these findings will reflect the job role as carried out by the witnesses we heard. It is useful to compare the facts relating to their job with the job evaluation based on the job facts as found by the respondent whilst carrying out their job evaluation study. It does not of itself mean that the job facts reflected in the job evaluation study are wrong albeit that a comparison between the two may well inform the Tribunal's view as to whether there are reasonable grounds for suspecting the job evaluation study to be unreliable.

15 **OUTLINE OF SCHEME**

10. The Tribunal has already made general findings as to the process which was adopted by the respondent in order to implement the Red Book job evaluation process. Reference is made to the judgment previously issued. For the avoidance of any doubt where there is a divergence between statements made in this judgment and statements made in the previous judgment the statements made in this judgment shall prevail. This is on the basis that they are based on the most recent evidence. In general terms the scheme adopted was that set out on page 166 in tabular form. The first stage was to identify and categorise discrete jobs. On the basis of the evidence decisions were made by evaluators and managers. The decisions were made at various times and on occasions changes were made during the course of the process. This could involve the creation of entirely new jobs such as for the gardeners where a decision appears to have been made that there would be new jobs of gardeners, specialist gardeners and chargehand gardener where the evaluation would be based entirely on the job descriptions provided by managers. In addition decisions were made that certain jobs all be dealt with together such as the generic job of cleaner. In addition carers were to be treated as a generic job. There was absolutely no transparency whatsoever to this

process. So far as the Tribunal could discern what happened it would appear that the final decision in those matters was taken within the HR department. There is no indication of the process by which these decisions, which could have far reaching consequences, were reached and the witnesses said either that they were not involved in the decision making or they could not remember.

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11. With regard to the process of gathering information from jobholders the basic process was as set out in the Tribunal's previous judgment in this matter however the Tribunal makes the following additional factual findings set out below

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12. It is clear that for some jobs such as the gardeners there were no interviews with jobholders.

13. Jobholders were told at the outset that although they were being interviewed this was the very start of the process and their views as to what their jobs contained would not necessarily be accepted. Jobholders were told that there would be a process which would involve management and senior management looking at the job descriptions and that job facts would be determined on the basis of a process. This process would not necessarily involve going back to the jobholders at any stage to check matters with them. Certainly, by the time management were involved in the process, if an evaluator wished to check or alter an answer they would check solely with management and the jobholders would not be involved.

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14. Where a job evaluator was trying to work out how much time was spent on a particular activity they had a range of questions which they could ask of jobholders so as to ascertain how many minutes in the day were spent on a particular task, how often in the week it happened and so on. These answers were then put into a spreadsheet tool which came up with the percentage of the working day spent on a particular task.

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15. The Gauge system only recorded the final outcome of a job evaluation study. There was no way of recording what happened prior to the final version being set down. At one time there were extensive paper records in the form of a large file for each job evaluation. At the time of implementation these files occupied a large room half the size of the

tribunal room in Dundee. These paper files were subsequently destroyed by the respondent without being microfilmed or scanned in any way. These files cannot now be recovered. As a result of this it is not possible to determine what answers were actually given by jobholders at the initial interview and what answers have been recorded subsequent to this on the basis of information provided by management and during the iterative process leading to the evaluation study being finalised. There is also no way of knowing what changes were made at the stage of the final management review process carried out by Mr Duff and Ms Erskine.

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10 16. The only record which shines any light on the process of amendment is a system known as JATMIS. This is described as Job Analyst Team Management Information System. JATMIS is a system for recording and monitoring job evaluation requests. It was established during the job evaluation process. It was designed primarily as a management tool and was not designed to record the rationale for any changes made to job evaluations. Evaluators would make a brief record of what they were doing on JATMIS. This was in addition to the paper records showing exactly what they were doing.

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20 17. As noted the actual Gauge software was run on laptops however as changes were made the job evaluation scheme was updated so that it always showed the latest version of any document such as a job overview, factor level listing, question trace etc. The paper record would however contain a full record as to exactly what had happened and every iteration or change of the job evaluation.

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30 18. For example if the jobholders had initially told evaluators that they spent around 40% of their time on a particular task or activity and the managers subsequently said that this figure was no more than 20% and the job evaluation was then changed to reflect this there would be absolutely no record of this change in the Gauge software but there would have been a paper record showing what had happened.

19. These paper files were used by Ms Erskine and Mr Duff while carrying out the management review process. In addition to this Ms Erskine and Mr Duff would use large sheets of architectural paper to map out the various

- job roles and how they interacted with each other. The process would normally involve the job analyst or lead job analyst going through to a room in the hut and discussing the evaluation with them. There were also records of the discussions which took place between an analyst and the second signer. The purpose of second signing was to deal with any discrepancies or issues which were apparent on the face of the job evaluation. It was to be a second set of eyes and the second signer may have a different interpretation of the appropriate route to be taken through the software. There would also be records of interactions with managers. Although a person may be marked as lead analyst on Gauge this person may not in fact be the lead analyst in respect of the whole of the evaluation process since things changed during the process and a record was kept.
20. By the time any job evaluation was finalised there was usually a very thick file or files associated with that particular evaluation.
21. In 2008 after single status had been implemented but whilst the appeals were still ongoing a decision was made by the respondent to move the job evaluation to Fife House. They moved in 2008. At that time they were told that it was impracticable for them to retain all of the paper files which they had amassed. They moved from having a substantial filing room full of filing cabinets to having a total of four filing cabinets. Subsequently these four filing cabinets of records were also disposed of.
22. From 2008 onwards they continued to use the Gauge system and the JATMIS system for recording decisions.
23. The present proceedings were raised in 2016. During the period 2016/17 the respondent council were in the process of introducing a council-wide management information system called First Contact and Assyst. First Contact was the internal system for managers and employees requesting work in services and was introduced to be front-facing software supported by Assyst. Assyst is the workload/workflow recording system monitoring actions taken when managing the particular request. The new systems did not entirely mirror the functionality of JATMIS. Some job analysts continued to use JATMIS to record decisions from 2016/17. The last decision recorded was in 2018

24. In or around 2017/18 (subsequent to the present proceedings being instituted) the respondent's IT department decided that they were no longer in the position to support access databases such as JATMIS. This followed changes to the Windows operating system and Microsoft Office which meant that systems based on an access database would no longer be supported by Microsoft. The JATMIS database was disposed of in a way which did not retain all of its records or functionality. Prior to doing this the respondent's IT department did however arrange for the JATMIS database to be downloaded as an Excel file. This Excel file was lodged in the circumstances previously mentioned on day 7 of the hearing. The Excel file contains much of the information in the database but clearly a decision was made at the time of the download as to the size of each Excel cell. As a result the cells do not always contain the full entry from JATMIS but the cell only contains the first few lines of the JATMIS entry. It is not known whether the decision on cell size was made by the software or by the respondent's operative at the time of download. In any event the Excel spreadsheet represents a partial record of what was in the JATMIS system. It is now the only written record available in respect of any changes made by job analysts during the course of the job evaluation process prior to the introduction of Assyst and First Contact.
25. After the initial process of ascertaining job facts from jobholders (if this was being done) there was then a process by which the job evaluation was refined and finalised. It is convenient to divide this iterative process by which the initial scores given to a job were altered during the evaluation process into two stages. The first stage we called the service review stage. This was where there was a discussion between job analysts and managers and amongst job analysts themselves in order to confirm that the answers given by jobholders were correct and to change any answers that were deemed to have been wrongly given. Sore thumbing was one of the processes undertaken by which we mean that analysts would check scores across a department or service for internal consistency along with the managers of that service. The second stage was the management review process. This was a process at the very end whereby Ms Erskine and Mr Duff sat down together and went through every job evaluation.

26. Although in our earlier judgment we used the terms service review process to include both the initial stage involving job analysts and management and the final management review process carried out by Mr Duff and Ms Erskine we think it is appropriate in this judgment to separate out the two and make separate findings regarding these.
27. With regard to the initial process there were some occasions where if it was a job which had a substantial number of jobholders two evaluators would attend the meeting. The role of one of these evaluators was to make a written note of alternative question traces. The reason for this was a feature of the Gauge software. The answer to one question led on to another. If it turned out that the first answer was incorrect then the job analysts may need to know what the jobholder's view was of a question which would not be asked by the software because it had gone down a different route. The purpose of having a second analyst there was so that these matters could be explored.
28. Sometimes jobs and activity sheets were compiled as composites by job analysts without reference to the actual jobholders who attended meetings. An example of this is found at page 94 which is a task and activities sheet for Home Carers (Level 2). This is a composite task and activities sheet which was compiled by an analyst following interim review meetings. Original tasks and activities sheets were prepared in 2001 as part of the process surrounding at least three meetings which took place with jobholders. The three original tasks and activity sheets are lodged at pages 95-97.
29. At the stage of the meeting with the jobholders the analysts would ask questions designed to tease out percentages. Many of the factor definitions refer to the percentage of time spent doing a particular task. A score may change dependent if a jobholder is performing a particular activity for 20-40% of the time as opposed to 40-60% of the time. Rather than ask jobholders to estimate this percentage themselves the job analysts had a number of questions they would ask along the lines of how often something would happen, how many hours/minutes in the day were spent on this particular task, how long a particular task would take, how long was spent travelling between activities etc. This information was then

put into a spreadsheet which would calculate the percentage figure to be used.

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30. When allocating percentages for example the analysts would ask the jobholders how many clients need crouching. They would take a broad brush approach to calculating it on this basis. On occasions where there was a variation they would note that this was something to be checked whilst they were doing their interim review meetings. This could mean getting client lists to establish which clients did crouching and who didn't. This could mean looking at the tasks and activities sheet. Often these were matters which would be subject of discussion with management afterwards. Generally speaking they would not go back to jobholders to check whether they agreed with what managers stated.
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31. On occasions this process seems not to have happened as it should have. An example of this is the calculation of the physical effort score for environmental cleansing operatives where the time spent sitting in the cab calculated at 18% and standing and walking at 55% yet the job analyst is noted as saying allow 61-80%. In addition to this both of the environmental cleansing operatives and the road sweepers were, as pointed out by the claimants, initially credited with more than 100% in respect of the tasks carried out under physical effort. The Tribunal's understanding was that if the spreadsheet had been used this could not have happened.
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32. The Tribunal found established as a fact that by an early stage in the job evaluation process all of the job evaluators had a sufficiently good working knowledge of the system that they would know which answers are likely to lead to a higher score. By the time the grade boundaries were introduced the job analysts would know how to increase or decrease a score so as to ensure that a job was scored above or below a grade boundary by manipulating the answers to certain questions and thereby changing certain factor scores.
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33. During the service review process certain jobs were changed after discussion with management. A notable example of this is that of gardeners.

34. At the stage of service review for gardener posts a comprehensive review of all gardening posts was carried out by the management. This was done by three former heads of service within each of the districts together with the manager. There was a meeting at Lundin Links Hotel at some stage during which the matter was discussed. There is a reference at line 2941 of the JATMIS printout which states

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*“CN
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F1, F3 changed following Lundin Links (JAG 27/10/05)
Post now incorporated into Chargehand P & A CU422 (JAG
27/1/06)”*

Reference to JAG is a reference to June Green, one of the job analysts who gave evidence at the hearing. There is a note on the JATMIS print-out at line 510 which states

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*“Superseded by G005.01 Area Co-ordinator (JAG 24/1/18)
APPEAL NOT UPHELD, ROUTE CHANGES, FACTOR LEVEL
CHANGES. SUPERCEEDS CU422
Job Created in conjunction with Service, A Smith, L Erskine and
June Green and includes all chargehands (JAG 7/2/06)*

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Two posts were created for all of the gardeners. These were based entirely on job descriptions and were manufactured by management. Initially gardeners had been either MW1 or MW2 under the old Green Book scheme. As such they were on the same level as carers. Following the Red Book job evaluation a gardener on MW1 would go on to Grade FC4 which is much higher than those who had previously been their peers on MW1 and MW2. There is an entry at line 908 of the JATMIS print-out in relation to a post of Gardener (Gravedigger Level 1 CH). This states

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*“Reallocated to JAG after 11/08/03 previously a BS allocation
(26.08.03 JAG)
Left issues raised previously as handover issues rekeyed 2003
update only (JAG 26/08/03)
MW3/4CH grade*

Post now incorporated into Chargehand P & A CU422 (JAG 27/1/06)”

5 From this it appears that the level 1 Chargehand Gravediggers went into the same and were amalgamated with the Gardener Chargehands. The Lundin Links meeting was held because management had identified a need to minimise the number of different roles and pull together job evaluations done. There were the three managers involved in the Lundin Links meeting together with Alistair Smith who was at that time the Head of the Evaluation Team and Linda Erskine and Ms Green. Evaluations were carried out based on what the managers told them each job was to be. The evaluation was based on what they were told about how the job was to be done going forwards. There were no jobholders involved in this process whatsoever. The managers decided for each jobholder which grade they were going into e.g. whether they go in as Gardener or Specialist Gardener. Management decided what the answers to each question on Gauge would be dependent on the job description

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35. One specialist single role was created for a particular individual who had specialist tasks involving making garden furniture. The note on JATMIS for this individual is at line 3755. The post is described as CU009 Gardener/Handyperson (Gardener Level 2) and states

“e’mail to B Shand to review this post asap

MW2 grade

Grade of post changed to MW3 and Post now incorporated into Specialist P & A CU420 (JAG 27/1/06)”

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25 The note states

“06-Apr-04

John Burt (answers to Ian) no need for contact has been evaluated for gardener but job has two aspects to it (winter/summer)now unique job.”

30 36. In respect of all jobs, there was absolutely no process of final sign-off where jobholders were asked to confirm that the final version of the job facts on which they were to be evaluated was agreed. Job facts could be

changed after the initial meeting with jobholders and often were. For example in the case of how many carers required to crouch the figure eventually hit upon was based on what managers said.

5 37. The situation on appeal was slightly different as generally the job evaluators would be speaking to the specific individual who appealed. If however there was no appeal then there was no formal process whereby jobholders were advised of or could formally influence the final job facts on which the final job evaluation would be carried out. Although usually
10 jobholders were interviewed at the beginning of the process, other than in situations where an entirely new job was being created such as for gardeners, the job facts which came out of this interview process were not necessarily the final job facts on which the final evaluation was carried out. There was no formal process by which managers and jobholders could agree the job facts on which the final evaluation was based.

15 38. With regard to agreement of job facts the Red Book scheme states (page 170)

20 *“Agreement of job facts. The content of the job overview document should be discussed, agreed and signed off between the jobholder and their line manager. The head of department may wish to take an overview of the facts of a range of jobs and be involved in agreeing key jobs of appropriate. Any amendments to the document should be discussed and agreed by consensus, if the jobholder wishes to involve a trade union representative this should be accommodated.”*

25 In Fife Council there was no process of jobholders and managers signing off agreed job facts in any organised formal way.

39. The Red Book scheme mentions the use of a questionnaire. It states (168)

30 *“Questionnaire – completion of a standard questionnaire provides part of the audit trail and evaluation facts and decisions and ensures a consistent approach is taken across the variety of jobs being evaluated. At the benchmark stage it provides a useful*

5 *means of preparing the jobholder for the type of question they will
be asked and information they will need to provide. At later stages
the use of questionnaires allows a number of jobholders to have an
input into the process and enables evaluation outputs to be
checked against a number of inputs. The source of any
inconsistencies can then be identified and resolved to ensure that
evaluation decisions are based on factually accurate information.
Questionnaires also provide a straightforward means of gathering
information (for subsequent evaluation) regarding similarities and
differences in job content from jobholders whose jobs are a partial
10 match to either a benchmark or generic job.”*

In Fife Council questionnaires were never used. Instead a jobholder’s
initial view of the job facts was usually ascertained during the first interview
process. As mentioned in the Tribunal’s earlier decision tasks and
15 activities sheets formed part of the process of preparation for the initial
interviews between job analysts and jobholders but their purpose was to
encourage jobholders to start thinking about the questions they might be
asked. These tasks and activities sheets were not used as definitive
sources of job facts and did not take the place of questionnaires.

20 40. In respect of the larger jobs such as carers or cleaners where there were
substantial numbers of jobs holders there were a number of meetings
which initially took place between jobholders and analysts and involved up
to 10 jobholders at a time. Once they had given their input there was no
further attempt to take their collective view.

25 **MANAGEMENT REVIEW PROCESS**

41. As discussed in the Tribunal’s earlier judgment a final management review
process was carried out in respect of all job evaluations. Initially the head
of the analyst section was Alistair Smith but Peter Duff took over in the
early 2000s. Garry Dickson who is responsible for the job evaluators on
30 a day-to-day basis reported to him. Mr Duff reported to Sandy Gallanders
the HR Manager. Mr Duff had extensive experience in job evaluation
processes having initially worked as a Work Study Officer. Mr Duff carried
out a corporate review process along with Linda Erskine. He and Ms

Erskine reviewed all 1800 jobs within the council. They would look at this with a view to consistency and carry out sore thumbing. They would look at jobs which they knew to be similar and compare the factor levels. Generally speaking Mr Duff and Linda Erskine would attend a room next to The Hut and ask the lead analysts to get the file. They would look at all of the information in the file, the question traces etc. They also had large sheets of architectural paper on which they mapped out the various jobs and their scores. The work together with Ms Erskine took longer than Mr Duff anticipated and was extremely intense and detailed. It took place over a number of months. As a result of this corporate review process changes were made by the lead analyst to the question trace and scores for specific jobs.

42. The JATMIS system contains the records of a number of instances where it is recorded that job analysts were instructed to make changes by the corporate review process.

43. Mr Duff was also involved at this time in the development of the pay and grading structure. He was using a system called Pay Modeller for this. The steering group were involved in the pay and grading system exercise and the work in setting out the finalised pay and grading system including grade boundaries was carried out by Mr Duff and Mr Gallanders.

44. Examples of the instructions from the management review process or Peter Duff contained within the JATMIS system are set out below (line 235)

“21 February 2003 Theatre Attendant SMW/Theatres (CU222).”

25 The note states

“This post now incorporates CU131, CU142, CU226 as per instruction from PD (01/04/05 JAG)”

We believe that the job analyst making the entry was Jim Davis whose initials appear. Mr Davis is also recording a similar instruction at line 1539 in respect of Playworker GS2/3 (CU631) where he records

“Now merged with CU627 per instruction from Pete Duff. SP”

Similarly at line 2986 he records an instruction to amalgamate the post of Team Leader TL5 with CU988. Once again it is said to be *“as per PD’s instruction (JAG 22/03/05)”*

45. Many other job analysts use the word instruction in this context including
5 Joyce Cooper, lines 1589, 2218, 3244, 3533; Colin Nicolson, line 3254;
Lynn Newton, lines 1255, 1538, 3541, 3642, 3645; Ellen Craig, lines 322;
2144, 2986, 2988, 2989, 3538, 3539, 3572, 3661; George Spence, lines
1834, 2304, 2310. 2578, 2774, 3143, 3144, 3176; Carol Spiers, line 3283;
June Green (who gave evidence), line 3540; Jacqueline Allen, line 3543;
10 Sharon Perkins, lines 28, 3558, 3633, 3641, 3646, 3674, 3712; Hazel Duff,
lines 323, 1225, 3577. Several of these instructions are noted as being
instructions to move a job from one pay grade to a different pay grade.
Other instructions are recorded as being to reduce the score for a
particular factor from one level to another or to increase the score from
15 one level to another. There are no instructions recorded in the JATMIS
system to move the grades of any of the claimant or comparator jobs from
one grade to another.

46. Examples of other instructions to move grades however can be seen at
line 2144 in respect of the post of Clerical Assistant. Janet Brown is
20 recorded as the Lead Analyst and the financials given are EC which is
Ellen Craig, the job title is C0013 and it is recorded as

*“Jan. 06 CRP instruction to move to FC Grade 3. change made at
F10 (L1 - L2). JATMIS/Gauge/Combined Levels and File updated.
JB
25 CRP - Factor 5 (2 - 3), 6 (1 - 2), [JD 15/11/05].
8.6.05 Audit Checking completed GS2 – JB
Les Perez has asked that this”*

It would appear that the final part of this instruction is absent since it was
not downloaded from the original JATMIS database on to the Excel
30 spreadsheet which is all that remains of this system.

47. Another example is in line 3533 for Admin Assistant (SR001) and 3534 for
Communications Assistant (FF032). The entry at 3533 states

*“9.3.06 CRP instruction G5 - G4. Change at F11.
JATMIS/Gauge/Comb. Levels/file. JB
AP1- audit check titles etc (Support Services)
CRP changes made F5 14/11/05”*

5 The entry at line 3534 states

*“9.3.06 CRP instruction G4 - G5. Change at F11.
JATMIS/Gauge/Combined Levels/File updated. JB
9/7/05 Audit Check complete - JB
10.6.05 - New post identified as part of restructure - Grade AP1/2.
10 Vacant post - evaluated from profile. To be reviewed”*

Evaluated from profile meant that this was either a new post which had been created or a job where no jobholder had yet been appointed. In this case the job would be evaluated on the basis of the job description.

15 48. Another example is at line 3751 relating to Domestic/Cleaner 1 (Residential/Day Care Centre). The analyst's initials given are Ms Green. The entry states

*“Original grade MW1 [JD 15/08/05]
CRP - Factor 1 (1 - 2), 3 (3 - 4), 5 (1 - 2), 7 (1 - 2), [JD 03/11/05]
Assimilated to DO054 (PD) [JD 08/11/05]”*

20 49. In line 3752 this relates to Domestic 1 (Residential/Daycare Centre) (SW411). The record states

*“Original grade MW1 [JD 11/08/05]
CRP - Factor 5 (3 - 2), 7 (2 - 1), 12 (1 - 2), [JD 03/11/05]”*

Both of these roles were subsequently merged into the cleaner role.

25 50. A clear example of manipulation of marks with a view to ensuring that a post would achieve a certain salary grade which was accepted by the respondent to have taken place (alleged for benign reasons) was in respect of cleaning supervisors. This is discussed more extensively below. The introduction of the living wage for all employees meant that effectively
30 all employees on grade 1 were moved up to grade 2 as they would have

been paid less than the living wage if they remained on grade 1. Cleaners had been on grade 1 and Cleaning Supervisors on grade 2. If matters were left like this there would be no differential in pay and Cleaning Supervisors could end up being paid less than the cleaners they supervised. A way had to be found of moving the Cleaning Supervisors to grade 3. The Cleaning Supervisors already had administrative responsibilities. This is mentioned in the job evaluation at page 182 and in the tasks and activities sheet at page 231. Prior to the changes following the introduction of the living wage cleaning supervisors did collect time sheets from cleaners and handed them over to their manager. Following the change they required to check the calculation on the time sheet before handing it over to their managers. This resulted in them receiving an extra point with consequent increase in grade to FC3.

RELEVANT FINANCIAL AND OTHER BACKGROUND CONTEXT

51. As noted in the Tribunal's earlier decision the Red Book Job Evaluation Scheme was introduced as part of the implementation of SJC single status agreement following the setting up of the SJC in 1999. Immediately prior to this COSLA had set up various task groups to consider issues surrounding the introduction of the job evaluation scheme. As described in the earlier judgment the first edition of the scheme was endorsed by the various interested parties in April 2000. The second edition under which most of the initial evaluations in Fife was carried out was introduced in October 2002. The scheme was expressly designed with one of its aims being

"The most robust method of achieving grading structures which satisfy the principle of equal pay for work of equal value and which are both fair and transparent." (Foreword to the second edition page 157).

52. Part of the background was that from at least 1997 onwards there had been a concern that local authorities were vulnerable to equal pay claims. Although local authorities' recruitment policies were non-discriminatory, as a matter of fact men and women tended to work in occupationally gender segregated occupations. By and large, posts in traditionally female areas

such as cooking, caring, cleaning are held predominantly by women whereas posts in traditionally male areas such as refuse collectors, drivers, street sweepers, gardeners, road workers are predominantly held by men. The existing job evaluation schemes predominantly the Green Book and the APT&C scheme set out a basic pay grade structure however in many instances for a number of reasons the pay rates for certain jobs were considerably enhanced by bonus payments. These bonus payments may initially have started as payments related to productivity or for certain tasks but by the late 90s they had often been consolidated into standardised bonuses which were paid regardless of whether any specific targets were being met. In Fife Council workers in certain jobs such as gardeners and refuse collectors would receive bonuses equivalent to an additional 33 to 50% of their pay. From 1997 onwards a solicitor called Stefan Cross based in the north-east of England raised a number of equal pay claims based on the allegation that bonuses were paid only in predominantly male jobs and they were not paid in predominantly female jobs. As a result, it was alleged there were situations where workers in predominantly female jobs who did not receive bonus were paid considerably less than workers in predominantly male jobs who were rated as equivalent to them or indeed rated below them in the job evaluation study. By the late 90s claims had been intimated against many local authorities. It was against this background that the Red Book Job Evaluation Scheme was introduced as is clear from the quote from the foreword stated above.

53. During the period leading up to the implementation of single status in Fife and beyond there were a number of important decisions handed down by the higher courts on equal pay. These included a claim raised against a union (GMB v Allan) which was based on an assertion that trade unions (who were alleged to have been unduly influenced by their predominantly male membership) had failed to support women making equal pay claims and had advised them to compromise their claims at figures considerably less than the claims were alleged to be worth. A further landmark case was finally decided by the Court of Appeal in 2008 relating to the issue of pay protection.

54. It was recognised that following the introduction of the new job evaluation scheme workers might fall into three categories. These were colloquially known as white, green and red circles. Employees who were white circles would see their pay stay the same, employees who were green circles would see their pay go up and employees who were red circles would, in the absence of pay protection measures see their pay go down. There was an acknowledgement amongst local authorities and unions that if bonuses were abolished as it would appear they would require to be in order to defeat future equal pay claims then workers in predominantly male jobs would face an immediate loss of income and it was highly likely that there would be considerable discontent if measures were not taken to ameliorate this in some way. Within COSLA following discussions the Red Book scheme indicated that pay protection measures could proportionately continue for a period of three years. There was a concern that these pay protection measures could be regarded as discriminatory as they perpetuated past gender based inequalities and local authorities felt vulnerable to claims from this angle as well.
55. In addition to this, most local authorities, including, at the end of the day Fife, when eventually devising their grade structures, worked on the basis that if an employee was a red circle then they would be assimilated to the highest point in the grade to which they were newly allocated. On the other hand, if an employee was not a red circle then they would normally be allocated to the lowest point on the grade. To give an example, if two workers were allocated similar scores under the job evaluation process then they might end up receiving different amounts of pay. Initially they would both be allocated to the same grade however if one employee had worked in a job where they had been paid a bonus (which were predominantly male dominated jobs) then they would be assimilated to the highest point in that grade. On the other hand, a worker who had received the same score but had previously not received a bonus working in a job where the workers were predominantly female, would be assimilated to the lowest point on the grade. The case of ***Redcar and Cleveland Borough Council v Bainbridge*** in 2008 finally established that such pay protection arrangements would be discriminatory. The Court of Appeal upheld the argument that the court had to look beyond the immediate

reason for the difference in treatment (pay protection) and look at the underlying reason for the difference in pay. In their view the underlying reason was that some jobholders had been paid a discriminatory bonus and such arrangements perpetuated that discrimination.

5 56. Claims could only be made however if the two jobs were either rated as
equivalent under the job evaluation scheme or found to constitute work of
equal value. A potential difficulty for the council was that, as noted above,
the existing job evaluation schemes evaluated a number of male
dominated jobs as equivalent to a number of female dominated jobs where
10 holders with the male dominated posts obtained a much higher pay as a
result of the bonus arrangements. There was nothing the local authorities
could do in response to these historic claims based on past payment of
discriminatory bonus apart from attempt to settle them in the most cost
effective manner possible. Many local authorities including Fife Council
15 eventually developed a process of making standard offers to affected
employees who were holders of these female dominated posts. In
addition to this Stefan Cross and others also sought to sign up individual
employees in order to submit multiple claims on their behalf. Fife Council
held roadshows at which offers were made of compromise agreements.
20 The position adopted by the unions was that they would not give advice to
their members as to what their claims were potentially worth. The advice
they gave was that members might well obtain a higher sum following
litigation but that there could be no guarantee given as to how long that
litigation might potentially take or what percentage of the eventual sum
25 received would be retained by the no-win no-fee solicitors who were
pursuing these claims. Many employees accepted settlements which
were below what they would have received had the case proceeded to a
successful conclusion.

30 57. Although there was nothing that the councils could do about historical
claims based on payment of discriminatory bonuses given that the courts
had now conclusively decided against them it was clear that if pay grades
were in future to be based on a gender neutral job evaluation scheme then
the risk of successful equal pay claims could be much mitigated or indeed
removed entirely. That having been said the problem for councils would

be the cost of implementing the new scheme. In most local authorities the majority of staff were female. In Fife Council around three quarters of the staff were female in 2006 which was the date of implementation. They were predominantly in posts where historically bonus had not been paid
5 albeit many of these jobs were rated as equivalent with jobs where the majority of jobholders were male and where bonus had been paid. If the job evaluation score for the female dominated jobs remained the same as the job evaluation scores for the male dominated jobs then one option for the council would be to reduce the pay going forward for the jobs which
10 had previously attracted bonus. This was seen as a practical impossibility given the near certainty of industrial strife as a result of this. Alternatively the pay of workers in the female jobs would require to be made up.

58. Red circled employees were employees where the job evaluation score was such that they were already being paid more than their job was worth
15 in terms of the job evaluation study. These would be subject to pay protection and in Fife as in most local authorities the effect of the pay cut would be ameliorated by being assimilated to the top of the grade. Red circled employees would remain being paid the same. Given the number of female employees, councils clearly had an incentive to reduce the number of green and red circles. If the new job evaluation scheme
20 reached similar results to the old job evaluation scheme then there would be an extremely high number of green circles. Workers in female dominated roles who had not been paid a bonus would require to be paid the same as the workers in male dominated roles who had previously
25 received a bonus. As well as there being a simple addition to the ongoing salary bill there would also be a potential for substantial equal pay claims based on that part of the proposed pay protection arrangements for red circled employees which were deemed discriminatory.

59. If a situation arose post the job evaluation scheme where holders of
30 predominantly female posts were scored at a lower level than the holders of the male jobs with which they had previously been rated as equivalent then the cost to the council going forward would be very much reduced.

60. Within Fife Council the costs of the introduction of the single status job evaluation scheme were seen as a concern. The initial aim was to carry out the implementation of the Red Book scheme on a cost neutral basis.

HIGH LEVEL MANAGEMENT OF IMPLEMENTATION

- 5 61. Within Fife Council the task of implementing the Red Book was monitored by a single status job evaluation steering group, the first meeting of which took place on 3 November 2000. The minutes of the first meeting held on 3 November were lodged (page 942-945). The meeting had both management and union representatives. Martin Burnell and Sandy
10 Gallanders and Garry Dickson attended from the HR service. They were representatives of Community Services, Social Work, Grounds Maintenance and Finance. There were two Unison members June Green and Linda Erskine, albeit they are recorded as having had to leave early from the first meeting. The Tribunal was fortunate that these witnesses
15 were able to give evidence at the Tribunal.

62. The minutes of the second meeting were lodged (page 946-950). It was noted at the second meeting by Martin Burnell of HR that “a ‘points to pay ratio’ would be extremely difficult as account had to be taken of fluctuating market values, and the effect and the overall salary bill (i.e. cost neutral).”
20 As noted previously the job analyst team was set up at around this time. It was initially managed by Garry Dickson but he was subsequently replaced by Mr Duff.

63. The minutes of the fourth meeting held on 9 February 2001 were lodged (pages 955-959). At this meeting there was a discussion in respect of
25 Catering Supervisors (page 957). It was noted that the job analyst team would review the current job outlines to identify the current mechanisms used to differentiate between for example NW3 and NW4 grades. The minutes state that Chris Broom pointed out that supervisory effort is more complex as the number of staff increases just as handling large amounts
30 of cash is more complex than handling small amounts. There was also a discussion at this meeting about process of pay and grade modelling and the appropriate software to purchase.

64. The minutes of the fifth meeting were lodged (page 960-965). At this meeting there is a note that Brian Lawrie of Finance stated *“Some staff had seen reports in the local government chronicle regarding problem to single status in England and PD stated that ‘the voice for us’ inserts could be used to address issues where speculation was raising concern”* (page 961). There was also a discussion regarding the costs of the evaluation process itself although it was noted that this was not a concern of that committee (page 962). The reference to ‘the voice’ is a reference to an internal news sheet.
65. The minutes of the sixth meeting were also lodged (page 966-971). The minutes noted that within domestic services
- “The process of internal discussions within the JAT were taking place to arrive at generic job overviews. This process involved considerable effort and he noted that it was important to maintain contact with DO and make them aware of the likely timescale for issuing the generic job overview.”* (page 968)
66. A further meeting of the single status job evaluation steering group took place on 11 May 2001. The minute was lodged (page 972-977). There was a programme update in relation to the evaluations. Under item 4 it was agreed that it would be better to wait until the bulk of employees had been covered by the evaluation process before the pay and grading structure was reviewed.
67. A further meeting of the steering group took place on 8 June 2001. The minutes were lodged (page 978-985). Under section 8.4 it was noted that the decision of whether to go top down or bottom up could raise concerns and Mr Dickson indicated that results within a section would not be discussed until the whole section had been evaluated as ‘the team performs consistency checks both horizontally and vertically.’
68. A meeting took place in October, the minutes of that are lodged (page 1002-1010). Under item 2 there was a discussion of domestic services. The minute states

5 *“A meeting had been held with Keith Kirkcaldy and Angus Thomson to discuss the interim results from the former APTC staff. Management are currently reviewing the results along with HR support team the lead analyst. June Green asked what information was shown on the printouts and Garry Dickson explained that it had the total score and the level per factor, no information on potential pay grades was included. A copy of the manual was available to help understanding. Garry Dickson emphasised that there would be no changes to the Job Overview as a result of the review until*

10 *after the Job Representatives had been contacted by the Project Manager and/or lead analyst.*

June Green asked if the Job Overviews had been issued to the Job representatives, and Garry Dickson said that they had not. The Job Analyst and the Job representatives had achieved a high level of

15 *agreement, and now the Management Team had to agree. June Green pointed out that the unions may be unhappy if the Management Team said that a task was not part of the job if it had been done for some time by the jobholder and may now be taken away. Garry Dickson explained that if the jobholder is unhappy,*

20 *then further discussions could be held to resolve the issue and also the Job Analyst would be involved in any changes to the Job Overview. June Green commented that she had no objections to the lead analyst sitting in on the management team discussions. Garry Dickson pointed out that the management team could not*

25 *directly change the Job Overview, they could only identify possible anomalies and ask questions as to why particular levels had been achieved. He illustrated the example of cleaners whose primary function was to clean, but who also had responsibility for keyholding. Issues such as these need to be flagged up to the*

30 *management team early.*

The Group then agreed that scores and levels should not be left with the management team and that the lead analyst should attend the discussion meetings.” (page 1007)

69. At this stage the position was that although the managers would know the overall score and mark the employees would not be given that information. The job evaluation team's position was that this information could not be shared with employees because it had not been finally agreed. Eventually
5 the decision was made not to issue job overviews to employees at any stage. At no time were the jobholders that contributed to the initial evaluation consulted over any changes suggested by management.
70. There was also a discussion regarding discussions with team leaders in Social Work (page 1008). It noted that a full day would be set aside for
10 future evaluation meetings to be attended by management. There was an issue with managers taking the process seriously and on one occasion Ms Green encountered a situation where a manager simply read his newspaper throughout the meeting.
71. A further meeting took place on 9 November. The minutes of this were
15 lodged (page 1011-1020). A meeting was also held in January and the minutes are at 1021-1027. During this meeting there was a discussion about Domestic Services. June Green had previously raised the point that the evaluation steering group was not at any point seeing the actual scores. She suggested this again at the meeting on 11 January (page
20 1024). It was pointed out to her that the situation was that the jobholders had attended their evaluation meetings and put forward their views on job content and the management team were now providing their perspective (page 1024).
72. A further meeting of the job evaluation steering group took place on
25 8 February 2002. The minutes were lodged (page 1028-1034). The issue was once again raised by one of the union representatives that the steering group should have access to the same scoring information as the management teams within each service. It was noted that Peter Duff would put forward proposals on how the steering group could become
30 involved with the results of the evaluations. He pointed out the results were interim results only. It was the analyst team's position that all results were interim results until the whole service had been evaluated. At this meeting there was also a discussion regarding advanced evaluations

(page 1031). Peter Duff advised that 40-50 jobs to be covered by the advanced evaluations had been identified and that these were

5 *“mainly high occupancy posts, and the expectation was that these evaluations would be performed before the next Steering Group meeting.”*

10 *Sandy Gallanders added that the object of the exercise was to get a rough rank order of jobs and to identify any employee relations issues that might affect high occupancy jobs. Garry Dickson said that although the interim results may not be discussed and agreed with the job representatives, an overall view would be taken by the management.” (page 1031)*

15 June Green who was the Lead Analyst for certain of these high occupancy jobs never actually saw any “advanced evaluations”. She was unaware what was meant by ‘employee relations issues’ or what would be the purpose of them identifying them.

73. Another meeting of the single status job evaluation group took place on 10 May 2002. The minute of that is lodged (page 1035-1043). There was discussion regarding advanced evaluations which had been carried out. Results were handed out at the meeting and then taken back at the end. It is noted at paragraph 3 on page 1038

25 *“The group discussed the data and Claire Marchbank asked if some of the larger negative changes seen in some of the lower grade jobs had been expected. Peter Duff replied that while there had perhaps been an anticipation that caring jobs would show an increase, it had been expected that there would be some positives and negatives across the board. It was not expected that all the jobs in one salary band would move in the same direction. Garry pointed out that the spreadsheet containing the results was a relatively crude mechanism compared to the pay modelling software that would be used for the full analysis of the completed data.”*

30 There was also a discussion regarding bonuses and it was noted that a group was being set up to look at the subject of bonus. Claire Marchbank

is noted as asking if this group would report to the steering group. It is unclear what happened regarding this group as their output is not minuted as being discussed in the steering group at any point subsequent to this. There was also a discussion regarding low paid predominantly female jobs. Claire Marchbank is noted as saying

“that there was a general expectation that ALL low paid predominantly female jobs would see an increase and that, if this was not going to be the case, then the management teams within each Service would need to be briefed on how to handle this information.”

It was also noted in the meeting that

“Groups of low paid workers have an expectation that their salaries will increase, and management need to address this expectation.”

It is noted that

“Peter agreed and said that the project is not about raising the salaries of low paid staff, it is about ensuring that the job is graded appropriately and fairly.” (page 1040)

There was also a discussion regarding domestic services where it was noted that current grade differences which were dependent on the size of kitchen might not be replicated in the new system. Ms Green's position was that the skills required to carry out cooking was not dependent on the number of meals being cooked. The respondent's job evaluation scheme would therefore not take this into account. It was noted that

“The HRS team are involved in the discussion with senior management on how to resolve these issues.”

74. A further meeting took place on 14 June 2002. The minute of this was lodged (page 1045-1057). It is noted that the spreadsheet showing the results of the advanced evaluations was handed out and that the purpose of this was to 'identify any potential employee relations issues' as soon as possible (page 1049). There was also a brief discussion regarding generic

job overviews and that this might reduce the number of evaluation meetings but in turn increase the number of appeals (page 1050).

75. In addition to the steering group there was also a group which met later called "*Modernising Employment*". This had representatives of the council together with representatives from the three unions namely the GMB, Unison and TGWU. A meeting of this group took place on 14 December 2005 to discuss the single status pay and grading structures. This dealt with the changes to terms and conditions which were to be occurring at the same time as the implementation of single status. There was a presentation made by Mr Gallanders on the subject of equal pay. The minute of the meeting was lodged at page 1192-1195 and the discussion of equal pay and the pay and grading structure is on pages 1194 and 1195. There was discussion of the costs of settlement of equal pay claims which had been made against the council at that time. It was noted that national negotiations which had been undertaken with a view to settling these had failed. It was noted that Fife's estimated bill for this was £23 million under the proposed national scheme. It was suggested that due to financial constraints the unions in Fife could not expect any more than that. It was noted that the compensation payments would be going only to the catering, cleaning and home care areas although what was described as "*a few domestics and social work*" would be included (page 1194). It was noted once the equal pay issue was closed that Michael Enstone emphasised his concerns in respect of finding funds for everything when budgets were being constrained. There was also a discussion regarding the work which had been undertaken to date in the pay and grading system. He specifically praised the work of Peter Duff and Linda Erskine and the job analyst team.

76. A further meeting of the Modernising Employment Group took place on 25 January 2006. There was also a discussion regarding equal pay. Again the cost implications was discussed. There was also a discussion of job evaluation and Linda Erskine raised a suggestion that Fife Council could use the opportunity to review the scheme itself and iron out some of the issues raised during the evaluation and subsequent checking exercise (page 1201).

77. There was a meeting of the joint trade union group in February 2006 which was also attended by Mr Gallanders and members of the authority. There was discussion regarding equal pay. Ms Erskine suggested that it would be valuable to check Stefan Cross's tribunal record and publicise details.
- 5 78. The situation at this point was that as noted above Stefan Cross had submitted claims on behalf of a substantial number of employees of the respondent and other local authorities. Local authorities including the respondent were making offers to employees which were based on a small percentage of the amounts which could potentially be claimed if the whole amount of the bonus payments paid to comparators over a period of five years was claimed. The context of this comment was on the basis that the unions were advising their members that they could not comment on the figures but that any offer made by the council would be paid well before any award which was made after litigation which could take some considerable time (page 1209).
- 10
- 15
79. It was also noted that with approval that a few employees were prepared to "*divorce from the Stefan Cross arrangements they had signed up to*" following roadshows. There was also a discussion at this meeting as regards the effect of settlements on Council Tax increases and the use of Council Tax reserves.
- 20
80. It is probably as well at this stage to record that the litigation against the respondent was eventually settled in 2015. The terms of settlement were confidential. There was a confidential memorandum of understanding entered into. The Tribunal did not see this. The terms of agreement included a condition that certain posts would be re-evaluated. Under the terms of the agreement those employees who had live claims at the time of settlement would receive a settlement payment. Those who did not have live claims would not. In the event of their post being re-evaluated following the new job evaluations done as a result of the memorandum of understanding then all employees in that role would receive the increase.
- 25
- 30
81. In March 2006 there was a further meeting of the Modernising Employment Group when the issues of equal pay and the agreements were discussed (page 1234-1237). Within the discussion it was noted that

5 *“Sandy reported that work had been undertaken to reduce the effects of the Red Circles. There are now 6/7 increments per grade (with Grade 1 being shorter). In order to avoid grade drift, there would be gates within each grade with progression probably linked to contribution/performance. He said that a workshop with the Trade Unions to discuss the pay/grading structure would be necessary.*

10 *Linda stressed that it would be necessary for progression within grades to be tightly monitored in order to avoid abuse and grade drift.”*

82. A further meeting of the Modernising Employment group took place on 25 April 2006. The minute of this was lodged (page 1238-1242). There was again a discussion regarding equal pay and a summary of the number of employees who had accepted settlements was circulated. There was also a discussion of the job evaluation scheme. It was noted

15 *“Sandy praised the work done by Peter, Linda and the JAT in resolving many of the job evaluation outcome issues that have caused problems in other authorities.” (page 1240)*

83. The Policy and Resources Committee of the council is their highest ranking committee. Minutes of a meeting of this committee dated 8 June 2006 were lodged (page 1259-1264). It was noted that the equal pay compensation project had consumed the largest proportion of resources of any aspect of the Modernising Employment programme over the last six months. It was noted that

25 *“Three of the areas of work where there is particular vulnerability, due to the large numbers of female employees undertaking work which has been graded the same as large male dominated groups, but to whom Bonus Schemes do not apply, are Catering, Cleaning and Homecare. These 3 areas contain approximately 3,800 employees more than 90% of whom are women.”*

30

It goes on to say

5 *“From the outset there has been intensive dialogue through regular meetings between the Council and the Single Status Trade Unions, (Unison, GMB and T&GWU), and these meetings have proved to be constructive and helpful in making significant progress in addressing the issue of appropriate compensation to the groups in question.”*

10 There is then reference to the roadshows and it was noted that approximately 95% of the Catering, Cleaning and Homecare groups had reached agreement with the council on compensation. It was noted there were approximately 80 individual cases lodged against the council by “a no win, no fee lawyer”. There was also a discussion regarding job evaluation and grading. It was noted that *“the Council’s management was negotiating with the Trade Unions to drastically reduce the number of individual job designations used by the Council. The objectives of this exercise were to increase job flexibility, support service and job redesign, and address the significant numbers of posts which could have faced a reduction in grade had the exercise been implemented on the basis of the 1400 or so job profiles which had resulted from the Job Evaluation Scheme last year.”* There was also a discussion of the Single Status Grading Structure.

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84. On 13 November 2006 there was a short notice meeting convened of the council and trades union group at the Rothes Halls. A minute of this meeting was lodged (page 1289-1292). It was noted that the meeting had been called at short notice to address Unison concerns expressed over “Grade widths, Grade bands, Overlapping grades, Outcome of equality impact assessment”.

25

85. The equality impact assessment referred to was lodged at pages 916-935. During the course of the meeting Mr Douglas Black a Unison representative stated

30 *“Unison has a responsibility to take account of the wider remit to ensure equal pay for workers across the board. Any decision to recommend or reject has to be done on the basis of a risk assessment by the union on whether that recommendation leaves*

them open to possible litigation from an individual or group of members. However they accept the outcome of the equality impact assessment report.”

5 Mr Gallanders from the council noted the union’s position and indicated it would be most unfortunate if the union recommended rejection. The T&G representative indicated that he believes that the issue of overlapping grades and impact had been successfully dealt with within the impact assessment and it was also indicated that it was understood the GMB had accepted this. Mr Gallanders for the council stated that the Council was
10 prepared to look at overlapping grades however stated that two points required to be noted.

- *“If the council reduces the grades at the top this will produce thousands of more red-circled employees. This would undoubtedly lead to a no vote and as such is not a decision the
15 council would want to make*
- *If the council reduces the grades at the bottom this will have a significant cost impact for the council. This would have to be in addition to the significant investment already agreed.”*

At the end of the day no changes were made.

20 **OUTCOMES I (general)**

86. The tribunal accepted the detailed high level figures contained in the equality impact assessment dated November 2006 which was lodged (916-935). This showed the overall impact of the introduction of single status and what happened to the grading of various of the roles under
25 consideration at this point in time. Prior to Single Status Manual Workers were graded MW1-MW5. Those Manual Workers in those grades who worked in predominantly male occupations like Streetsweepers MW1, Refuse Collectors MW2, Gardeners MW2-4(CH), Store Persons MW2-3, Grave Diggers MW3 and Refuse Drivers all received bonuses whereas
30 their female counterparts on those grades did not. In 2005-2006 this led to a substantial bill for equal pay arrears which the council had to pay. Initially it had been understood that, with the introduction of the red book scheme there would be around 25% of posts who would require to be red

circled following the Single Status Job Evaluation process. These would have been primarily Manual Workers in male dominated roles who received a bonus in addition to their pay based on their grade. In the event the number of red circles was reduced to below 10%. The tribunal noted that in various meetings held at the time the reduction in the number of red circles was seen as cause for congratulating the job evaluation team. There was clearly an anticipation that holders of various high occupancy female dominated posts would receive an increase in pay but in the event this never happened. There was also an anticipation that many holders of many male dominated roles would be in line for a pay cut or require pay protection but in the event the number was much less than anticipated.

87. The Tribunal accepted the figures given by the claimant. A table setting out the number of red and green circles in a number of job titles broken down into male and female jobholders was lodged as part of the Equality Impact Assessment at page 921.

88. With regard to grades the outcome of the job evaluation was the Catering assistants were Grade 1 and were 7 points short of the grade line for Grade 2. Cooks were 7 points below the grade line, Cleaning Chargehands were 4 points below the grade line. There were no male jobs in Grade 2 whatsoever. In Grade 3 the Catering Supervisors were 3 points below the grade line for Grade 4, Homecarers 4 points below the grade line and Teaching Auxiliaries 1 point below. On the other side the Handyperson was 2 points above the grade line, the Male Gardeners/Janitors and Loaders were all just above the grade line.

OUTCOMES II (findings regarding specific job evaluation studies)

89. It is as well to repeat the 'health warning' given above at paragraph 9 regarding the limited extent of the evidence we heard and the limited inferences we, as a tribunal could draw from this. Once again, if we have made a finding that we consider a score too high or too low or where we would have allocated a different score we are not making a finding that this is a 'correct' score. All we are doing is saying that this is the finding we make on the basis of the limited evidence before us. We are essentially

flagging up issues which we feel a reliable Job Evaluation Study would have a good explanation for.

Home carer

90. There were three job evaluation studies carried out for the post of Home Carer and all three are within scope of this judgment. First, evaluation was carried out on 28 June 2005 under reference SW301/E72. The factor level listings for the June 2005 job evaluation are found in the evaluation bundle at JE8 and the job overview is found at pages JE9-JE14. The question trace is to be found at pages JE15-JE35.
91. A second JEV was carried out to deal with appeals lodged against the first job evaluation at the time of single status. This took place in 2010. In respect of the appeal job evaluation study the factor level listings are found on page JE36, the job overview at page JE37-40 and the question trace at JE41-58.
92. A further job evaluation was carried out in 2017. The tribunal believed on the balance of probabilities that this job evaluation study was carried out as this was one of the posts covered by the confidential memorandum of understanding entered into between the respondent and certain unions and other claimants as part of the settlement of the settlement of equal pay claims made in 2015. In respect of the 2017 job evaluation study the factor level listing can be found on page JE59. The job overview document is at pages JE60-JE66 and the question trace at pages JE67-JE88.
93. Although for reasons of space this will not be done for every job evaluation it is as well to set out the factor level listings for the original 2005 JEV, 2010 appeal and 2017 JEV in the table below.

	home carer level 2	2005 JEV points	sw301 score		2010 JEV points	sw301 score		2017 JEV points	A4133 score
factor									
1	working environment	2	20		2	20		3	20
2	physical coordination	2	26		2	26		2	26
3	physical effort	3	30		3	30		4	30
4	mental skills	2	22		2	22		3	22
5	concentration	2	17		2	17		2	17
6	communication skills	1	13		1	13		1	13

7	dealing with relationships	2	17		3	25		5	42
8	responsibility for employees	1	11		1	11		1	11
9	responsibility for services to others	2	20		2	20		2	20
10	responsibility for financial resources	1	11		1	11		1	11
11	responsibility for physical and information resources	2	22		2	22		2	22
12	initiative and independence	3	39		2	26		1	13
13	knowledge	2	36		2	36		1	18
	Total score		284			279			314

94. For the purpose of clarification it is as well to set out the particular factors which are challenged by the claimants in respect of these job evaluation studies. These are as set out in the final amended analysis of marks. In respect of the 2005 and 2010 job evaluation studies the claimants challenge the score for factor 1 Working Conditions, factor 2 Physical Co-ordination, factor 3 Physical Effort, factor 5 Concentration, factor 6 Communication Skills, factor 7 Dealing with Relationships, factor 12 Independence and Initiative and factor 13 Knowledge. With regard to the 2017 job evaluation study the claimants note that the scores for factor 1 Working Environment, factor 3 Physical Effort and factor 4 Mental Skills and factor 7 Dealing with Relationships have been increased from their previous levels to the scores originally contended for by the claimants in which the claimants say ought to have been the scores awarded in the 2005 and 2010 job evaluations. The claimants go on to challenge the scores awarded for factor 12 Initiative and Independence, factor 13 Knowledge.
95. The Tribunal heard evidence from two Home Carers Julie Ireland and Pauline Marshall. The Tribunal also heard evidence from Sarah Loutit who had previously worked as a carer.
96. All three witnesses had a slightly different experience of the home carer role. The common features were that the home carers were required to visit people in their homes who had been assessed as requiring assistance with everyday tasks. They assisted them with personal care.
97. Each carer usually deals with a mix of clients. The majority of service users are elderly with poor mobility, some are permanently bedridden. Whilst some are simply frail but mentally sound many have dementia. There has been little change in the make up of the service users since

2005. Many service users with dementia also have their mobility affected. Carers also deal with service users who have different disabilities such as Parkinson's or cancer. There are now more service users needing care because in the past families did more. The requirements of the users that do require care has not however changed and it cannot be said that the current service users have greater needs than service users in the past simply because there are now more of them.

98. At the time single status was introduced no formal qualifications were required to be a home carer but latterly all home carers required to have at least SVQ level 2.

99. Home carers tend to go straight from their home to the home of the service users they have been allocated. There is an express preference that the same home carer will visit the same service users over a period but this is not always adhered to and on occasions carers are told to go to service users they have never been to before. Each service user will have some sort of care plan. Usually home carers will visit service users on their own but some service users, for example those who require hoists will be visited by two carers. The vast majority of carers drive from one job to another but some carers deal with a number of service users who are in geographical proximity with each other and can walk from one to the other. Originally carers would receive a list of service users to visit by post each week, latterly this information is given by mobile phone sometimes on the morning of the day the visit is to take place. Each service user's home will have a keysafe outside and the carer will be sent the code to this.

100. The amount of time allocated to each service user is set out in their care plan and is usually 15 or 30 minutes depending on what is in the care plan. It may be as much as one hour. The work is extremely fast-paced and most carers find that it is difficult to complete all of their tasks within the allocated time. Carers are not subject to any routine supervision. Once allocated a job they are expected to just get on with it. Carers have mobile phones and in theory can telephone a supervisor if any issues arise but in practice the supervisors are extremely busy with their own job to do and the amount of support they can provide is extremely limited.

101. There is considerable variety in the service user homes which the carers require to visit. Some will be immaculate, other homes will be extremely unpleasant. They require to visit homes of people who are hoarders. Some homes will be stiflingly hot. Many will be cluttered or poorly kept.
5 Carers are encouraged to accept the way that their service users wish to live.
102. On occasions the carer will require to deal with family members and some homes may have pets.
103. Many of the service users have Alzheimer's. Each day one or two of the
10 service users visited will have dementia or Alzheimer's. The carer will usually have to explain who they are and why they are there each time they visit. The service user may often become agitated at what they see as a stranger coming in to their home.
104. Many of the service users require a hoist to be used to get them out of bed
15 and take them to the toilet. When using a hoist two carers are required. It is often difficult to use the hoist in the confined space in a service user's home. There can be difficulty moving the hoist over unsuitable floor surfaces such as pile carpet. Particular care has to be taken whilst using the hoist to maintain the service user's dignity at all times. In addition to
20 this there are the mechanical requirements of ensuring that the hoist straps are positioned in such a way that they are safe so that the service user will not fall out. They also require to be placed in a way which will not cause any pain to the service user whilst being hoisted up.
105. Every single service user requires personal care. Some are able to go to
25 the toilet themselves but in this case the carer is required to assist them with cleaning afterwards. Many service users are incontinent. The carer will be required to deal with incontinence and bodily waste on a daily basis. On the basis of the evidence we heard around 80% of the time spent with a service user involves dealing with bodily waste and incontinence.
- 30 106. Each service user varies but the usual routine is for a carer to call in at various times of day. Each service user is allocated a time between 15 minutes and 1 hour. On a typical day a carer will start in the morning and be giving breakfast to service users. This will usually involve getting them

out of bed. Often the service user has been incontinent and will require to be cleaned up before they can have breakfast. The carer will make them a straightforward breakfast and perhaps a cup of tea. Usually this requires to be done quickly as there is not a great deal of time for the carer to do this as well as their duties cleaning the service user. It is incorrect to suggest that at any point carers sit down with the service user and have a cup of tea with them. The timings are such that most carers overrun their allocated times for each service user and then have to quickly travel on to the next one. Once the service users requiring breakfast have been dealt with carers will then deal with service users requiring a midday afternoon meal. Usually this will be a question of heating up a microwave meal left by meals on wheels. The carer will usually also require to deal with consequences of incontinence and clean up a service user. At the very least the carer will require to check whether the patient's incontinence pad has been soiled and if so change it. Depending on the service user the carer may require to deal with a catheter bag. Carers may also be required to help service users with artificial limbs.

107. At one time carers were also expected to deal with stoma bags. This was subsequently changed and currently carers do not normally deal with stoma bags.

108. An attempt is made by the respondent to ensure that the same carer is sent to the same service user but this does not always happen. In recent years since work has been allocated on mobile phones, carers have the perception that it is easier for management to stop and change the carers from one service user to another. This can exacerbate the issues relating to service users with dementia or Alzheimer's since it is more difficult for them to relate to carers they have never met before. It also makes things difficult for carers who need to find out what the service user wants either from the care plan or if they are able by asking them or members of the family. There can be friction between carers and members of the family over the extent of care being offered.

109. Carers feel under constant time pressure. The Tribunal accepted that around nine out of ten appointments take longer than they are allocated in the care plan.

110. Carers require to wear PPE in the form of gloves and a “*pinnie*”. Masks are required when dealing with bloods and urine. Carers are expected to check for health and safety risks such as wires. Carers generally in all cases have to touch service user’s bodies. They have to wash every part of the body. They have to be careful as some service users have rashes or skin sensitivities which makes them sore to touch. On occasions where a service user is bedridden the cleaning process can be very lengthy taking up to two hours. On occasions there can be difficulty in communicating with service users. Some can only communicate using a computer and a pointer stick. Some can be totally uncommunicative, one witness describing a particular service user as like a cardboard cut-out but she required gauzes put in between her legs to avoid sores.
111. On occasions carers can become distressed as a result of interactions with service users. Some service users with dementia can be difficult to manage. Often they will ask the carer to help them put their jacket on so they can go out and look for a deceased relative. They become agitated. Carers can become very attached to service users who they are with for a long time. Often the service user whose needs have been fairly basic at the beginning requiring only help with toileting and meals deteriorate and require additional support involving the use of hoists etc by the end.

Analysis of Marks – Home Carers

112. Tasks and activity sheets for the post of Home Carer were lodged. These date from 2001. There appears to have been three separate meetings with jobholders held in December 2001. The list of activities sheet is different and only one of the sheets refers to driving. One sheet makes no reference to communication although “*assisting dysfunctional/problem families with babies and children*” is listed as under other duties. The tasks and activities sheets themselves do not give any breakdown as to the amount of time spent on particular activities or the duration of these activities.
113. The 2005 job evaluation study gave home carers a score of 2 for working conditions (factor 1). This score was not changed on appeal in 2010.

114. A clarification log sheet for the home carer post dated 2 October 2004 was lodged. In terms of question 1 there is a comment stating “*probably very disagreeable or hazardous or i.e. incontinent client cleaning human bodily fluids – level 2*”. The guidance and definitions under the job evaluation scheme for the factor of working environment are set out in section G1 and D1 of the job evaluation scheme which was lodged which is to be found at pages 190 and 191-197. It defines level 2 as being applicable where “*The job involves working predominantly indoors or travelling between locations, and normally involves exposure to: Very disagreeable or hazardous up to 40% of working time*”. On the basis of the evidence we heard the Tribunal considers that carers are exposed to very disagreeable or hazardous conditions for more than 40% of the time. This is based on their exposure to bodily fluids and incontinence. This would mean that a score higher than 2 would have been appropriate based on the evidence we heard.

115. The 2017 job evaluation scheme does give carers a score of 3 in respect of working conditions. The relevant definition is contained on page 195 and indicates that level 3 is applicable where the job involves working predominantly indoors or travelling between locations and involves exposure to very disagreeable or hazardous conditions more than 40% and up to 60% of working time. The Tribunal did not consider this score to be inaccurate based on the evidence we heard.

116. In the 2005 job evaluation study and the 2010 appeal job evaluation study carers were awarded a mark of level 2 for factor 2 defined as physical co-ordination. Factor definitions for this factor are set out at pages 201-203 of the bundle. Level 2 states that the appropriate level where

“*The work mainly requires:*

- *minimal precision and speed in the use of dexterity, co-ordination and/or senses.*

or

- *moderate precision in the use of these skills”.*

This factor is based on the predominant demand for physical skills and co-ordination required to do the job in the course of normal working.

Moderate is described as “*precision of hands, arms, possibly feet and eyes is required to undertake the relevant tasks, for example, using a spanner, hammer or screwdriver, for controlling a brush, mop, vacuum cleaner, trolley or similar tools or equipment or to load a dishwasher.*”

5 (page 202).

117. In order to qualify for the next highest level (level 3) either the carers would have to show their job demanded both moderate precision and speed in the use of dexterity, co-ordination and or senses or considerable precision in the use of these skills. Considerable is defined as

10 “*precision of fingers, hands and arms, possibly feet and eyes is required to undertake the relevant tasks, for example, use of a strimmer, use of a chisel or fine paintbrush, use of a knife to peel or chop vegetables, exact control of tools or equipment, for example, to work on delicate plant, machinery or equipment; or*
15 *where there is restricted access.*”

118. Based on the evidence we heard the Tribunal’s view was that the level of precision required better fitted the category of considerable rather than moderate. We did not accept that the Red Book scoring system meant that when analysing this factor one could ignore the potential for injury to
20 a service user if the appropriate degree of precision is not exhibited whilst carrying out tasks involving personal care especially the use of a hoist. Reference to delicate plant machinery or equipment would suggest that the scheme does require cognisance to be taken of the possible consequences of exhibiting insufficient precision the Tribunal did not
25 accept the evidence of one of the job analysts to the effect that possible consequences of inadequate precision could simply be ignored. The Tribunal’s view was that the score of level 2 was too low.

119. In the 2017 job evaluation study the score given for physical coordination remained at level 2. The Tribunal considered that the appropriate level
30 would have been higher than this.

120. The claimants challenged the mark for factor 3 Physical Effort. The mark given in the 2005 job evaluation study was 3. This remained unchanged on appeal in the May 2010 job evaluation study. The factor definition is

contained in pages 207-211. The job overview on page JE45 identifies the greatest demand and physical effort involved as part of the usual routine in terms of the nature and degree of demand to be working in awkward positions. The positions are said to be distinctly awkward, the example given is "*bending over forwards or sideways, crouching, stretching upwards using arms and/or legs*". This is stated to be equivalent to considerable physical effort for 5-20% of the time and it is noted that standing/walking also placed demands on the jobholder for 40-60% of the working day or shift. The carers were scored at level 2 which is the equivalent of considerable physical effort on a periodic basis i.e. for 5-20% of the time. The Tribunal considered that this underestimated the amount of time the carers required to undertake considerable physical effort. It was clear from the evidence that much of the personal care involved together with the cleaning, changing beds etc all required crouching and that considerable physical effort was carried out on more than a periodic basis.

121. The way that factor 3 works the greatest demand is compared with the next greatest demand and the carer's moderate physical effort for 5-20% of the time (crouching) was combined with the moderate physical effort for 40-60% of the time (standing) so as to give a score of 3. In the view of the Tribunal this was too low.

122. From the evidence given to the Tribunal it would appear that the only time that carers are not standing are when those who drive are driving in between engagements. Carers who are walking carers really have no time at all to sit down and it appeared to the Tribunal that only a minimal amount of time would be spent sitting down whilst in the service user's home.

123. The score for physical effort was increased to level 4 in the 2017 job evaluation, the Tribunal felt that this score for physical effort was probably correct.

124. Both the 2005 and the 2010 job evaluations gave home carers a score of 2 for factor 5 Concentration. The factor level guidance for this is to be found at pages 220-225. Carers scored a level 2 on the basis of highest

concentration required by the job on a day-to-day basis was “*short periods of enhanced mental or sensory attention and a considerable degree of work related pressure*”. Short is defined as generally periods of up to one hour at a time. Considerable, in terms of work related pressure, is defined (page 221) as “for example, deadlines primarily determined by the requirements of the workload or the service over which the jobholder has less control for example preparation timetable relating to service of school meals or the jobholder is able to deal with interruptions later or the jobholder is required to switch between a number of tasks etc.” The definition for high is

“For example, imposed deadlines over which the jobholder has no control, for example, final mail collection time or preparation of reports for committee cycle; OR the jobholder requires to concentrate on repetitive work; OR interruptions which are unavoidable; OR the jobholder needs to deal immediately with simultaneous or conflicting demands.”

The Tribunal’s view was that the categorisation of the work related pressure of a carer falls much more comfortably into being high rather than considerable.

125. Whilst we considered that in general terms carers required to show enhanced mental or sensory attention at all times when they are looking after service users we still felt that in terms of the job factor the correct description was short periods of enhanced mental or sensory attention given that short means periods of up to one hour at a time without interruption. The evidence was that generally speaking the maximum length of time a service user was supposed to spend with a carer was one hour and the carer’s attention would therefore be interrupted at roughly hourly intervals. In any event, given that we considered that the correct categorisation was short periods of focus, mental or sensory attention on a considerable degree of work related pressure we considered the factor level here ought to have been factor level 3 instead of 2.

126. The 2017 job evaluation also gave a factor level of 2 and likewise the Tribunal considered that this was too low on the basis of the evidence we heard.

5 127. Factor 6 communication skills was also challenged by the claimant. The carers scored a 1 for this in both the June 2005 and May 2010 job evaluation studies. Level 1 is set out on page 229 and is said to be appropriate where

“The most demanding type of communication routinely involved in the job is either:

- 10
- *communication with immediate work colleagues only*
- or*
- *exchanging information of a routine nature, usually orally, with colleagues in other departments and/or other contacts such as suppliers, clients or members of the public.*
- 15 *or*
- *seeking and/or providing information, orally or in writing, with colleagues in other departments or other contacts including members of the public, who are familiar with the subject matter”.*

20 128. Routine is defined (page 228) as *“information related to tasks and activities as part of the normal course of working, although the individual circumstances may vary on a day to day basis.”* The Tribunal’s view was that the carer role required the jobholders to provide information with members of the public who were not familiar with the subject matter. The fact that a service user or their relative suffers from dementia does not mean that the service user or their family becomes familiar with the subject. The Tribunal were in no doubt, based on the evidence we heard,
25 that the communication required fits much better into the non-routine category which relates to information relating to unusual tasks or activities not typically required.

30 129. It was clear from the evidence that carers usually work either on their own or with another carer. They require to communicate with the service users and their families. The service users have complex care needs. The

Tribunal considered that a score of 1 was entirely inappropriate for this factor and that the score should be higher.

130. The score remained at level 1 in the job evaluation study carried out in May 2017. For the same reasons the Tribunal considered this score to be too low also.

131. The claimants challenged the score for dealing with relationships (factor 7). The carers were scored at level 2 for this factor in the June 2005 job evaluation study and this was increased to level 3 in the May 2010 job evaluation study which was the evaluation study carried out on appeal. The factor level guidance is contained at pages 234-239. The question trace shows that the carers were placed at level 1 initially in 2005 on the basis of the definition contained on page 235 that

“The job involves a requirement to work with, deal with, or come into contact as an integral part of the job with people who make slight additional demands on the jobholder in terms of being abusive, threatening, disadvantaged, or otherwise demanding for up to 20% of working time”.

Slight in this context is defined on page 236 as being *“for example, those who are physically and mentally sound but who are otherwise demanding, OR mainstream children over 5, OR those who subject the jobholder to casual abuse, such as swearing.”* The Tribunal’s view based on the evidence was that this was clearly incorrect given that our finding was that a majority of service users had Alzheimer’s or dementia to some degree. The score of level 2 given in 2010 was on the basis that the job involves a requirement to work with, deal with or come into contact as an integral part of the job with people who make slight additional demands on the jobholder in terms of being abusive, threatening, disadvantaged or otherwise demanding for more than 20% of working time. Once again the Tribunal consider this was too low. We do not consider that the service users’ demands come in to the slight category. The frequency with which such demands are made are certainly more than 20%. Our view was that the demand is either significant which is defined as *“those who are unwell OR confused OR pre-five children OR those who subject the jobholder to*

specific verbal abuse” or even ‘substantially’ being defined as “*those who are ill OR are in some distress OR have learning difficulties OR are at risk OR are in conflict with the jobholder.*” The Tribunal noted that level 3 would apply either where the demand was significant for more than 20% of the time or substantial for up to 20% of the time. The Tribunal were in little doubt that level 3 would certainly apply and perhaps level 4 given that the evidence we heard suggested that patients with Alzheimer’s or dementia comprise more than 50% of the workload.

132. The 2017 job evaluation in fact put the carers in level 5 which is on the basis that the job involved dealing with people who make severe demands on the jobholder in terms of being abusive, threatening, disadvantaged or otherwise demanding for more than 20% of working time. Severe is described as “*those who are long term sick OR are acutely distressed OR have special physical/educational/social needs OR are victims of abuse OR who subject the jobholder to aggression OR from whom there is a potential risk of violence.*” The Tribunal’s view was that the service users suffering from dementia came in to the severe category and level 5 or at least level 4 ought to have been given in the 2005 and 2010 job evaluation studies. On the basis of the evidence we heard there had been no significant change in the type of users dealt with between 2005 and 2017.

133. The claimants also challenged the score for factor 12; initiative and independence. This score actually reduced in each of the successive job evaluation studies carried out for home carers. The home carers were given level 3 in the June 2005 job evaluation study but this reduced to level 2 in the May 2010 job evaluation study and to level 1 in the May 2017 job evaluation study.

134. Guidance for this factor level is set out on pages 270-277. Level 3 is said to be the appropriate score where

“The job predominantly involves working within established procedures/policy guidelines. The jobholder requires initiative to organise own workload and decide how and when duties are to be carried out.

AND

The work may involve responding independently to routine or predictable problems and situations. The jobholder generally has access to a supervisor/manager for advice and guidance on unusual or difficult problems.”

5 135. Level 2 is said to be appropriate where the job predominantly involves working from instructions or established practice but requires initiative to make routine decisions and problems are referred to a supervisor/manager. Supervision and or guidance are readily available as and when required. Level 1 is said to be appropriate where

10 *“The job predominantly involves following instructions or established working practices which define the tasks in detail, but some initiative is needed on a day to day basis to complete the tasks required.*

AND

15 *The work is subject to routine inspection, supervisory or customer checks, or close supervision.”*

136. The Tribunal noted the respondent’s position which was that since carers required to work to a care plan and to working practices which are set out by the Care Commission and SSSC standards this reduces the scope for initiative. The Tribunal did not accept this. It was clear from the evidence that the work of carers is not in any way subject to routine inspections, supervisory or customer checks or close supervision. The Tribunal considered that the care plan and SSSC and regulatory guidelines are essentially what is being referred to in the definition for level C as being established procedures/policy guidelines. The Tribunal’s view was that carers required initiative to organise their own workload and decide how and when duties were carried out. Given that they would often be working on their own or only with another carer they would routinely require to respond independently to problems and situations.

30 137. The only change which took place between 2005 and 2017 was in relation to the use of mobile telephones. The evidence was that initially carers would be allocated their tasks by being sent a rota through the post. This has now changed so that carers are allocated their tasks by mobile phone

messaging. It is now easier for a carer to try to contact a supervisor but the evidence was that in practice supervisors tend not to be available when carers call since they are extremely busy people with their own jobs to do. The Tribunal considered that a score of at least a 3 was appropriate during the whole period.

138. With regard to factor 13 carers were given a score of 2. The guidance is contained at pages 278-289. Level 2 states that it is applicable where

“The job requires knowledge of a number of different tasks and operation of powered tools and/or equipment associated with those tasks. Jobholders will require basic literacy, numeracy and/or PC skills.

The predominantly working knowledge needed may be acquired through either education, vocational qualification, on or off-the-job training, or job related experience. Jobholders will generally require minimal induction, and some working experience to become completely competent and familiar with all aspects of the job.”

139. The position was that at the time of the first job evaluation study no formal qualification was required for home carers however by the time of the 2017 study the carers required to have SVQ Level 2. All of the carer witnesses gave evidence about having to attend other courses on things like health and safety, manual handling etc as well as requiring knowledge of how to carry out a number of separate tasks including the use of hoists and dealing with artificial limbs, catheter care, mental health wellness etc. It appeared to the Tribunal that from the outset the work carried out by the carer fell more comfortably into level 3 the definition of which is

“Jobholder requires procedural knowledge of their own job, and an understanding of the work of others, acquired through either education, vocational qualification, on or off-the-job training, or job related experience.... AND Jobholders will generally require a moderate amount of relevant working experience and become fully competent and familiar with all aspects of the job.”

Cleaner (VOB, Bus stations, social work, primary schools, high schools)

140. The Tribunal heard from two witnesses who either worked or had worked as cleaners. Both of the witnesses had as it happens also worked as cleaning supervisors. They were Mr Kinmont and Ms Blackwood.

5 141. Both of the witnesses had various cleaning jobs for the council over the years and indeed the pattern appeared to be that cleaners would have more than one job within the council. Although there were common features between cleaning jobs the precise work required varied depending on type and size of building.

10 142. Cleaners were provided with PPE which could be a uniform of t-shirt and trousers and gloves. The gloves were colour coded red for the toilet, blue for general, yellow for preparation areas and green for kitchens. Cleaners were usually rarely involved in cleaning kitchens although it did happen. The amount of exposure to chemicals varied. Some jobs such as buffing the floor in the assembly hall in a large school would take some time and the cleaner would be exposed to chemicals for longer. Cleaners used
15 typical cleaning equipment such as cloths, buckets, gloves, paint scrapers, dry mops, brushes, shovels and mops as well as electric polishing machines, vacuum cleaners, high dusters and glass cleaners. They required to clean the pads on the polishing machine with a scrubbing
20 brush. There were sit-on scrubber driers for floors when cleaning large buildings. The job varies from day to day depending on how dirty or clean the building is but the most usual reason for variation is that it depends on staffing levels. The work available has to be done by whoever was in on a given day. Other jobs can involve specialties such as cleaning police
25 stations.

143. The cleaners would typically use various chemicals and at its most basic they would have a spray for tables and a spray wipe for toilets. If odoured they would have an odour neutraliser. This would be sprayed down on the floor next to the toilet. When cleaning schools there would sometimes
30 be occasions where children had upset stomachs and cleaning the toilets would be unpleasant. Sometimes in primary schools children were not very good at hitting the toilet. One witness had spoken of an occasion when a child had decided to urinate in a bucket. Generally speaking a cleaner whose task involves cleaning toilets will be doing this as well as

other cleaning tasks such as hoovering. A school cleaner would generally be hoovering for around one and a half hours of a four hour shift and then for the other two and a half hours they would be using chemicals to deal with the remainder of the cleaning including cleaning toilets. The chemicals tended to come in five litre concentrated containers and required to be made up to whichever ratio was appropriate. The chemicals do have a smell. Occasionally there can be physically difficult jobs such as scrubbing in corners with a scrubber. Within schools the cleaners at one time used to use a mechanical buffer to buff the floors and areas used for PE however this subsequently changed and it was decided the floors should not be highly polished. After that cleaners had to clean the floors in those areas with a large mop. The mop is a large double mop.

144. In addition to hoovering carpets cleaners often have to deal with mud and leaves during the winter. Leaves can't be hoovered and require to be lifted manually. Cleaners are standing or walking most of their shift. Apart from the change from buffing to using a mop there has been no real change in the work done by cleaners in the period from 2005 to 2017.

145. Cleaners can be responsible for holding the keys of premises. Generally speaking they are expected to clean premises when they are not being used and may be the only people on the premises. Some cleaners are officially key holders in that they are responsible for the front door and for turning off the alarm system and resetting it when they leave. Some school cleaners do not have to do this where there is a caretaker who is in before them. In recent years the amount of hours that a janitor/caretaker spends at the school has been reduced and more cleaners are having to act as keyholders opening and closing the schools.

Analysis of marks

146. The claimants challenged the score for factor 1 working conditions. In the 2005 job evaluation and in the 2017 job evaluation cleaners were given as level 2 for this factor. Factor definition is set out on page 190-197. They were awarded level 2 on the basis that

“The job involves working predominantly indoors or travelling between locations, and normally involves exposure to:

- *Unpleasant or mildly disagreeable conditions more than 40% and up to 80% of working time.”*

Unpleasant and mildly disagreeable conditions is defined as

5 *“would include working with unpleasant substances and/or mildly disagreeable odours e.g. assisting people to use the toilet or the need to wear light protective clothing such as latex gloves.”*

On the basis of the evidence we heard jobholders are essentially cleaning and using chemicals for much more than 60% of the day. Jobholders also exposed to waste products when cleaning toilets particularly in schools which in view of the Tribunal would more properly come into the category of being disagreeable or mildly hazardous. This is defined as

10 *“would include being exposed to disagreeable or mildly hazardous substances/odours such as fumes, dust, chemicals etc e.g. while cleaning a toilet or being required to wear protective clothing such as a hard hat or face mask”.*

The Tribunal’s view was that on the basis of the evidence we heard the level for factor 1 would more appropriately be stated at level 3 on the basis that the cleaners were exposed to disagreeable or mildly hazardous conditions more than 60% and up to 80% of working time.

20 147. On the issue of responsibility for physical and information resources (factor 11) the claimants challenged this on the basis that level 1 would be incorrect if the jobholder was a key holder and or set the alarm. The issue here was essentially that the respondent decided that they would put all of their 1400-odd cleaners in one category and, as can be
25 seen from the title, this category included cleaners who cleaned a wide variety of buildings in a wide variety of situations. The witnesses who gave evidence in relation to cleaning indicated that the job varied depending on what kind of premises were being cleaned and in what circumstances. The evidence was that some but not all cleaners were keyholders and, in
30 addition, some but not all cleaners would have responsibility for locking and unlocking certain parts of the building they were cleaning even if they were not full keyholders.

148. The guidance for factor 11 is set out in pages 263-269. The introduction at page 263 notes that the factor considered the jobholder's primary and secondary responsibilities. It would appear that the cleaners were put in to level 1 on the basis that the job involves a primary responsibility for "*... cleaning of buildings, premises, external locations or equivalent.*" On the other hand level 2 includes where the job involves a primary responsibility for: "*.... limited responsibility for security of plant, tools and equipment or buildings, external locations or equivalent. This may "include setting alarms and keeping keys for access/egress."* The Tribunal was in no doubt that where cleaners were key holders then level 2 was appropriate for their role. On the other hand, the Tribunal considered that clearly level 1 was appropriate if the cleaner was not a key holder and or had no responsibility for locking certain parts of a building or setting alarms. In locations where there was a cleaning supervisor or cleaner in charge then the cleaner in charge would have this responsibility. On the other hand, in locations where the cleaner went in during normal hours there would be no requirement to do either. The process by which discrete jobs ought to be identified and categorised is set out on pages 167 of the Red Book practice manual which notes that jobs can be categorised as benchmark jobs, generic jobs or unique jobs. The issue of generic jobs will be further discussed below.
149. The claimants also challenged the score for physical effort. The claimants had initially been awarded a 4 for physical effort in the 2005 job evaluation and the claimants took no issue with that however this was reduced to level 3 in the 2017 job evaluation. The factor definition is set out at pages 204-211.
150. The Tribunal's view based on the evidence was that nothing had changed in the amount of physical effort required of cleaners between 2005 and 2017. The guidance notes that the factor takes account of the fact that many jobs require a combination of different types of physical effort in the course of normal working. The overall demands of the job require to be assessed. What ought to be assessed is the greatest demand for physical effort which in general terms will only be required less frequently and for a shorter period than other demands, this is the X score, secondly there

is a Y score which is based on the other physical demands which may be less heavy but required more frequently or for a longer period. So far as frequency is concerned regular is stated to be between 21% and 40% and frequent between 41% and 60%. The Tribunal's view was that the cleaner role required considerable physical effort on a frequent basis. Generally speaking the evidence we heard was that a cleaner is carrying out physical work during the whole period of their shift. Limited work includes sweeping or raking leaves, pushing or pulling an empty trolley or wheelchair or some other piece of equipment where there is little resistance. It also includes things like wiping tables or similar surfaces with a damp cloth, dusting hand high shelves. In addition to this it is clear that cleaners are also required to carry out tasks which require considerable effort such as rubbing or scrubbing tables or indeed applied physical effort categorised as high such as scrubbing floors. The Tribunal could see no justification for reducing the score from 4 to 3 for this factor level.

Cleaning supervisors

151. Both of the cleaners who gave evidence had also worked or were working as cleaning supervisors and on the basis of their evidence we found that cleaning supervisors carried out the same role as cleaners with certain additional tasks and responsibilities. Cleaning supervisors were responsible for paperwork. They required to complete time sheets, the fire register, absence paperwork, sick book checks and self-certification forms, they required to do return to work interviews and complete return to work forms. They were also required to complete accident or near-miss or dangerous occurrence reports. This is not something which was done every day but depended on whether cleaners were absent, whether there were other incidents etc. There was a fairly high amount of absence amongst cleaning staff and it would be usual for some kind of absence reporting to be done on a weekly basis. The supervisor also had to complete monitoring sheets weekly. The supervisor was also responsible for ordering cleaning materials and keeping track of stock and equipment. Cleaners and cleaning supervisors were provided with training by the respondent. Generally, this was a course provided by the British Institute of Cleaning Science. This was a half day course undertaken yearly. Many

supervisors including one of the witnesses would also do an SVQ. This would be done over nine months one morning per week. It was an SVQ Level 2 in Building Cleaning. This involved course work together with a final test. Customer care training was also provided both for cleaners and cleaning supervisors. Cleaners also received manual handling training and training on how to bend or stretch. There was some training on how to store chemicals. The BICS course was compulsory for all cleaners but others were not although cleaners and supervisors were encouraged to take them. It was more likely for a cleaning supervisor to be a key holder than it would be for an ordinary cleaner to do this. Often cleaning supervisors would also be on the list given to the alarm company as someone to telephone if the alarm went off in any premises.

152. Generally speaking cleaner supervisors were responsible for allocating the work to the cleaners under them and ensuring that the properly was cleaned to the appropriate standard.

Analysis of marks

153. The cleaning supervisors were initially described as Cleaner-in-charge and the job evaluation study was carried out in 2006. A further job evaluation study was carried out in 2013. The reason for the second job evaluation study being carried out in 2017 was that in or about that year Fife Council adopted the National Living Wage. All cleaners within the council had been on level FC1 however as a result of the national living wage pay grade FC1 was effectively abolished and cleaners were paid at FC2. This caused a difficulty since the cleaning supervisors were also at pay grade FC2. It was decided to re-evaluate their job. A decision was made that in order to allow their pay to be increased then they would be given some very slight additional responsibility in respect of time sheets. Previously time sheets had been simply collected by the supervisors and passed on. This was changed so that supervisors were expected to check the time sheets and sign them before passing them on. In any event, the overall score increased from 254 in 2006 to 274 in 2013 which allowed the cleaning supervisors to be paid at grade FC3. No challenge was made by the claimants to the 2013 job evaluation however it was their position that

the cleaning supervisor's role was not properly reflected in the 2006 job evaluation.

154. They challenged the score on working environment (factor 1). Somewhat
strangely cleaning supervisors were given a level 1 for working
5 environment despite the fact that cleaners who presumably were working
in the same conditions were given a level 2. The Tribunal's view on the
evidence we heard that there was absolutely no significant difference
between cleaners and cleaning supervisors in their exposure to
unpleasant substances and odours i.e. cleaning chemicals and materials
10 and bodily waste. The Tribunal did not see that this difference was
justified.

155. The claimants also challenged the score for factor 9 Responsibility for
Services to Others. The factor guidance for this is set out at pages 244-
251. Cleaning supervisors were given a score of 1. The definition of level
15 1 states

*"The job predominantly involves undertaking tasks or processes to
provide support directly to colleagues or internal/external
customers."*

It was the claimants' contention that the appropriate level would have been
20 level 2 on the basis that

"The job predominantly involves either:

- *delivering front-line services to individuals, groups of people, or
internal/external customers by undertaking tasks or processes."*

The Tribunal agreed with the claimants that level 2 appeared to be much
25 more appropriate.

Catering Assistants

156. The Tribunal heard from three catering assistants Ms Aitken and Ms Hay
as well as from Ms Blackwood who had worked as a catering assistant as
well as a cleaner and cleaning supervisor. As with the cleaners the job
30 of catering assistant covers employees who carry out a wide variety of
different jobs. Some catering assistants worked in high schools with large

number of pupils such as Ms Aitken. Their tasks would include preparing fresh food, cutting this for a salad bar, making up sandwiches and putting away deliveries received. They would also prepare food to be sold at the morning break such as bacon sandwiches. After the break the catering assistants would set up the room for serving dinners. The catering assistants would operate the till. This would take either cash or card. Usually there was a rota drawn up so that catering assistants would only be on the till certain days in the week. Initially the tills only took cash but latterly they would also take a card. Each child has a card and their parents put money on this. If the catering assistant was not on the till then they would be serving from one of the other four serving areas. One of these was salad bar, there was then the main servery area and there was a coffee bar. The dining hall at the high school was only used for cleaning purposes and tables were therefore left in place from one day to the next. The particular dining hall that Ms Aitken worked in was always very hot since it had underfloor heating which could not be adjusted and very old windows which could not be opened. More generally kitchens tended to become extremely hot from mid-morning onwards in particular the kitchen Ms Aitken worked in there was a fan above the cooker which was meant to help reduce temperatures but in practice this could not be used because the fan would blow the gas flame out if it was used. Generally speaking the kitchen would be extremely hot and unpleasant until around 1:30-1:45 when all the cookers were switched off. The ovens would be switched on first thing in the morning since they took 30 minutes to warm up. In addition to standard catering jobs such as chopping vegetables and making up sandwiches and preparing the salad bar the catering assistant would also stand in for the assistant cook and do things like make cakes if the assistant cook was not available. Catering assistants would use knives and slicing machines on a regular basis. One of the tasks was to open a large tin of ham and then use the slicing machine to slice this up. Ms Aitken would be in for the whole day and would spend most of this preparing food in the kitchen. On the other hand other catering assistants at the same school would only come in for two and a half hours over lunch to assist with serving. They were not involved in preparing food to the same extent. These catering assistants would come in, help serve meals

and then help with the clean up afterwards. This would involve primarily wiping down the dining room.

- 5 157. Generally vegetables were brought in as raw vegetables rather than frozen. The vegetables required preparing. Initially potatoes had also required preparation but more recently they started using frozen chips. Occasionally there were frozen peas used but apart from that not much frozen veg. At some point a frozen soup mix was brought in which did cut down on the amount of vegetables which required to be chopped but there was still a requirement for some vegetables to be chopped.
- 10 158. Ms Aitken and other catering assistants cleaned the kitchen and dining room. On a Monday they would require to fill spray bottles with cleaning fluid. Ms Aitken had to clean kitchen equipment such as the fryers. These were cleaned twice a fortnight. She required to wear gloves (gauntlets) and also plastic goggles and a plastic pinnie. The cleaning material used
15 for the fryers was in a tub and had to be boiled up. The tub contained a yellow powder in a scoop. The procedure was to drain the oil, scoop the yellow powder into the fryer and fill the fryer with water. The whole lot would then be boiled up. The cleaning fluid gave off an unpleasant odour. The fluid used for spraying the tables had an unpleasant odour when it
20 was first opened but once diluted it didn't.
- 25 159. When working on the till the catering assistant had a cash float of around £15-£20. At the end of the day the money in the till would be brought into the kitchen and counted. The float for the next day would be left out. The sum in the till would then be tallied with the receipt. On occasions a catering assistant might simply not be sufficiently good at arithmetic to do the necessary counting and that catering assistant would end up not being put on the till but the other catering assistants would then be on the till more often. The amount of money taken could be up to a couple of hundred pounds depending on how many children came in for lunch.
- 30 160. At one time there were vending machines used but they were subsequently taken out for healthy eating reasons. Catering assistants were expected to clean the staff toilets on a rota.

161. When deliveries came in the catering assistant would have to lift and carry items before putting them away. Everything came in big catering sacks and pallets. The person doing the delivery had a wheeled trolley but the catering assistants didn't and had to lift each item up. They then had to open it and empty it and then fold down the cartons afterwards. Amongst the items which had to be unpacked were three gallon containers of milk for the milk machine, this could be hard to lift and insert into the machine. Eventually the milk machine was removed and cartons of milk are used.
162. Catering assistants were expected to communicate with the children at schools they worked at. In the high school that Ms Aitken worked in there was a special unit which dealt with children who were deaf and dumb. Some were also in wheelchairs and came in early. They did not always have a teacher with them and the catering assistant required to communicate with them directly. The catering assistants also had to interact with pupils more generally. There was quite a lot of pilfering i.e. taking sandwiches and rolls by children. It happened every day. A catering assistant was expected to deal with this by getting a teacher involved but matters could become very difficult. Sometimes catering assistants would become aware that a group had picked on someone and insisted that this child tried to pilfer an item for the group. At the end of the day the catering assistants had little power to force children to return goods or make them turn out their pockets. Children involved ranged from the age of 11 to around 16 or 17. It could be intimidating to require to speak to a 16-year-old six foot boy and accuse him of pilfering.
163. As with cleaners the extent to which a catering assistant held keys varied considerably. In Ms Aitken's case the school janitor/caretaker opened the school in the morning but she had the key to the kitchen area and opened this when she arrived. Although she was nominated as keyholder for out of hours she was never actually called out. The catering assistant such as Ms Aitken would assist with the stock take once a month.
164. Catering assistants were sent on various courses. Ms Aitken was sent on health and hygiene courses, manual handling and child protection courses. These had to be renewed every two to three years. Catering assistants were expected to sweep and mop the dining hall floor and

kitchen floor every day. Generally speaking dishes would be made on Monday and from then on such as salads would be replenished each day.

5 165. Pasta tended to be cooked every week or so. This made the heat in the kitchen worse. Even without things like this some of the serving areas had hot water baths to keep food warm. One of the tills at the high school Ms Aitken worked at was inside the kitchen right next to the hot plate with the hot pasta on it and cooker fryers close by. Even whilst working the till the temperature was very hot. On Fridays the dining room served fish and chips and the person on the till was next to the fryers and was expected to assist with deep frying fish. The way the rota worked meant that a catering assistant could usually expect to be on that till for twice every four weeks and on the other till the other two weeks for the day they were doing till work.

15 166. Although the intention was for cash to be phased out by around 2018 and cards only used, in practice where a child forgot their card or if the card had not been topped up then cash was still being accepted after 2018 and the catering assistants required to deal with this. Ms Aitken had a fob for the main door and a key for the kitchen. This meant that although in practical terms the school was opened by the caretaker before she got there she would be in a position to get into the school and turn the alarms off even if this was before the caretaker/janitor arrived. The rota around the tills was based on the fact that there were four tills, till one was in the kitchen, till two was opposite the pasta bar, till three was opposite the salad bar and till four was down at the coffee bar. There was a five week cycle, one week on each till and one week on serving. In the kitchen where Ms Aitken works there was a cook, an assistant cook and herself were there the whole day. Four or five other catering assistants came in for two and a half hours to deal with serving.

30 167. Ms Aitken worked at a high school. The Tribunal heard evidence from Ms Blackwood who worked as a Catering Supervisor at a primary school. Her role was different. She worked two hours a day starting at 11:30. She would spend the first hour or so of each day cleaning. In the school she worked in the dining hall was also used for PE. This meant that each day tables had to be set up and folded away after the dinner serving. This

involved her lifting out 19 tables, unfolding them and putting them down and then cleaning them. Each table seats 12. Once the tables are set up the serving starts. There are two servings. The younger pupils come in first, they are given lunch. The catering assistant wipes trays and encourages children to eat and then tries to ensure they leave before the next sitting which starts at 12:35. Then the older children come in. After that, a catering assistant helps with the cleaning up and putting trays in the dishwasher. The tables are then wiped and folded and put away in the cupboard. Bins are then put out. The whole floor requires to be swept and mopped. A catering assistant such as Ms Blackwood would spend around 75% of their time in the dining hall and only 25% of time in the kitchen. As with Ms Aitken the kitchen was invariably hot and unpleasant to work in.

168. Ms Hay also gave evidence regarding having worked as a catering assistant. Her job involved coming in for a few hours at lunchtime dealing primarily with the same matters as Ms Blackwood except she did not have to put out tables. Catering assistants would do things like serve food and be on the salad bar. She confirmed that catering assistants would require to assist with cleaning the dining room and kitchen afterwards.

20 **Analysis of marks**

169. A job evaluation study was carried out on 20 December 2005. Catering assistants were all given a generic job title of Catering Assistant (VOB, Leisure Centres, Museums, Theatres, High Schools). As with cleaners it was the claimants' position that this led to unfairness on the basis that catering assistants were marked on the lowest common denominator. Catering assistants who carried out various tasks such as chopping vegetables would not receive any credit for doing this on the basis that not all catering assistants did this.

170. With regard to specific marks the claimants challenged the mark for four factors: working conditions, physical co-ordination, responsibility for physical and information resources, and knowledge.

171. With regard to working conditions the score given was 1. The factor definitions are set out on page 191-197. This was given on the basis that

“The job involves working predominantly indoors or travelling between locations, and normally involves exposure to:

- *Unpleasant working conditions up to 60% of working time.”*

5 As noted above the evidence the Tribunal heard was that kitchens were hot virtually the whole of the working day. The Tribunal considered the figure of 60% to be somewhat suspect even for those catering assistants who only came in for a few hours over lunchtime to help serve as the evidence was that the serveries themselves were unpleasantly hot and of course by this time there is absolutely no doubt that the kitchens would be
10 at their hottest given that the ovens were turned on at the beginning of the working day. There also appears to be absolutely no account taken of the fact that catering assistants clean the staff toilet and are exposed to chemicals. These range from the kitchen sprays which are unpleasant only before being diluted for use up to the extremely unpleasant materials used for cleaning the fryers. The Tribunal heard evidence that during the
15 job evaluation process the evaluators would discount adverse temperatures which in their view were due to defects in a particular building rather than something typically encountered. The Tribunal did not accept this. First of all the evidence we heard was that all kitchens are hot not just some. There was specific evidence that due to their design certain
20 kitchens were much more difficult to cool than others. We heard evidence of fans not being able to be used because they would blow out the gas hob. In addition, we heard evidence that dining halls could be extremely unpleasantly hot because there was insufficient ventilation. Whilst the Tribunal accepted that adverse working conditions which were solely a
25 product of a difficulty with a particular building were not to be taken into account the Tribunal considered that this did not allow the respondent to discount all adverse working conditions where to some extent these were inevitable such as in a kitchen using heat to cook food. The Tribunal
30 considered that a score of 1 was too low. Exposure to unpleasant and mildly disagreeable conditions for up to 80% of the time would have meant level 2.

172. The claimants challenged the score for physical co-ordination. The score given was at level 2. The definition states that the work mainly requires

“• *minimal precision and speed in the use of dexterity, co-ordination and/or senses*

or

• *moderate precision in the use of these skills.”*

5 Moderate is defined as the degree of precision required to use a hammer, a screwdriver or a brush and mop (page 202). The Tribunal found on the basis of the evidence that all catering assistants are involved in serving food. We also found that some catering assistants required to use knives to chop vegetables which would come under the definition of considerable.
10 The definition of considerable is also set out on page 202 and states

*“precision of fingers, hands, arms, possibly feet and eyes is required to undertake the relevant tasks, for example, use of a strimmer, use of a chisel or fine paintbrush, use of a knife to peel or chop vegetables, exact control of tools or equipment, for
15 example, to work on delicate plant, machinery or equipment; or where there is restricted access.”*

The Tribunal felt that on the basis of the evidence we heard the score of 2 was too low. It was particularly the case for catering assistants such as Ms Young who chopped fruit and vegetables on a daily basis. It is
20 arguably not the case for catering assistants who require to come in to a primary school, set up the dining room, help serve the food and clean up afterwards. It appears that these activities would come within the definition of “*moderate*”. Given the difference in jobs however it is difficult to see why catering assistants who are limited to those tasks are put in the
25 same job definition as those who are heavily involved in preparing vegetables and fruit on a daily basis.

173. There was some suggestion in evidence from the job evaluators that the use of knives in kitchens was fairly minimal. This was generally in response to the point made by the claimants that according to the council’s
30 job evaluation absolutely no-one in the kitchen used knives since absolutely no-one; neither cook’s, assistant cook’s or catering assistants received the appropriate score for using knives. It was suggested that pre-cut frozen vegetables and fruit were generally used. The evidence

before the Tribunal was that there was some use which varied over time but this was fairly minimal and where the need to cut certain vegetables had reduced (i.e. by using frozen chips instead of potatoes) this was counterbalanced by an increased emphasis on preparing fresh fruit and other “*healthy eating*” options.

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174. The claimants were also critical of the evidence of one of the job analysts who indicated she based much of her understanding of the work of a catering assistant on a visit to Ardroy House. Ardroy House is an atypical establishment which was basically used by the council for outward bound type physical activities. The emphasis there was on preparing sandwiches for the children to take away on field trips. The Tribunal did not completely understand why job analysts could ignore things like sweltering dining rooms on the basis that this was not the case in all buildings whilst basing their view on the amount of vegetables requiring to be chopped on an entirely atypical work environment.

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175. The claimants challenged the score for factor 11 Responsibility for Physical and Information Resources. Catering assistants scored level 1 for this. It was the claimants’ position that since many held keys it would be appropriate for the score to be level 2 essentially for the same reasons given above for cleaners. The Tribunal would agree with this where the catering assistants did hold keys. Once again, the issue is that it was clear that not all catering assistants hold keys. This does call into question why catering assistants were all put together in one group. Clearly, for those catering assistants who do work as key holders the job evaluation study was inaccurate in that they did not get the appropriate score for the work they did.

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176. The claimants challenged the score for factor 13 Knowledge. The mark given was level 1. The definition of that is contained on page 283 and states

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“The job requires predominantly practical knowledge of a number of similar tasks and operation of basic powered tools and/or equipment associated with those tasks.”

Minimal previous or job related experience will be required, but jobholders will require induction, and a demonstration of duties and on-the-job experience will be needed to become familiar with the job.”

5 It was the claimant’s position that the scores should be level 2, the definition of which is

“The job requires knowledge of a number of different tasks and operation of powered tools and/or equipment associated with those tasks. Jobholders will require basic literacy, numeracy and/or PC skills.”

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It was the Tribunal’s view based on the evidence we heard that catering assistants require basic numeracy and literacy skills. We also noted that catering assistants do require to attend various courses such as manual handling, health and safety, food hygiene, and child protection. The knowledge required is not simply practical. We would tend to agree with the claimants that on the face of it based on the evidence we heard a score of 1 was inappropriate and a score of 2 would be more appropriate.

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177. A further job evaluation study was carried out in 2010. Scores for the above factors remained the same and the Tribunal’s view was that the same criticism could be made of the 2010 evaluation and the 2005 evaluation in this respect. The 2010 evaluation did downgrade the score for factor 10 Responsibility for Financial Resources. The catering assistants had been given a score of level 2 for this in the 2005 evaluation but were given a score of level 1 in the 2010 evaluation. This was on the basis that it was argued they no longer had responsibility for handling cash given that schools had gone over to a card based system. The evidence we heard was that there was still some handling of cash by catering assistants. There would be the issue of charging up the cards and also the evidence we heard was that where there was insufficient funds on a card for whatever reason the catering assistant would still take cash. The evidence of Ms Hay in relation to the money issue was helpful. The Tribunal found as a fact that when she worked as a catering assistant in a leisure centre she required to take money. When she worked as a

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catering supervisor in a primary school she did not have to take money. In secondary schools her evidence was that early on the catering assistants would assist with emptying the machines and counting the money but that that subsequently changed she had only worked as a catering supervisor in high school to provide cover and not as a permanent job. On the evidence we heard it could not be said that catering assistants did not handle money and therefore the downgrade to level 1 would not be appropriate.

Assistant Cook

10 178. The Tribunal heard evidence from Ms Hay who currently worked as a catering supervisor but had previously worked as an assistant cook. Our view, on the evidence was that there was not much difference between the work of a catering supervisor and that of assistant cook.

15 179. Assistant cooks and catering supervisors are responsible for cooking meals. There is considerable interchange between the two jobs and often an assistant cook will be standing in for the catering supervisor. Meals require to be made to Scottish Government's standards and the menus are fixed centrally by the respondent. Within the primary school which is primarily where Ms Hay worked there is only a lunchtime service. Other schools required to provide snacks in the morning and afternoon. There are two different menus run since the school also caters to pre-school children who may be 2 or 3 years old and eat different things.

20 180. The kitchen Ms Hay worked in was hot. Where she works just now there are small windows high up and the dining hall is also hot. After many years of asking for this a flyscreen door was recently installed in the kitchen so that the main door can be opened in the summer so as to allow some ventilation without letting insects in. Even with this the kitchen is hot all day. The two main ovens are turned on around 9:30 and only turned off after service in the afternoon. Fridays are hotter since the fish fryer is on. Assistant cooks have to do cleaning along with the catering assistants. It is a two-stage clean. The task is to feed the children. Catering supervisors have some administrative tasks dealing with orders and so on and often these are carried out by an assistant cook. In the kitchen

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everyone works as a team. The cleaning involves two-stage cleaning everything. The dining room requires to be swept and everything wiped down. There is a dishwasher to be stacked. The sinks need to be cleaned using cleaning materials. The floors require to be cleaned. There is a course that requires to be completed before one can work as an assistant cook. There are also internal food hygiene courses and lots of other courses which are done online. These are meant to be done during the shift but there is not a lot of time for these. Ms Hay was fairly atypical in that she managed to do most of the courses whilst she was off recuperating with a broken arm. The aim of the council is to have assistant cooks trained up to the same level as catering supervisors so that they can step in to cover for them. This is a fairly standard thing and the assistant cook requires to supervise the catering assistants when the catering supervisor is not there. The main difference between the catering supervisor and the assistant cook is in relation to overall responsibility. The catering supervisor has full responsibility for everything that goes on in the kitchen.

181. Kitchens tend to be noisy as are dining halls. As assistant cook and catering supervisor Ms Hay used knives all the time. This has changed over the years since the menus have changed. There are now more healthy eating things and things like cutting melon, cutting grapes and raspberries is required. In addition knives are used for buttering sandwiches and toast. Holding a knife and using it to cut things is very much a normal part of the job. Ms Hay's evidence was that generally only high schools had assistant cooks.

Analysis of marks

182. Assistant cooks were evaluated on 20 December 2005. There had been a previous evaluation carried out in 2001 but this was not implemented. The reason for this is not known. The claimants challenged the 2005 evaluation in respect of factor 1 Working Conditions, factor 2 Physical Co-ordination, factor 3 Physical Effort, factor 5 Concentration, factor 8 Responsibility for Employees and factor 13 Knowledge.

183. With regard to factor 1 Working Conditions the factor definitions are set out at pages 191-197. Assistant cooks were awarded level 1.

184. As with the catering assistants, level 1 was awarded on the basis that assistant cooks are exposed to heat up to 40% of the time. The Tribunal's view based on the evidence was that assistant cooks spent all their time in the kitchen. The kitchens are hot from around 15 minutes into the working day once the ovens start heating up. In the view of the Tribunal based on the evidence we heard the score for factor 1 should be at least a 2.

185. The score for physical co-ordination was challenged. Assistant cooks were awarded level 2 for this. This is on the basis that

“The work mainly requires:

- minimal precision and speed in the use of dexterity, co-ordination and/or senses.*

or

- moderate precision in the use of these skills.”*

The Tribunal felt that the appropriate score was in level 3 in that considerable precision was required. Once again it was clear to us that the assistant cook spends a lot of her day using knives. The work requires this. This comes under the definition of considerable and not moderate. The Tribunal's view was that the score of level 2 was clearly wrong and level 3 ought to have been awarded.

186. With regard to factor 5 Concentration the mark awarded was level 2. The factor definition for Concentration is set out at pages 220-225. This is based on the highest concentration required by the job on a day-to-day basis and level 2 is said to be appropriate where there *is* “*general mental and sensory attention with a high degree of work related pressure or short periods of enhanced, mental or sensory attention and a considerable degree of work related pressure or short periods of focus mental or sensory attention and a limited degree of work related pressure or lengthy periods when enhanced mental or sensory attention and a limited degree of work related pressure.*” The Tribunal's view was that the assistant cooks are involved in cooking food which requires at the very least

enhanced mental or sensory attention. The factor definition states this
 “*would include the checking of documents for completeness or
 correctness (possibly a simple arithmetic) undertaking inspections,
 preparing standard reports, carrying out arithmetic calculations, making
 5 electrical connections, pruning, painting window frames etc.*” The
 Tribunal’s view was that the degree of intention required to cook food was
 at least enhanced. We also considered that the work-related pressure
 was high. There is a deadline every day of cooking food for upwards of
 180 children in Ms Hay’s case. This is an imposed deadline over which
 10 the jobholder has no control. In the view of the Tribunal the correct score
 would appear to be level 4 which involves lengthy periods of enhanced
 mental or sensory attention and a high degree of work related pressure.
 Even if we are incorrect in this it is clear that the score of level 2 is incorrect
 at least on the evidence we heard.

15 187. With regard to factor 8 Responsibility for Employees the mark awarded is
 level 1 for assistant cook. The evidence we heard was that the assistant
 cook will be in charge of the catering assistants and when the catering
 supervisor is not available and when covering for the catering supervisor.
 It is noteworthy that the appeal tasks and activities sheets confirms that
 20 the jobholder was in charge of catering assistants and expected to take
 control of the kitchen when the supervisor was not available. It was the
 claimant’s position that catering assistants clearly came within level 2 of
 the factor definitions contained in page 243. Level 1 is stated to be
 appropriate where

25 “*The job involves limited responsibility for the supervision of others,
 such as:*

- *demonstration of duties, or provision of advice and guidance, to
 new employees, trainees, students or others*

or

30 • *co-ordination of work or on-the-job training of employees or
 others on an occasional basis.”*

It was clear to us that the job of assistant cook requires more than this. It
 appeared to us that level 2 was more appropriate where it states

“The job involves responsibility for:

- instructing, guiding, allocating and checking the work of others assisting the jobholder and providing advice and guidance on regular but not daily basis.”*

5 This would make the appropriate score level 2.

188. The claimants also challenged the score for factor 13 Knowledge. The score awarded was a level 2 and definitions are set out on pages 278-289. The assistant cooks were awarded level 2. This definition states

10 *“The job requires knowledge of a number of different tasks and operation of powered tools and/or equipment associated with those tasks. Jobholders will require basic literacy, numeracy and/or PC skills.*

15 *The predominantly working knowledge needed may be acquired through either education, vocational qualification, on or off-the-job training, or job related experience. Jobholders will generally require minimal induction, and some working experience to become fully competent and familiar with all aspects of the job.”*

189. It was the claimant’s position that level 3 was more appropriate. Definition of this states

20 *“The job predominantly requires comprehensive knowledge of a range of related tasks some of which, singly or in combination, are relatively complex; and of the operation of tools and/or equipment associated with those tasks. Greater literacy and numeracy are required, and may include the ability to interpret technical maps and*
25 *or drawings.*

And/or

30 *The jobholder requires procedural knowledge of their own job, and an understanding of the work of others, acquired through either education, vocation qualification, on or off-the-job training, or job related experience. Jobholders will generally require a moderate amount of relevant working experience to become fully competent and familiar with all aspects of the job.”*

190. It is clear from the evidence that qualifications are required in order to work as an assistant cook. In addition to this there is a requirement to go on a number of other related courses. Factor definitions themselves make reference to cooking. With regard to the 'breadth and depth of knowledge' it is acknowledged that similar tasks could include 'various methods of cooking or cleaning, typing letters setting out tables, formatting presentations' (page 279). It is also noted that 'relatively complex' can include "*cooking meals (different dishes, timing, ingredients, equipment)*" (page 280). The factor definition does not specifically cover the appropriate score where a jobholder is carrying out a number of similar tasks all of which are relatively complex however it does appear to the Tribunal that it is at least highly arguable that the score of level 2 must be wrong given that it is clear that a considerable degree of training and qualification is required and given that it is accepted that cooking comes in to the definition of relatively complex.

Catering supervisors

191. The Tribunal heard from Ms Hay who as noted above currently worked as a catering supervisor having previously worked as an assistant cook and as a catering assistant. We also heard from Heather Young who was a catering supervisor primary school. It should be noted that the post of catering supervisor (primary school) was added to the list of jobs to be considered during the hearing.

192. Based on the evidence the catering supervisor carries out much of the same duties as an assistant cook in terms of cooking. They require to use knives on a daily basis for a large part of the day. They work in kitchens which are extremely hot. They require to use cleaning materials, some of which can be unpleasant. In addition, it is clear that the catering supervisor requires to carry out administrative tasks on a much more regular basis than the assistant cooks. They also require to have basic IT skills using a system called Saffron and Oracle. They require to complete forms in connection with basic line management tasks.

Analysis of marks

193. The catering supervisor (primary school) role was evaluated on 20 December 2005. A further job evaluation study was also carried out in 2009. Both evaluations were challenged. The claimants challenged the score for factor 1 Working Conditions. This was essentially for the same reasons as for the catering supervisors and the assistant cooks. On the basis of the evidence we found that catering supervisors work in kitchens which are almost always hot and unpleasant. They are doing this for more than 60% of the time. For the reasons given above we consider that this score of 1 was too low.
194. The claimants also challenged the mark for physical co-ordination. Once again the Tribunal's view was that the claimants' argument that the score of 2 was simply too low was accepted. On the basis of the facts the catering supervisors use knives to chop vegetables. They are cooking. This comes under the category of considerable decision and should be level 3 and not level 2.
195. The claimants challenged the mark given for factor 13 Knowledge. Initially the score given was a 2 however this was increased to a 3 in 2009. The score for factor 4 Mental Skills was also increased at the same time in 2009. It was the respondent's position that the correct level was always level 3 and the knowledge required for the role was 'comprehensive with a range of related tasks some of which singly or in combination are relatively complex'. As noted above cooking is defined as a task which is relatively complex as one of the Red Book definitions. Again, there may be an issue that cooking is also described as similar tasks rather than a range however the witnesses the Tribunal heard were quite clear that there had been no change to their role over the years. If similar tasks, some of which were relatively complex, merited a 3 in 2009 the Tribunal would agree with the respondent it merited a 3 in 2005.
196. The claimants also challenged the score for factor 6 Communication Skills. The factor definition for this is set out at pages 226-233. Catering supervisors scored a 1 on the basis that the most demanding type of communications routinely involved in the job was exchanging information of a routine nature usually orally with colleagues in other departments and or other contacts such as suppliers, clients or members of the public. The

Tribunal considered that this was incorrect and that level 2 was more correct in that the most demanding type of communication routinely involved in the job would be exchanging information of a non-routine nature with contacts who were familiar with the subject matter. We did not agree with the claimants that level 3 would be appropriate based on the evidence we heard in that there was no evidence that the catering supervisors were eliciting and or explaining information orally or in writing with contacts likely to be unfamiliar with the subject matter. Both the users of the service (i.e. the pupils) and the catering assistants and assistant cooks would in the view of the Tribunal be familiar with the subject matter. In any event the Tribunal felt that the score of 1 was too low.

Cleaning supervisors

197. As noted above the Tribunal heard evidence from Mr Kinmont and Ms Blackwood who both held roles as cleaning supervisors as well as being cleaners.

198. On the basis of the evidence we heard the Tribunal found that cleaning supervisors carry out essentially the same work as cleaners with additional tasks in that they are responsible for managing the cleaners and also for dealing with paperwork. Some such as the witness Mr Kinmont are keyholders and require to lock up premises and set the alarm when leaving. The supervisor is responsible for ordering the stock of cleaning materials to replenish supplies. That was done twice a year. Cleaners and cleaning supervisors also had interactions with pupils some of whom could be extremely nasty. In addition to cleaners requiring to carry out the training provided by BICS (British Institute of Cleaning Science) many supervisors such as Mr Kinmont required to do an SVQ. It was an SVQ level 2 in building cleaning. There was practical training followed by a test. In addition, cleaners and cleaning supervisors received customer care training and manual handling training. There was also training on how to store chemicals. The job of cleaner and cleaning supervisor was primarily indoors but on occasions the cleaner could require to clean external steps to walk between buildings and/or portacabins such as between classrooms and schools using hatted accommodation. The cleaners had to be aware of other people in the area particularly in schools in the

afternoon. There was an allowance of 10 minutes to vacuum a classroom and 5 minutes to wipe down surfaces. It would sometimes take longer. Sometimes desks would be covered in glue. Generally the cleaning supervisor was not required to demonstrate duties to new employees but on occasion area supervisors would tell the cleaning supervisor to 'show X what to do'. The cleaning supervisors had budgetary responsibility. They had to make sure equipment was maintained and cleaned. They would require to phone a helpline if there was a fault and do things like changing Hoover bags. The job of cleaner could not be done by someone who could not read and write. Cleaners would generally always be exposed to something (dust, fumes) as well as cleaning supervisors. Cleaners and cleaning supervisors would often require to put chairs up on desks and work around them. They had to lift other things out of the way. They also had to carry rubbish bags. They were always standing or walking. The cleaning supervisor did not have a separate office and required to do paperwork wherever they could. The cleaning supervisor would often require to check up on the cleaners to make sure they were in the area they were supposed to be in. If they were not he would have to bring them back there and make sure they did the work they were supposed to be doing. There was always a great deal of information to exchange. It was the cleaning supervisor's job to tell staff about this. Most communications of this nature were oral. As well as the children sometimes being difficult in schools, teachers were also often challenging.

199. Cleaning supervisors would also do things like check hoovers for blockages, check for loose wires and broken plugs. They would ensure dirty mop heads were thrown away. Cleaners also have this responsibility but without supervision by the cleaning supervisors some did not do it properly. Quite often, cleaning equipment such as hoovers would require to be stored in an out of the way place and picked up and carried to where they needed to be used on a daily basis. Cleaning supervisors had to set guidelines about cleaning procedures. Some of these were weekly, some monthly. They had to produce a schedule of work and a cleaning specification. It was down to the cleaning supervisor to divide work out, allocate cleaners to ensure everything was cleaned properly in a safe manner. Many of these duties were routine but the supervisor had to react

to issues as they arose. Cleaning supervisors were free to organise their own workload. Usually they would carry out their cleaning tasks and then do their supervisory duties and paperwork after that.

Analysis of marks

- 5 200. Cleaning supervisors were subject to a job evaluation study in 2006. At that time the role was described as cleaner in charge. The factor level listing is contained at page JE181 and the job overview at pages JE182-186. The question trace is at pages 187-204. A further job evaluation study was carried out in 2013. The reason for this was that the previous
- 10 job evaluation study had given the cleaning supervisor a score of 254 which put them on grade FC2. With the introduction of the national living wage the lowest wage in the council became FC2 which is what the cleaners then received. There was perceived as being a difficulty if cleaning supervisors were paid the same as the cleaners they supervised.
- 15 A minor change was made to procedures in that cleaning supervisors were given the additional duty of checking cleaner's time sheets. A further evaluation study was carried out in May 2013. The factor level listing for this is found at page JE205. This showed the supervisors obtained a further 20 points. The score for physical effort changed from 4 to 3. The
- 20 score for responsibility for services to others changed from 1 to 2. The score for responsibility for resources changed from 1 to 2 and the score for concentration changed from 1 to 2. The job overview for the second job evaluation study is to be found at pages JE206-210 and the question trace at pages 211-230.
- 25 201. The claimants challenged the score for Working Environment in the 2006 and 2013 evaluations. The score given for cleaning supervisors was level 1 in both evaluations. This was challenged essentially on the basis that the cleaning supervisors were working under exactly the same conditions as the cleaners and in fact doing the same work as cleaners. The cleaners
- 30 scored a level 2 which in view of the claimants was also too low for the reasons stated above. The position was that there could be absolutely no possible justification for awarding the cleaning supervisors a level 1. The Tribunal agreed that the cleaning supervisors should have scored above level 1 (either a 2 or 3) for the reasons stated above for cleaners.

202. The claimants also challenged the mark for Responsibility for Physical and Information Resources. Level 1 was given in 2006. The Tribunal considered that this figure was incorrect for those cleaning supervisors who were keyholders. As with the cleaners it would appear that some cleaning supervisors were keyholders in the sense that they were registered keyholders for a building and had responsibility for locking the building and setting the alarm when they left at night. Some were not. As noted above for cleaners level 2 does refer to "*limited responsibility for security of plant tool or buildings*". The Tribunal would agree that cleaning supervisors ought to receive a level 2 for this score. The claimants also challenged the 2013 job evaluation for cleaning supervisors which as with the cleaners reduced the score for physical effort from a 4 to a 3. As with the cleaners the Tribunal found on the basis of the evidence we heard that there had been no change in the physical effort required for the job during the intervening period and it appeared that this score would be incorrect. As with the cleaners we would agree that it is not feasible that cleaners stand and walk for only up to 40% of the shift. As cleaners the only time they are not standing or walking is when they are crouching down to do something which takes up more physical effort.

203. The score for Responsibility for Services to Others was also challenged in the 2006 evaluation. The factor definitions for this factor (factor 9) are set out on pages 244-251. Factor 2 is defined as

"The job predominantly involves either:

- delivering front-line services to individuals, groups of people, or internal/external customers by undertaking tasks or processes ..."*

The Tribunal's view was that cleaning supervisors were clearly in this category that level 2 was clearly appropriate.

204. With regard to the 2013 evaluation the Tribunal noted that the score for Responsibility for Financial Resources and Responsibility for Services to Others had gone up by 1 point. This was allegedly on the basis that the cleaning supervisors acquired new duties at that time. The evidence the

Tribunal heard was that cleaning supervisors had always had these duties and really the change made in 2013 was essentially one of semantics.

Comparator jobs

205. The Tribunal heard no evidence from any witnesses regarding the job
5 facts of what any of the comparators' roles actually involved. The factual
findings we can make are therefore essentially based on an analysis of
the scores given. The context in which much of this analysis came out
during the hearing was in terms of the cross examination of witnesses by
the claimant's representative. We are extremely mindful of the strictures
10 given by the respondent's representative to the effect that matters put in
cross examination do not in any way equate to evidence. What we do
consider we are entitled to do however is to make factual findings in
relation to those matters which are contained in the respondent's job
evaluation scheme which formed the basis of the questions put by the
15 claimants' representative. We do this since we consider that these
apparent discrepancies are based on certain facts that are contained
within the job evaluation study the respondent is seeking to defend. It is
important that we set out the actual facts we have found. We are entitled
to make a finding that the job evaluation study has apparently made a
20 particular finding which on the face of it either appears unusual or appears
to show a different approach to a task from that carried out in respect of
the claimant jobs. At the end of the day the Tribunal's role is to ascertain
whether there are reasonable grounds for suspicion. This includes factual
matters which may raise questions in the eyes of a reasonable Tribunal.
25 Given the limited nature of the actual evidence before us; amounting as it
does to no more than a bare statement of what these job evaluation
studies of the comparator roles demonstrate, the Tribunal is not in any
position to say that a particular score awarded to a comparator is wrong.
All that we can say if we are so minded is that a particular score, bearing
30 in mind the documentary productions and taking account of the
explanation contained in the evidence we heard would tend to indicate
that the reasonable questions may be asked as to the accuracy and
reliability of that score. This requires to be borne in mind when reading
our factual findings in relation to the comparator roles.

Road sweepers

206. The role of road sweeper was subject to a job evaluation study dated 9 November 2005 which was subject to an appeal on 20 November 2008. Road sweepers were awarded 270 points in total in the first job evaluation
5 but this reduced to 265 on the second job evaluation on appeal. This equated to FC3.

207. Road sweepers are described as Environmental Cleansing Officers. The factor level listing for the 2005 job evaluation study is contained at page 365. The job overview document at pages JE366-JE370, the question
10 trace at pages JE371-JE389. In both the initial job evaluation and the appeal the road sweepers were given the maximum mark for working environment. The factor level definitions show that level 5 is appropriate where

15 *“... The job involves working predominantly outdoors exposed to all weather conditions and normally involves exposure to*

- *Very disagreeable or hazardous conditions more than 80% of working time or extremely disagreeable or very hazardous conditions more than 80% of working time.”*

The job overview states

20 *“In addition to the job predominantly involving working outdoors the job also involves exposure to unpleasant, disagreeable or hazardous conditions.”*

This is noted to be

25 *“Very disagreeable – weeding and litter picking from pavements, sweeping road channels, cleaning/lifting vomit, human waste, dog fouling, needles, dead animals etc.”*

It is clear from the factor definitions on page 190 that it is correct that these things come into the category of ‘very disagreeable or hazardous’. The factor definition states that this *“would include being exposed to waste, dirt, traffic, etc, e.g. cleaning incontinent clients/changing colostomy bags, digging road trenches or being required to wear heavy protective clothing*
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such as *breathing apparatus or an asbestos suit.*" If factor 5 is correct then this would suggest that the street sweepers are involved in carrying out these very disagreeable tasks mentioned above more than 80% of the time. Whilst we did not hear evidence the Tribunal's view was that this appeared somewhat unlikely. As the claimants pointed out the tasks and activities form for this post also includes graffiti removal which would not fall into this category. In addition, it would appear from the answer to page 1321 that the street sweepers also seek to obtain the benefit of dealing with snow clearing, gritting and flood control none of which would on the face of it appear to come into the very hazardous category. A reduction of 1 in the score for working conditions would reduce the overall score by 10 points. This would not have affected the grade in the 2006 job evaluation study but would have put the street sweepers into a lower grade in the 2008 job evaluation study.

208. The claimants also challenged the score for physical effort where a score of 4 was given for this in both job evaluation studies.
209. The factor level definitions for this factor are set out at pages 204-211. The question trace shows that the greatest demand for physical effort involved as part of the usual routine was pushing/pulling a cart laden with rubbish and tools. The Red Book factor level definitions provide various categories at pushing/pulling. 'Regular' is said to be where pushing or pulling involves efforts slightly above normal such as ... *'pulling empty wheelie bins, pushing or pulling an empty trolley or wheelchair or some other piece of equipment where there is little resistance.'* 'Considerable' is described as where pushing and pulling involves effort significantly above normal. Examples include *'pushing or pulling a laden trolley, pulling full domestic wheelie bins, a wheelchair with a child or adult occupant, a piece of equipment where there is assistance'*. 'High' involves efforts substantially above normal for example *'pushing or pulling a well-laden trolley, a wheelchair with a heavy adult occupant, a piece of equipment where there is strong resistance e.g. sweeping mud or ice'*. 'Very high' is described as *'pushing or pulling a very heavily laden trolley, a bed with a heavy adult occupant, a piece of equipment which is in itself very heavy*

or where there is a very strong resistance (e.g. pulling full commercial sized wheelie bins)'. (P206)

210. The street sweepers received their score of level 4 on the basis that the job involved primarily considerable physical effort on a frequent basis. Considerable here would mean that they were pushing something which was the equivalent of a fully laden domestic wheelie bin. Frequent would mean they were doing this between 40 and 60 per cent of the time. Alternatively they would be entitled to level 4 if they were carrying out a high degree of physical effort on a regular or frequent basis. High would involve something requiring effort substantially above normal which was pushing or pulling a well-laden trolley and regular would mean they would only need to be doing this for 20-40% of the time.
211. The Tribunal did not hear any evidence as to the weight of the trolley or how difficult it was to pull as compared with a fully laden domestic wheelie bin. Observation and life experience would tend to suggest that road sweeper's trolleys are smaller than a domestic wheelie bin and tend to contain light weight items such as litter but at the end of the day the Tribunal felt that in the absence of evidence we could not make any finding regarding this. Even if, however we were to find that a fully laden trolley was of such a weight that the effort required to move it would be classified as 'high' there is a difficulty in that it would appear that the trolley is only going to be fully laden for a small part of the day. The trolley will start the day containing tools but empty of rubbish and presumably will be emptied thereafter at various times. Even the lower figure of 40% would therefore appear on the face of it to be somewhat high albeit there may be an explanation for it. Another difficulty however with this score is that as well as scoring on the basis that they are pushing a heavily laden trolley for 20-40% of the day they are then said to be standing or walking for the rest of the day and that they spend more than 80% of their time doing this. In terms of the Red Book scheme this means that the two scores add up to more than 100% which is simply not permissible. This error was spotted on the appeal in 2008 where the standing or walking mark was reduced to 61-80%.

212. The Tribunal agreed with the claimants that one matter deserving of an explanation was why the road sweepers were initially given a high mark which was simply impermissible under the scheme (i.e. more than 100%) and why this error was not pointed out and secondly why the road sweepers were allowed to keep their high mark for standing or walking when in similar circumstances the cleaners' standing/walking mark was reduced in 2017 because they were pushing/pulling machinery whilst walking.

213. The claimants also challenged the score for concentration. The given mark in 2005 was a 3. The note in the job overview states

“Focus, mental or sensory attention is required for day-to-day tasks and duty to the job e.g. to be alert to the actions of children/traffic, complex task calculations, presenting. Presenting findings/conclusions/recommendations propagating, using chainsaws etc. Short periods of focussed attention of up to one hour at a time are typically required to be sustained by the jobholder on a day-to-day basis with deadlines creating the most pressure for the jobholder day to day. These deadlines are workload or service delivery related and primarily determined by the requirements of the workload or service over which the jobholder has little control for example preparation timetable relating to service of school meals.”

The comments to question 701 state

“Focus – street sweeping operations while in moving traffic ...”

The factor level definition in the Red Book is set out on pages 223-228. Level 3 is said to be appropriate where there are

“short periods of enhanced, mental or sensory attention and a high degree of work related pressure. Short is defined as periods of up to one hour at a time. Enhanced is defined as mental or sensory attention which includes the checking of documents for completeness or correctness possibly of simple arithmetic, undertaking inspections, preparing standard reports, carrying out

arithmetic calculations i.e. addition, subtraction, multiplication, division, fraction, percentages, making electrical connections, pruning, painting window frames etc. Focussed where the jobholder requires to be particularly alert for example to traffic or the actions of children.”

5

Level 3 was awarded initially on the basis that the street sweepers required to show short periods of focus, mental or sensory attention and a considerable degree of work related pressure. Considerable in terms of work related pressure is defined as

10

“For example deadlines primarily determined by the requirements of workload or the service over which the jobholder has less control for example preparation time relating to service of school meals or the jobholder is able to deal with interruptions later or the jobholder is required to switch between a number of tasks etc.”

15

In this case it is not clear what pressures the street sweeper is under other than that there is a timetable set by their supervisors. It appears to the Tribunal that it was worthy of comment that the street sweepers appear to have qualified for a considerable work pressure because their supervisors asked them to do a certain number of streets in the day whereas catering assistants have not received this level where they are in fact required to produce school meals to a deadline.

20

214. The score for concentration was increased to level 4 on appeal. This would mean that the street sweepers were taken to work under a high degree of work related pressure. This is defined as *‘imposed deadlines over which the jobholder has no controls’*. The situation on appeal was that if the score for concentration had been left at level 3 then the street sweepers would have missed the grade boundary and been paid at grade 2 rather than grade 3.

25

Street orderly

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215. Job evaluations for street orderly were carried out on 22 April 2008 and 24 May 2013. The factor level listing for the 2008 job evaluation study is

found at page JE390. The job overview document is at pages JE391-394. The question trace is to be found at JE395/409.

216. The factor level listing for the 2013 job evaluation study is to be found at page 410. The job overview document is to be found at page JE411-414.
5 The question trace is to be found at page JE415-429.

217. The street orderly has received a score of 4 for factor 5 Concentration. We would agree with the claimants' representative that it is not immediately obvious why such a mark has been awarded. The examples given are *'to be alert to the actions of children/traffic, complex maths calculations, presenting findings/conclusions/recommendations, propagating, using chainsaws etc'*. Home carers were of course given a level 2.
10

Refuse collector

218. The role of refuse collector was subject to a job evaluation study on 9 November 2005 and 6 November 2008. The factor level listing for the 2005 study is at JE484. The job overview document is at JE485-489 and the question trace at JE490-508.
15

219. The factor level listing for the 2008 job evaluation study is at JE509. The job overview document is at JE510-514 and the question trace at JE515-532.
20

Analysis

220. The mark given for physical co-ordination was level 3 in the 2005 study and level 2 in the 2008 study.

221. The job overview for loader refuse collector in November 2005 states
25 *"The job requires the jobholder to use a considerable level of pushing/pulling effort, (for example pushing or pulling a laden trolley, pulling full domestic wheelie bins, a wheelchair with a child or adult occupant, a piece of equipment where there is resistance) for 41-60% of the working day or shift. Standing/walking also*

places demands on the jobholder for over 80% of the working day or shift.”]

The job overview document for the 2008 job evaluation study states

5 *“The job requires the jobholder to use a very high level of pushing/pulling effort, (e.g. pushing or pulling a very heavily laden trolley, a piece of equipment which is very heavy or where there is very strong resistance (e.g. full commercial wheelie bin) for 21-40% of the working day or shift. Standing/walking also places demands on the jobholder for 61-80% of the working day or shift.”*

10 222. The 2005 job evaluation study and question trace in terms of factor 3 Physical Effort referred to the refuse collectors as being pulling/pushing full wheelie bins (equating to considerable effort) on a frequent basis which equates to 41-80% of the time. It also had them standing or walking for over 80% of the time. As with the road sweepers this would appear to be
15 a manifest error given that in terms of the Red Book scheme one cannot spend more than 100% of the time on tasks.

223. The score for physical effort remained the same in 2008 however the make up of this score in terms of the question trace and job overview document changed in that all refuse collectors were now credited with
20 carrying out a ‘*very high*’ level of pushing/pulling rather than the “*considerable*” effort which they had been credited with in 2005 study. The effect of this was that although the time spent pushing/pulling a wheeled bin was reduced to a 20-40% (which removed the problem of them being credited with carrying out tasks for more than 100% of the time), the
25 jobholder still scored a level 5. Given that no evidence was led the Tribunal was not aware whether there was in fact any change in the type of bin being used over this period but it would appear that in the 2008 study all refuse collectors are being credited with pushing/pulling a fully loaded commercial bin rather than a fully loaded domestic bin.

30 224. The job overview document (page 512) also contains explanation of the answer given to question 642. This states

“ON AVERAGE, for what proportion of the working day or shift is the jobholder required to lift/carry.”

Total time travel in Cab	75 mins	18%
Standing/Walking	237 minutes	55% Allow 61% to 80%
Pushing & Pulling Full	120 minutes	28% Allow 21% to 40%
Pushing & Pulling Empty		0.0%
Total	432	

The answer to this question would appear to show that the job analyst having calculated that a loader spends 55% of their working day standing/walking decided to allow them 61-80% when allocating a score to this task. In addition, the jobholder appears to be credited with pushing and pulling full bins for 120 minutes of the day. The Tribunal did not hear evidence as to how long the working day is other than generic evidence that the respondent worked to a 37 hour week. If this was worked an even number of hours each day this would mean that employees were expected to work for 7.4 hours per day or 444 minutes per day. The tasks which were allocated scores amount to 432 minutes. The refuse collector would appear to have been assessed therefore on the basis that they were pushing and pulling full bins for 120 minutes but only spent 12 minutes pushing empty ones after they had been emptied. We would agree with the claimants' submission that common sense suggests that the bin is full on its way to the lorry and empty on the way back and one would normally have expected the amount of time spent to be roughly the same.

225. The figure given for concentration in the 2005 job evaluation study was level 3. The job overview document states

“Focused mental or sensory attention is required for day to day tasks and duties of the job, e.g. to be alert to the actions of children/traffic, complex maths calculations, presenting findings/conclusions/recommendations, propagating, using chainsaws etc. Short periods of focused attention of up to 1 hour

5 *at a time, are typically required to be sustained by the jobholder on a day to day basis, with deadlines creating the most pressure for the jobholder to day to day. These deadlines are workload or service delivery related and primarily determined by the requirements of the workload or service over which the jobholder has little control, for example, preparation timetable relating to service of school meals.”*

The comments note in respect of the answer to question 701

“Focused – alert to traffic.”

10 Duration is covered by question 712 which states

“short - the nature of the work will mean that the jobholder is not focused for any more than an hour at a time.”

In the 2008 job evaluation study this was changed up to level 4. The job overview document for the 2008 job evaluation study states

15 *“Focused mental or sensory attention is required for day to day tasks and duties of the job e.g. to be alert to the actions of children/traffic, complex maths calculations, presenting findings/conclusions/recommendations, propagating, using chainsaws etc. Short periods of focused attention of up to 1 hour*
20 *at a time are typically required to be sustained by the jobholder on a day to day basis, with repetitive work creating the most pressure for the jobholder day to day.”*

The answer to 701 now refers to

25 *“Activities of refuse vehicle, activities of colleagues, movement of traffic, presence of parked vehicles, presence of pedestrians.”*

226. The score for physical co-ordination given in the 2005 job evaluation study for refuse collectors was level 3. The job overview document notes

30 *“Physical co-ordination is needed predominantly to use tools or equipment with a considerable level of precision for the main tasks in the job. For example, use of a strimmer, a chisel or fine*

paintbrush, a knife to peel or chop, exact control of tools or equipment, e.g. to work on plant/machinery with restricted access. However, this considerable level of precision can be achieved at the jobholder's own pace. Driving is not required in this job."

5 The notes to the answers to question 411 state

10 *"What level of precision is REQUIRED to undertake the MAIN physical activities involved in the job on a DAY TO DAY basis? considerable – hand-eye co-ordination when wheeling bins (often 2 bins at a time) around parked vehicles & pedestrians and attaching to lifting gear."*

15 This was then reduced to level 2 in the 2008 job evaluation. The job overview document refers to this score as being appropriate on the basis that physical co-ordination is needed predominantly to use tools or equipment with a moderate level of precision for the main tasks in the job for example using a spanner, hammer or screwdriver, for controlling a brush, mop, vacuum cleaner, trolley or similar tools or equipment or to load a dishwasher. However this moderate level of precision can be to the jobholder's own pace. Driving is not required in this job.

20 227. It is not known what changes took place between 2005 and 2008. It was the claimants' position that a score of level 3 was never appropriate given the nature of the job.

228. The score for responsibility for physical and information resources was level 2 in the 2005 job evaluation. The job overview document states

25 *"This is appropriate where the jobholder's primary responsibility for physical resources is for plant, vehicles equipment and/or tools which he/she has to both use and maintain by carrying out daily checks. This includes cleaning of equipment, and the checking of oil, water and tyres, checking temperature levels, changing toner cartridge on a printer, greasing plant, replacing bag on vacuum cleaner etc. Individual resource items are typically expensive (E.g. a car, (used only for Council purposes), a minibus or transit van (used for transporting passengers or goods), industrial dishwasher,*

30

5 *ride-on mower, equivalent value workshop equipment, etc.) The jobholder also has responsibility for manual and/or computerised data or information. His/her main role in this is the handling, processing and/or updating (i.e. data input, transfer, collation and filing) routine files or records. This primarily involves data input. This refers to data entry, transfer and collation etc.”*

The question trace at 1201 contains a note that states in response to the question what type of physical or information resources the jobholder had primary responsibility for as being

10 *“Plant – daily checks vehicle/equipment - wash, clean, greasing of equipment etc.”*

Question 1201A states

15 *“What OTHER type of physical or information resource does the jobholder ALSO have responsibility for. Information - bonus sheets, housing lines, job completed lines, planning of routes etc.”*

The note for 1211A states what is involved in dealing with this information

“Data input - inputting figures of bins for database.”

20 229. The Tribunal would tend to agree with the claimants that an explanation is required as to how bins are classified as expensive equipment. Furthermore, it appears to be inconceivable that all loaders have responsibility for planning of routes etc. Given that bonuses were being abolished with single status it is strange that they are being given credit for completing bonus sheets. In addition, the various requirements for relating to housing lines, job completed lines, planning of routes etc does not sit well with the score for knowledge which states that the job can be done by someone who cannot read, write or count.

25 230. The mark was reduced to level 1 in the 2008 job evaluation study.

30 231. The score for initiative and independence (factor 12) was level 1 in the first job evaluation study but then increased to level 2 in the second.

Gardeners P&A

232. Gardeners P&A were subject to a job evaluation study dated 25 January 2006. This was appealed and a further job evaluation study was done on 9 February 2010. Gardeners P&A scored 292 points on the first job evaluation study which gave them pay grade FC4. They scored 313 on the appeal job evaluation study which gave them grade FC4.

233. The factor level listing for the 2006 job evaluation study is to be found at page 558. The job overview document at page JE559-562 and the question trace at pages JE563-579. The factor level listing for the 2010 job evaluation study at page JE580 the job overview at pages JE581-585 and the question trace at pages JE586-JE604.

234. For working environment a score of 3 was given in both job evaluation studies. The job of Gardener P&A is noted in the job overview as having its job purpose as being to drive and provide a gardening service. Under working environment it states

“In the course of normal duties, the job predominantly involves working outdoors, exposed to all weathers, (i.e. the jobholder cannot stop work due to adverse conditions, e.g. school crossing patroller).”

20 The Tribunal did not hear any evidence on the subject. If it is correct that gardeners P&A are not permitted to stop work when it is raining then it would appear that level 3 is the correct score.

235. A score of 1 was given in the 2006 job evaluation for factor level 12 Initiative and Independence. This was increased to a score of 2 in the 2010 job evaluation study giving the gardeners P&A an extra 13 points. The job overview document for the 2006 study states

“The jobholder is required to exercise initiative in the course of normal working. He/she normally works to instructions, (i.e. the jobholder’s duties are described in detail either in writing or verbally) and his/her workload is arranged by someone else. His/her work is subject to checks by others.”

In the 2010 job evaluation study this changed to

5 *“The jobholder is required to exercise initiative in the course of normal working. He/she normally works by following routine working practices, (i.e. in the absence of written instructions the jobholder works to established practices which indicate how the job is to be done) but is free to arrange his/her own workload. Guidance is available as required. (i.e. where jobholders are expected to attempt to deal with problems, but would be assisted if the problem turns out to be outwith their experience or remit).”*

10 The critical difference according to the question trace is in the answer to question 502 where the 2006 job evaluation study states that gardeners P&A work to instructions whilst the 2010 job evaluation study states that they follow routine working practices. Again, the Tribunal heard no evidence as to which of these was correct.

15 236. The mark given to gardeners P&A in both job evaluation studies was 2. In the job overview for the 2006 job evaluation study it states

20 *“The jobholder requires predominantly practical knowledge to do the job. This knowledge is normally acquired through vocational training or further education and experience. A comprehensive knowledge would typically be the MINIMUM required to do the job for example, SVQ2, National Certificate, Higher or equivalent. The jobholder also needs knowledge of a range of related tasks but none of these are particularly complex, either singly or in combination. Literacy and numeracy are required for basic reading, composing straightforward sentences and basic arithmetic. Minimal on-the-job experience, in practice this might vary from 1 month to 1 year is required to become fully familiar with all aspects of the job.”*

25

30 The 2010 job evaluation study overview document states the same. The Tribunal heard no evidence as to the level of knowledge required however what is interesting is that the score of 2 as we will see, is a higher score than that given to the specialist gardeners P&A and is the same score as given to chargehand gardeners.

237. The mark given for concentration in the 2006 job evaluation study was a 2 however this increased to a level 3 in the 2010 job evaluation study. It is not known why there was a difference. The question trace (JE570 and JE595) suggests that the difference is at question 705 where in the 2006 job evaluation study the answer to the question is on a day to day basis which aspect of the job creates the most pressure for the jobholder is none of the above and the note states

“The jobholder is not subject to work related pressure on a day to day basis, for example, from interruptions, conflicting demands, or repetitive work.”

In the 2010 job evaluation study the answer is ‘switching from one thing to another’ and the explanation is that switching from one thing to another creating the most pressure for the jobholder day to day. This then notes at question 717 that the jobholder requires to switch between a number of tasks and notes the examples of typing, filing, digging, pruning.

Specialist gardeners P&A

238. This was essentially a new job which was created during the course of the Red Book implementation. In this case the usual process of starting off with jobholder interviews was not followed. Jobholder interviews were not carried out but the actual job was created entirely by management. The reason given by the respondent for adopting this course was that on regionalisation Fife Council had inherited various structures of gardening departments from the three district councils which they succeeded. Many of these differences had persisted up until just before the implementation of single status. Accordingly management decided that the appropriate thing to do was to consolidate working practices and set out the tasks and activities which they expected specialist gardeners to carry out on a council-wide basis. The newly created job was subject to a job evaluation study dated 25 January 2006 which granted the jobholders 346 points which led to them being awarded pay grade FC5. This was appealed and a job evaluation study was carried out on 1 October 2009. This resulted in a reduction of overall points to 335 however the specialist gardeners P&A retained their pay grade FC5.

239. Factor level listing for specialist gardener for the 2006 job evaluation study is found at page JE609. The job overview document at page JE610-JE613 and the question trace at JE614-JE632. Factor level listings and other documents for the 2009 job evaluation study were not lodged.

5 240. A score of 2 was given for communication skills in both job evaluations. The job overview document notes that

10 *“The jobholders’ communications in the course of normal working can be spoken or written and the most demanding type is seeking information from, or providing information to, mainly external or internal contacts who are unfamiliar with the subject matter. Note: ‘Seeking/providing’ means to obtain/give facts or information to help jobholder/others to complete tasks through discussions, enquiries and/or interpretation.”*

15 241. The score given for factor 7 Dealing with Relationships was 2 in each of the job evaluation studies. The job overview document notes

20 *“The jobholder comes into contact with people who are disadvantaged, abusive, threatening or otherwise demanding while this is incidental to his/her work. Contact is generally occasional and does not require a response/action on the part of the jobholder. However, more than normal courtesy is typically required to deal with this incidental contact with people whose circumstances have made them upset, distressed, confused etc. For example, a gravedigger dealing with the bereaved.”*

25 242. Ms Green who had carried out the job evaluation understood that this mark had been awarded because some of the specialist gardeners were grave diggers. The respondent’s stated position however was that specialist gardeners did not in fact dig graves.

30 243. Ms Green gave an example of where someone digging a grave may require to show special courtesy to for example bereaved relatives. The Tribunal accepted Ms Green’s evidence on this point and found that that was why the score had been awarded. It leaves open the issue of why all specialist gardeners received this score when on Ms Green’s evidence

only some of them were grave diggers. It is contrasted with the position of other jobholders such as cleaners who did not receive credit for keyholding because not all of them did this, carers who did not receive credit for driving because not all of them did this, catering assistants who did not receive credit for using knives because not all of them did this.

244. The score for responsibility for employees was given as level 2 in the 2006 job evaluation but reduced to level 1 in the 2009 job evaluation. The Tribunal accepted Ms Green's evidence that the reason why this mark was initially given was because of the tasks carried out by some gardeners who worked in hothouses in Kirkcaldy. The Tribunal accepted this evidence but again there is no explanation as to why all specialist gardeners received this score when on the basis of Ms Green's evidence only some of them who worked in a specific location carried out this duty.

Lead operative

245. A job evaluation study was carried out for this role on 1 May 2014. The overall score was 357 which put the jobholders in pay grade FC5. The factor level listing for this role was lodged at page JE633. The job overview document is at page JE634-JE638 and the question trace at JE639-JE656. This role was the successor to the specialist gardener P&A. The dealing with relationships mark was reduced from 2 to 1 however the mark for responsibility for employees was moved up from level 1 which it had been reduced to on appeal back to level 2. Ms Green was also the lead evaluator for the 2014 job evaluation of lead operative and the Tribunal assumed that the reason for this score being reinstated was the same as that given by her for the 2006 job evaluation namely that certain specialist gardeners who worked in the hothouse in Kirkcaldy had some responsibility for other employees.

Chargehand gardeners

246. Like the specialist gardener the chargehand gardener role was developed in consultation with managers since the existing roles were being changed. Accordingly the tasks and activities sheets were effectively composites.

247. The chargehand gardeners were subject to a job evaluation study carried out on 26 January 2006. They were awarded a total of 364 points which put them in pay grade FC6. This was subject to appeal. The appeal job evaluation study is dated 23 September 2009 and their score reduced to 353 but they still remained in pay grade FC6. The factor level listing for the 2006 job evaluation is at page JE657, the job overview document at pages JE658-JE661 and the question trace at pages JE662-JE680. For the 2009 job evaluation study the factor level listing is at page JE681, the job overview document at pages JE682-JE686 and the question trace at pages JE687-JE706. June Green was the lead evaluator for the chargehand gardeners in 2006 however George Spence (from whom the Tribunal did not hear) was the evaluator in 2009

Concentration

248. The score given for concentration in both job evaluation studies was level 4. The job overview document states

“Focused mental or sensory attention is required for day to day tasks and duties of the job, e.g. to be alert to the actions of children/traffic, complex maths calculations, presenting findings/conclusions/recommendations, propagating using chainsaws etc.

Short periods of focused attention of up to 1 hour at a time, are typically required to be sustained by the jobholder on a day to day basis, with switching from one thing to another creating the most pressure for the jobholder day to day.

This switching is between a range of activities. This is the range of activities required to complete a process relative to the job.”

The question trace (page JE670) notes that the jobholder is required to switch between a range of activities and this is stated to be the range of activities required to complete a process relative to the job. If the jobholder was only required to switch between a range of tasks rather than a range of activities this would result in the score being level 3. Tasks are defined as *‘the individual elements within a job or activity for example typing and filing are tasks within clerical activity, digging and pruning are tasks within*

the activity of gardening, ordering and invoicing are tasks within the activity of purchasing, washing and dressing are elements of a caring activity'. On the other hand, activities are defined as "the range of tasks required to complete a process such as purchasing, cooking etc". (page 221-222).

5 **Communication skills**

249. The mark given in both job evaluation studies was level 2. The job overview document notes that the jobholder is seeking or providing information from or to external contacts who are unfamiliar with the subject matter.

10

Responsibility for employees

250. The mark given in the 2006 job evaluation study was level 3 however this was reduced to level 2 on appeal.

15 251. The job overview document for the 2006 job evaluation notes that

20 *"The jobholder has a responsibility for the work of employees or other people in an equivalent position, through the co-ordination of work, on the job training and/or performance appraisal. This refers to both informal and formal assessment of subordinates' work against the expected standards. This is an ongoing, daily responsibility. Jobholder is also involved in the application and implementation of personnel practice."*

25 The Tribunal did not hear any evidence on the subject. It was the claimants' position that chargehands would not ever be involved in the application and implementation of personnel practice.

Area co-ordinator

252. This job was created in 2014 following a reorganisation. No jobholders were interviewed and the evaluation study was based entirely on the job description. The evaluators were given a new structure to show how the

scheme worked and with relevant numbers attached. Factor level listing for the 2014 job evaluation study is at page JE707. The job overview document is at page JE708-JE712 and the question trace at JE713-JE731. In respect of the 2018 evaluation the factor level listing is at page
5 JE732, the job overview document is at page JE733-737 and the question trace at pages JE738-JE756. June Green was the lead evaluator in 2014 and Ellen Duff the lead evaluator in 2018. The area co-ordinator scored 364 points in 2014 which put them in grade FC6. In 2018 they scored 375 points which also put them in grade FC6. The area controller scored level
10 2 in 2014 for responsibility for financial resources. This was on the basis that they required to sign time sheets. The score for responsibility for employees was level 3 in 2014 and 2018

Observations on the evidence

15 253. The Tribunal considered that the claimant's witnesses were giving clearly honest evidence in relation to the jobs they did and their own personal experience of these jobs. As noted above we felt this evidence was somewhat limited since all they could really speak about was their own job and how this was done. Within these confines we had absolutely no
20 difficulty in finding their evidence both credible and reliable. With regard to the respondent's witnesses there were issues of reliability in respect of all of them albeit they were different.

254. Initially we were in absolutely no doubt that Ms Green was genuinely attempting to assist the Tribunal by giving honest and accurate evidence.
25 There were a number of areas where she simply did not know the answer. It did appear to us however that she "*protested too much*" at times when it was put to her that the scheme as enacted provided ample opportunity for grades to be manipulated. We quite accept that this may have been a natural desire to defend a process which she clearly personally believed
30 in. We also do not underestimate the difficulty in answering fairly detailed questions about matters of day to day work from up to twenty years previously. On the issue of the JATMIS she was one who initially gave evidence to the effect that the JATMIS system would have provided a

comprehensive record of the changes that took place during the evolution of each job evaluation but that unfortunately this had been deleted and was completely unavailable. The Tribunal accepted that this was probably her honest understanding at the time although it is somewhat puzzling when one sees entries to the system which clearly took place well after the present proceedings were raised. We also found her protests that she was in almost complete ignorance of the equal pay background to be somewhat surprising particularly in someone who had been a senior trade union official prior to becoming a job analyst. When the JATMIS record was eventually lodged and it was put to her that there were records of instructions having been given to job analysts to change things she expressed some surprise and consternation that this would ever happen. She made the point several times that she would never have used the word 'instruction' herself. When it was pointed out to her that she had used that word herself she then stated that it was simply a matter of semantics. Eventually her evidence was to the effect that we would simply have to trust to the integrity of the job analysts that they would not have changed things unless they could find a good reason for doing it. There was also a perceived change in her evidence as to how changes to the job overview were dealt with. Initially, the impression given was that the job overviews came entirely from the meetings with jobholders and that the entry on to the Gauge system had been done at this meeting. As her evidence progressed it became very clear that the meeting with jobholders was very much the start of the process and that the final entries on Gauge could be and often were changed by the various processes after this. While she had initially indicated that if things were being changed the evaluator would go back to the jobholders she later seemed to abandon that position and said that in fact she had never known this to happen. She did say that it happened in appeals and we tended to accept this for individual appeals given that there would be one jobholder who would be making the appeal and they would perhaps be challenging whether the job facts correctly related to them. Our finding was that whilst it may have happened on occasions other than individual appeals it did not happen as anything like a matter of routine and was particularly unlikely to happen with the jobs where there were a large number of jobholders. Where there were generic appeals which were finalised many years after the original

job holders meeting there was absolutely no evidence that anyone had gone back to the jobholders who attended the original meetings or indeed held any other meetings with jobholders.

5 255. She also confirmed that once the grade boundaries were out then all job evaluators and managers involved in the process would be readily able to identify where a change in the answer to a particular question would lead to a change in the score and where a change in the score would lead to a change in grade.

10 256. Ms Green had been the lead evaluator dealing with the gardeners. She gave evidence regarding the existence of the Lundin Links meeting although she had little memory of how the discussion had gone. When asked about the apparently anomalous high score for interpersonal relations given to Specialist Gardeners it was she who specifically raised the issue of Grave Diggers and stated that there would be situations where
15 the grave was too small and the coffin didn't fit, where they had to deal with people around the grave, or where they had to deal with people whose headstones were damaged. She also agreed that not all Specialist Gardeners were Grave Diggers. This is recorded because the respondent's position appears to be that the specialist gardeners were not
20 Grave Diggers and the score had nothing to do with this.

25 257. Her evidence was that she was entirely unaware of whether any women received bonus or not and she professed to have little knowledge of the equal pay issues going on at the time. As noted above the Tribunal found this somewhat surprising. Our take on her evidence was that there were no situations where she had been specifically told by management that a score had to be changed in order to reduce the score in predominantly female-held jobs or increase the score in predominantly male-held jobs. We did however feel that her evidence was to the effect that she and other analysts would look at things again when instructed to do so by
30 management and by the corporate review process (Mr Duff and Ms Erskine) and that generally speaking she and other analysts would work to provide the resolution they were asked for. Our view was that there were certain stock phrases used to justify scores which appeared odd. There appeared to be little analysis by her as to why it was that

Specialist Gardeners would get additional points because some of them who were Grave Diggers might sometimes need to speak to bereaved families whereas Cleaners who were key holders would not get credited for this because not all cleaners did this. Carers who drove (the vast majority) would not get credit for this because it was not a requirement of the job. Catering Assistants would not get credit for working in hot kitchens since not all of them did. It appeared to the Tribunal that there was a deliberate failure to observe the bigger picture and that Ms Green and other analysts would tend to follow management lead and find a reason for doing what they were asked to do.

258. Mr Duff was a less good witness than Ms Green since he professed to have little memory or knowledge of practically any of the issues he was cross examined upon. On various occasions he was asked to explain what was meant by certain entries in the minutes of meetings which he had taken part in and he could not remember. It has to be recorded that Ms Erskine and Mr Murray also displayed this tendency. It was the claimant's position that Mr Duff was being deliberately selective with his memory. The Tribunal was not prepared to make a finding that his memory lapses were deliberate but it was certainly frustrating for the Tribunal that his memory appeared to fail him in precisely those areas where his evidence could have been worthwhile. He did make a number of concessions during his evidence about certain outcomes looking very strange. He maintained his position that this was simply as a result of the evaluations. He could not give any real explanation about why the word 'instruction' would appear. His position that he was able to send things back to the analysts to look at things again and that he would direct their attention to inconsistencies. He could not recollect anything specific about the various points where he is noted as having instructed a change of grade. He did accept eventually that by the time the grading work had been undertaken he would have been in a position to know that a change in a particular score would result in a change in grade.

259. Mr Murray gave evidence at short notice immediately after the JATMIS records were lodged. Unlike the other witnesses he gave his evidence-in-chief via a witness statement. He gave evidence in relation to those

records and also limited evidence in relation to the settlement of the equal pay claims in 2015. His evidence was limited because essentially he said he had not been involved with this. The respondent indicated right up to the last day of the Tribunal that they may be seeking to lead evidence from someone who was involved but at the end of the day they did not. The Tribunal accepted Mr Murray's evidence that there had not been a deliberate attempt to withhold this evidence from the Tribunal on the basis that Mr Murray had simply not appreciated the potential importance of the evidence of JATMIS until such time as Ms Green was cross examined about it. We did feel that there was a serious institutional failure relating to the decision of the respondent to dispose of all of their paper records as well as the full record of the JATMIS system but we accepted that Mr. Murray had not been personally responsible for this. The Tribunal noted that Mr Murray had been involved extensively in the preparation for the present hearing and had attended a substantial number of preliminary hearings where Ms Romney had raised the issue of a lack of documentation as to how changes had come to be made. We thought it very strange that he had not appreciated that the JATMIS system contained at least some of this information until Ms Green gave her evidence which at first indicated that the JATMIS system would have held all the answers if it was still available. Whilst we thought it somewhat odd we did note that as soon as he appreciated the position he contacted the respondent's representative and the JATMIS download was lodged. Our view was that if there had been a deliberate decision to withhold this evidence from the Tribunal then matters would not have turned out in this way. During his evidence he confirmed that the last entry in the JATMIS system was on 6 September 2018 and that up until 6 September 2018 JATMIS was accessible albeit he said that he did not personally have access to it. His position was that he had never actually had personal access to the system himself since he was not a job evaluator. He also said he was not technically minded. He confirmed that he had only become aware of JATMIS when preparing for the case where he would sometimes use the JATMIS download to identify a job number. He would only do this where the job number was unavailable from other sources. He would only look at column A, perhaps column D and then once he had found the job number this would be plugged in to the Gauge system in

order to produce the documentation required. He stated that he had not really noted the rest of the document. He only used JATMIS as a source of information where they were trying to trace a particular post which was not findable in other records. It was Mr Murray who first gave evidence regarding the memorandum of understanding and the job evaluations carried out as a result of this. Apart from knowing of its existence he appeared to have very little other knowledge of this. Whilst the claimant's representative raised the issue that they might at some stage seek an order for production of the memorandum of understanding at the end of the day they did not in fact do so.

260. The tribunal's view of Ms. Brown's evidence was similar to that we held for Ms Green, albeit Ms Brown's evidence was somewhat shorter in compass. She agreed with Ms Green that jobholders were told that the information they gave about their jobs would be the start of the process. She then said that there would be a process of going backwards and forwards if management disagreed with what they said. She spoke of manager's having a right to manage. When pressed as to how jobholders could argue the point if managers said that their job required one thing and they believed differently she said that there would be a lot of going backwards and forwards. She said that the unions would be involved. She said that theoretically there was the possibility of holding a further meeting but also said that this would be rare and she had never actually done it.

261. She described much of the process of refining the job evaluation as being job analysts arguing about the interpretation of the scheme. Her comment on the entries in JACMIS was that these were summaries and that there would have been a great deal of discussion before changes made. She said that on occasions they would be a need to check facts. Her evidence was that in the early stages this may be done by contacting the employee jobholders but that once it got to the stage where they were sharing information on the analysis with the service then it would be management who were asked to confirm the facts. She agreed there was no stage where managers and employees were asked to formally agree job facts. She described the involvement of the job analysts as being somewhat geeky. Her take was that the job analysts were extremely concerned to

get the interpretation right. There would be internal debates as to what routes to take. She stated that although the word instruction was used this was simply a question of semantics. She could not say why it was used by her on some occasions and not others. Her view was that no analysts would have simply changed a score because they were told to do so. She described the analysts as being much too geeky for that. She was challenged with regard to a number of the specific scores which were given and could not give specific answers on a number of occasions. Like Ms Green she indicated that a score could be withheld for a particular task if not every jobholder did it. She could not say precisely what percentage of jobholders had to do a certain task before it would be included. She indicated for example that Home Carers would not receive any score for driving because it was possible to do the job without having a driving licence. The question she would ask is is it necessary to have a driving licence in order to do the job? If the answer was no then no-one got the score. With regard to Storeman however it was her position that all were entitled to the score for driving a forklift truck.

262. She accepted she was aware of the bonus issue and the equality issues that arose from that but said "this was not the first thing that came into my head". She also said that whilst she was aware of red circles and green circles she did not believe the scheme had been manipulated to influence these. She described the corporate review process as being the stage where job evaluations were compared across the whole council and tested for consistency.

263. Ms Brown was questioned at length regarding the evaluation of storemen and their use of fork lift trucks. She could not give definitive answers to many of the questions asked about specific matters. It was not entirely clear to the tribunal whether or not she had in fact been the analyst dealing with this analysis as the claimants' representative suggested. Although what may be her initials do appear her own evidence was that she did not recognise anything in the analysis. She was able to give some answers however which the tribunal understood to come from her general understanding of how the scheme worked.

264. Our view was that she was genuinely attempting to assist the tribunal by giving truthful evidence but like others, she had closed her mind to the possibility that the scheme and its outcomes could have been susceptible to manipulation and was purposely blind to any consideration of the 'bigger picture.'

265. Ms Erskine was, like Mr Duff, a somewhat unsatisfactory witness in that whilst she answered to a number of very specific questions her answer to many others was that she simply could not remember. The Tribunal had some sympathy for her position; being asked about this after a period of years, and in her evidence she indicated that she had had various health problems over recent years. That having been said the Tribunal did feel that some of the apparent gaps in her memory were very surprising. She was unable to give explanations in respect of many matters. It was only after questioning that she accepted that the issue of compensation for existing equal pay inequalities had been an issue for the council at around the time Single Status was being implemented. She said this had not impacted on the evaluation process in any way. She initially denied that the unions felt under pressure and the possibility of claims by female members. It was her strong position that contrary to what was suggested by the respondent the unions had not let down their female members over this period. Her evidence was that the unions had not given advice to specific employees about the compensation offers received from the council. They indicated that all they had said was that this money was available now but that if they waited on court proceedings these court proceedings might take a considerable length of time and the outcome was uncertain.

266. She strongly denied that the CRP group consisting of herself and Mr Duff had ever instructed job analysts to do anything. Her position every time she was asked about this was that she had no power to instruct anyone. She did accept that Mr Duff did. We considered that her position on this was somewhat disingenuous. Her evidence was that her understanding at the time was that whenever a change was suggested then the matter would be referred back to the original jobholders by the job evaluator before any change was implemented. The Tribunal felt that whilst this

5 may have been her understanding this was not something that actually happened in practically every case before any appeal stage. Her evidence like that of Ms Green was that she was somewhat surprisingly ignorant of the equal pay background at the time and the likely issues for the council
10 if the number of red circles was high. She purported not to understand the issue of potential claims from female jobholders if they were rated as equivalent to male jobholders who, as a result of receiving historic bonuses, would be assimilated to the top of a grade. She was unable to provide any assistance in respect of the issues relating to overlapping grades in the final pay structure.

Discussion and decision

15 267. Both parties made written submissions which were supplemented orally. Rather than attempt to summarise these – and no doubt do them less than justice – the Tribunal will set out its own reasoning below and refer where appropriate to the submissions of each party.

Relevant law

268. In this case the claimants make claims that their work is of equal value to various comparators. Section 131 of the Equal Pay Act states

20 “(5) Subsection (6) applies where
(a) a question arises in the proceedings as to whether the work of one person (A) is equal in value to the work of another (B), and
(b) A's work and B's work have been given different values by a job evaluation study.
25 (6) The ET must determine that A's work is not of equal value to B's work unless it has reasonable grounds for suspecting that the evaluation contained in the study
(a) was based on a system that discriminates because of sex, or
(b) is otherwise unreliable.”

30 269. In this case it is the respondent's case that the claims should be dismissed because the work of the claimants and their comparators have been given different values by the job evaluation studies carried out. It is the

claimants' position that section 131(6) has no application because the Tribunal has reasonable grounds for suspecting that the evaluation contained in the study is otherwise unreliable. Initially, the claimants were relying on section 131(6)(a) as well as 131(6)(b) however by the time of the commencement of this hearing they based their claims solely on section 131(6)(b). It should also be noted that an earlier challenge to the effect that the job evaluation scheme was simply not a valid job evaluation scheme was rejected by the Tribunal in its previous judgment dated 19 January 2021 which has already been referred to. Whilst the matter has been considered by the higher courts on a fairly limited number of occasions there was substantial agreement between the parties as to the relevant law. The case of **Hartley v Northumbria NHS Trust** dealt with the issue under the previous legislation in the Equal Pay Act which contains similar clauses. In that case the court set out the general approach at paragraph 584. It was noted that

“1. *The claimants must point to evidence relating to one or more evaluations contained in the study. It is not sufficient for them to rely on mere assertions.*

2. *In a case such as this where the claimants have not called any evidence they may rely on the evidence of the respondent's witnesses including that obtained by cross examination and on any documents which are before the Tribunal. The evidence need not be strong enough to show discrimination or unsuitability (as the case may be) on the balance of probabilities. It need not even be strong enough to enable the Tribunal to draw an inference of discrimination or unsuitability in the absence of a satisfactory explanation by the respondent. It must however be strong enough to give the Tribunal reasonable grounds for suspicions. The Tribunal must also have regard to any evidence and rebuttal or explanation provided by the witnesses for the respondent. The question for determination will be whether the Tribunal having considered the evidence on both sides is left with reasonable grounds for suspicion even if there is not sufficient*

evidence to make a positive finding of discrimination or unsuitability.”

270. The respondent’s representative made the point that more than an uncritical assimilation of assertions and rhetoric is required.

5 271. Both parties accepted that it is settled law that different job analysts applying the same criteria under a job evaluation scheme can reach different outcomes. This was probably best explained in the case of ***Middlesbrough Council v Surtees [2008] ICR 370***. The well known quotation from that case states

10 *“Job evaluation is a system, it is not a science, it is not arithmetic, nor is it an art. It is simply a system of classifying the components taking analytically from one job as against another job to determine the statutory question as to whether they are of equal value. It involves a methodology that is the word used throughout the*
15 *proceedings. It is apt. A method is a way of proceeding or doing something especially a systematic or regular one and it involves techniques of work for a particular field. Methodology is the system of methods and principles used in a particular discipline.”*

272. The Tribunal also accepted the proposition set out by both parties that
20 when one is looking at unreliability one is not necessarily looking beyond this to see whether the unreliability amounts of itself to discrimination. This was clearly stated by the Court of Session in the case of ***Armstrong and others v Glasgow City Council [2017] IRLR 993***.

273. The Tribunal’s understanding of its role in the matter was that essentially
25 we are gatekeepers of the claimants’ right to have their equal value claims proceed further. If there is a valid job evaluation scheme which has assigned different values then their claims cannot proceed at all unless we find that the job evaluation scheme was not a valid one, an argument we have already rejected or we find that there are reasonable grounds for
30 suspecting it is unreliable. When looking at whether or not we have reasonable grounds we must be careful to look at facts rather than argument. We are entitled to look at all of the evidence in the case including any evidence that has come from cross examination. What we

cannot do is rely on assertions made during cross examination as amounting to facts.

274. As previously noted, evidence from existing jobholders may well be of very limited value for the reasons already stated. In addition to this, the law itself recognises that even if two different analysts are faced with the same job facts it is entirely possible for the scheme to be valid and reliable even if the analysts come up with different results.

275. In their legal analysis the claimants' representative helpfully set out the various factual matters which they considered gave reasonable grounds for the suspicion that the job evaluation studies were unreliable under seven separate headings. In analysing these grounds we shall follow these headings and at the same time examine any counter facts or argument put forward by the respondent in respect of these.

(i) Background and financial imperatives

276. The claimants referred to the financial background against which single status was being introduced as being a relevant factor on the basis that the factual financial position which local authorities found themselves in relation to equal pay in the early 2000s was relevant. As noted above the Tribunal went through a considerable number of minutes of the meetings to the various steering groups and other council bodies which were discussing the matter at that time. Although the respondent's witnesses in general terms professed to have little memory of these matters the Tribunal considered that it could take into account these contemporary documents and that it was permissible for us to slot these documents into the publicly available timeline relating to the completion and publication of the various equal pay cases which were being determined at this time which are a matter of public record. It is clear from the evidence that Fife Council like most councils had got themselves into a situation where they were extremely vulnerable to equal pay claims based on their previous pay schemes. A situation had arisen whereby manual workers would in some cases receive bonuses which amounted to 50% as much again of their basic pay. Not all manual workers received these bonuses. It appears to be clearly appreciated in the minutes that the problem is that

job roles with predominantly male jobholders received bonus. These jobs were essentially the predecessors of the comparator jobs which were referred to in the current claim. They were the gardeners, refuse collectors, street sweepers, storepersons, grave diggers, refuse drivers.

5 Female manual workers who were on the same grade in jobs such as home carers, cleaners, cooks, catering assistants did not receive bonus. As a result of this, Fife Council, like others, was extremely vulnerable to claims from female cooks, cleaners and carers who could point out that they had been rated as equivalent as holders of the male jobs – gardeners,

10 refuse collectors etc and they were being paid around 50% less. It is clear from the documentation that the respondent was concerned at the financial implication of this. It is clear from the council minutes that by 2004/05 at the very latest the respondent council was trying to resolve these cases with the unions. The minutes note that there were hopes for

15 a national agreement with the local government trade unions which would provide a framework for settling these claims. The documents show that there was disappointment when that did not occur. By the period shortly before implementation i.e. when the final work was being done on grade boundaries the respondent were in the position whereby they were making

20 offers to their female staff in that situation at roadshows. There is a clear message from the minutes that both the unions and the respondent were keen to have these claims settled at these roadshows and that what is described as “no win no fee solicitors” and “Steven (sic) Cross” were seen as a mutual threat to both the union and the respondent.

25 277. The Tribunal also accepted (because it is stated in paragraph 2 of the foreword to the Red Book Job Evaluation Scheme (P157)) that one of the reasons for the Red Book Job Evaluation Scheme was to remove past inequalities. The Red Book Job Evaluation Scheme referred to the well known categorisation of employees into red circles, green circles and

30 white circles. There is clear evidence from the minutes that the council were keen to reduce the number of red circles. The Tribunal’s view was that there was absolutely nothing unsurprising about this. The Tribunal considered that the respondent would not have been doing their job properly had they not anticipated that the more red circles there were the

35 greater the financial cost would be to the council.

278. Notwithstanding the protestations of the respondent's witnesses that they could not remember, the Tribunal considered that the minutes showed that there was a real appreciation on the part of the council that there would be real problems if the job evaluation scores in the Red Book job evaluation ended up similar to the scores in the previous Green Book Job Evaluation Study. As the claimants note in their submissions the first problem was that the bonus had to go but that would leave 900 or so male employees without a third to a half of their salary and would cause enormous unrest. It was clear from the cases which were coming out of the courts at that time from for example Redcar and Cleveland and Middlesbrough that pay protection arrangements designed in order to prevent that unrest amongst male employees could have a sting in the tail in that female employees who were doing work of equal value but had been denied bonus due to historic sex discrimination would be in a position to make compensation claims based on the male workers receiving pay protection and the female workers not receiving pay protection.
279. A further twist to the knife, further increasing the potential cost to the council was that if single status were implemented in the way planned whereby men who were red circled because they had previously received discriminatory bonus were assimilated to the new grade at the top of the scale so as to minimise any immediate loss of salary women who were white or green circles would go to the lowest point in the scale. Again, it is clear that it was appreciated at the time that the respondent would be extremely vulnerable to those claims. Whilst the Red Book set out a three year pay protection period it is clear that the respondent's potential financial cost would not be limited to simply having to pay pay protection for a period of three years. In addition to this they would have to pay out potentially massive amounts in respect of compensation to the staff in predominantly female held roles who had not previously received bonus.
280. This financial hit could be minimised or even removed altogether if the outcome of the job evaluation process was that the workers in the previous male dominated roles were evaluated as having higher scores than the female denominated jobs which had previously been scored the same as or lower than them.

281. The Tribunal noted that in this particular local authority there was extremely close co-operation between the respondent council and the unions. It is noteworthy that most of the respondent's witnesses in fact had a union background. June Green had been a previous Unison secretary and Sarah Erskine was the Unison secretary and joint trade union secretary at the time she carried out the corporate review process with Mr Duff.

282. The respondent's position was that whilst such pressures did exist the evaluations were not influenced by this in any way and indeed all the witnesses either said they were entirely unaware of such pressures or that if they were then they were able to put them entirely from their mind and did not allow them to influence evaluations in any way. The tribunal considered that in light of the contemporary minutes it was not credible that those charged with implementing the red book job evaluation scheme would be unaware of these pressures and that it was more than likely that although they may not deliberately set out to skew the evaluations so as to minimise or remove these financial costs it was unlikely in the extreme that, as human beings, they could have ignored them altogether particularly where, as will be expanded upon below the way the scheme was implemented in Fife meant there were few procedural safeguards in place to ensure that such extraneous influences did not occur.

Overall Outcomes

283. The claimant's position was that what added to reasonable grounds for suspicion in this case was that the anticipated financial difficulties for the council did not occur to anything like the extent that they would have had the Red Book job evaluation ended up giving similar results to both the male dominated jobs and the female dominated jobs as had previously happened under the Green Book. A key document here is the equalities impact assessment (916-935) and in particular the table at page 921. These show that jobs which previously attracted bonus ended up at grade 3 or above whilst the jobs in grade 1 and 2 were those which had predominately (in some cases exclusively) female workforces.

284. The Tribunal also noted that in the minutes of meetings the job analyst team is congratulated on getting the number of red circles down from 25% to 10%. It is also noted that Peter Duff and Sheila Erskine are singled out for praise for avoiding the 'same problems as in other local authorities'.
- 5 285. The respondent's view to counter this is simply that this was the way things worked out. They indicated that the claimant's position that there was something suspicious about the way that the evaluation scores matched the pre-single status earnings (which included admittedly discriminatory bonuses) was ill founded.
- 10 286. The Tribunal's view was that whilst this ground of suspicion was reasonable it would not of itself be sufficient to cause the scheme to be unreliable. Every local authority faced similar financial constraints. We did however consider that in this case the "achievement" of reducing red circles from 25% to 10% and in addition the outcome that the previous male dominated jobs all scored much higher than the previously equivalent female dominated jobs thus depriving the female jobholders of any comparator could either be viewed as extremely fortunate happenstance for the council or some evidence that the scheme could not be relied upon. In our view it certainly meant that when we were looking at other adminicles of evidence we felt we should bear in mind that there was a very strong financial imperative for the council to arrange things so that matters turned out as they did.
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Specific outcomes

287. The tribunal has set out its findings of fact above in relation to the specific claimant and comparator job evaluations. In general terms, based on the limited evidence we heard then there were a substantial number of scores which appear questionable. There are many scores where the tribunal would have awarded a higher factor score to the claimants than that awarded. There are a number of issues where we agree with the claimants' representative that the score awarded to comparators seems unusually high or inappropriate in terms of the red book scheme.
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288. The tribunal considered that there were reasonable grounds for suspecting unreliability in the way that all of the questionable scores and

errors appeared to point the same way. We accepted that there was a pattern of scores for the claimant jobs being strangely low and scores for the comparator jobs being strangely high. Whilst it may be that the limitations in the amount of evidence we heard as well as the undoubted fact that job evaluators can legitimately come to differing conclusions on the same facts might mean that little can be read into each individual factor score where we would differ from the respondent, we considered that the overall pattern allowed us to draw a legitimate inference that it would appear that the scoring for claimant jobs had been deliberately less generous than for comparator jobs. This was essentially on the probabilistic basis that whilst we would have accepted that one or two surprising scores could be dismissed as outlier the sheer number of discrepancies and the fact that they all gave rise to the same general outcome- a marking down of female dominated jobs and a marking up of male dominated jobs meant that we were entitled to infer that this pattern existed

Lack of transparency

289. The second point to be considered is what the claimants' representative indicated as the most compelling reason to consider the scheme unreliable - that of a lack of transparency.

290. During the earlier hearing the Tribunal confirmed that the Gauge software which was the only record we had understood to be retained by the respondent only included the final score given and the final version of the key documents being the job overview and the question trace. It was simply not possible to have access to the previous answers which had been given to questions at an earlier stage.

291. As will be clear from our factual findings and indeed our findings in the previous judgment the calculation of the final job evaluation score and the final question traces and job overview was very much an iterative process. At the earlier hearing the respondent emphasised the role of the initial meeting with jobholders and the key role of this meeting in ascertaining the job facts. The Tribunal's view from the evidence at this hearing, particularly that of Ms Green was that the role of the initial meeting with

the jobholders was considerably less than this. It would appear that in some cases there was no meeting with jobholders at all such as for the gardeners. In other cases there were a number of meetings with jobholders however the individual outcomes were not used but allegedly informed the production of a tasks and activities sheet which was a composite prepared by a job analyst. The question trace and job overview was not necessarily one which any of the meetings had agreed. Furthermore, Ms Green's evidence was that this was just the start of the process. She indicated in her evidence this time that jobholders were specifically told this at each meeting. After the meetings the question trace which had been entered into Gauge at the meeting could be and it would appear was subject to considerable further change and amendment in three ways.

292. The first way was that the job analysts would discuss matters amongst themselves and change answers in order to deal with what they described as inconsistencies. The second was that there would be discussions with managers who could change the answers given and the third way was that at the very end of the process every single job evaluation score was looked at by the corporate review team comprising Mr Duff and Ms Erskine. They could and did suggest changes at this stage and the Tribunal's view was that these suggestions in fact amounted to instructions on the basis of the evidence before us. There was absolutely no comprehensive records of any of these processes. Whilst the Red Book envisaged using a questionnaire process so that at least there would be some record of what jobholders had initially told the job analysts the respondent for reasons of their own decided to dispense with this key process. This means that there is absolutely no record of what the jobholders initially told the job analysts to be compared with the final answers given.

293. As noted in our previous hearing it is completely uncontroversial for managers to have an input into the job evaluation process. One simply cannot have jobholders being the sole arbiters of what their job consists of. Both Mr Duff and Ms Green stated that it was a fact of life that some employees will talk up their jobs.

294. The Tribunal shared the claimants' concern at the almost complete lack of transparency and the absence of records.

295. Interestingly, on or about the seventh day of the hearing when Ms Green was being asked about the absence of records she was quite clear that the JATMIS record would actually contain all this information. The Tribunal's view was that it was probably this observation which prompted Mr Murray to realise for the first time that the JATMIS system download ought to have been lodged with the Tribunal. Unfortunately even with the JATMIS system there is no comprehensive record about what changes were being made. It is clear that such records probably existed at one time in that there was a paper file but the respondent disposed of all these paper files. As a result, the Tribunal's view is that one can have absolutely no confidence that the information in the final question trace has not been manipulated or interfered with in some way.

296. The respondent's position was that they were a victim of circumstance and that the claimants' representatives were taking advantage of the fact that the respondent did not have much in the way of records to make unfounded criticisms of the process. The Tribunal did not consider this argument to be well-founded. The need for transparency is mentioned at various points in the Red Book Job Evaluation Scheme. On page 375 the principals of job evaluation are set out and transparency in its application is said to be one of the 10 principals. With the greatest respect to the respondent it is not transparent if the answer to any question about a particular job evaluation score is simply that this is the score and that all of the documentation relating to the working out of that score has been shredded.

297. The Tribunal agreed with the claimants' assertion that based on the evidence the complete lack of supporting documentation meant that the Tribunal could not be certain of the provenance of any of the answers given during the job evaluation process. In addition to this general point we considered that the lack of transparency led to a particular difficulty when, as we will do in more detail later, the Tribunal sought to analyse the reason why certain of the scores given appear to be extremely strange or odd. Initially in her cross examination Ms Green was asked why it was

said that home carers were said to only deal with people who were only slightly disadvantaged (which contradicted the evidence of the carers we heard from). She responded confidently that this would have been the answer given by the carer jobholders interviewed at the time. By the end of her evidence it was clear that this was not necessarily the case and this meant that when the Tribunal was looking round for explanations for what appeared to be outright errors or very unlikely answers we could not find any documentation to assist.

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298. Ms Brown's take on matters was that the process of second signing and the various discussions that took place between analysts was all about interpretation. The tribunal disagreed. It is clear that the respondent did not carry out a discrete task of formally signing off job facts. The process of interpreting the job facts was therefore inevitably intertwined with the ongoing process of deciding what these facts were and it was clear from her evidence that as soon as management became involved they were seen as the authorities as to what the job facts were.

299. The red book practice manual states (p169)

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"The evaluation output should be forwarded to both the jobholder and the line manager for comment and verification. This output is the job overview document showing job purpose, key tasks and job demands under the factor headings of the job evaluation scheme."

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It is absolutely clear that this stage was not part of the evaluation scheme carried out by the respondent. We can have no confidence that job facts could not be manipulated or certain tasks downplayed by management in order to influence an evaluation one way or the other.

Possibility of manipulation

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300. From the evidence it was clear that the Corporate Review Process was carried out for every single one of the job evaluations. The respondent's witnesses described this as a massive 'sore thumbing' exercise. The respondent's witnesses indicated that there would be an ongoing process of "sore thumbing" within each service which was done by analysts as the evaluation process proceeded. That was often the purpose of interim

review meetings. There might be an issue between departments which could be identified at this stage for example if Clerical Assistants in one department of a service were scored higher than Clerical Assistants in another department of a service. The analysts would go through this to identify what the differences were in the route which had been taken through the software. There would often be debates but a compromise would be achieved between the analysts. As noted at this point any issues regarding job facts would be dealt with purely on the basis of what management said. The result may be a change in one or other of the scores. In the Tribunal's view however the corporate review process was different. In this case the two individuals carrying out the corporate review process were looking at the scores over the whole of the council. Whilst the Tribunal's view was that at the stages prior to the corporate review process the main concern was simply lack of transparency given that the job facts could be changed without any reference to or input from the jobholders, there was most certainly not just a lack of transparency but also scope for manipulation at the corporate review stage.

301. Another way that eventual grades could be manipulated was in the way that jobs were defined. Although the minutes are unclear and none of the respondent's witnesses could help to any great extent it does appear clear that there was discussion of generic job descriptions being used towards the end of the period. There are also clear instances such as the gardeners where entirely new jobs were being created and scored in the period leading up to implementation.

302. The Tribunal considered that the JATMIS evidence was particularly concerning.

303. The Tribunal accepted the respondent's position that JATMIS was a management tool and provided a high level description of what particular task had been carried out. It did not provide any rationale for the decisions and it may be that there were very good reasons for what was instructed. That having been said JATMIS is the only contemporary record which we have. In the view of the Tribunal it clearly shows that on numerous occasions evaluators were instructed to make changes. Most worryingly there are a number of occasions where evaluators were instructed to

change the grade and not simply the answer to a particular question or change a particular score.

5 304. Taking first the issue of the use of the word instruction the Tribunal's view was that this was not simply a question of semantics. It clearly showed that an evaluator believed that they had been told what to do by a member of management. In her evidence Ms Erskine's position was that she herself had no power to instruct people but she agreed that Peter Duff did and that on occasions he had done so.

10 305. The process the two evaluator witnesses gave of being called in to Mr Duff and Ms Erskine with their file and Mr Duff and Ms Erskine going through the file with them and such meetings potentially lasting many hours meant that by the end of it if Mr Duff believed something ought to be changed then this was viewed as an instruction. The Tribunal's view was that it was probably correct to say that the analysts would not simply change a figure but would go back through the system to see what answers should be changed, whether a 20-40% should be reduced to a 0-20% or increased to a 40-60%. They may decide to change the categorisation of the task being carried out. With regard to the use of the word instruction to change a grade then the Tribunal agreed with the claimants' view that
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20 this clearly showed that the end result came first and the workings out second.

25 306. The Tribunal accepted the evidence of Ms Brown and Ms Green that at no time did they deliberately set out to reduce the scores for female dominated jobs or increase the scores for male dominated jobs. Both of them gave evidence that they were largely unaware of the equal pay issue which the Tribunal had little option but to take at face value albeit it was somewhat surprising in respect of Ms Green. The Tribunal does note however that the evidence is clear that both Mr Duff and Ms Erskine attended meetings where the various equal pay issues before the council were discussed and they would have been well aware of these and the
30 potential massive costs to the council (in addition to the massive costs already being incurred) if the scores of the Green Book Manual Worker Scheme, which had scored predominantly male and female jobs as roughly equivalent, was replicated in the new scheme.

307. It is true that there is nothing in the JATMIS record which shows a clear instruction to change one of the grades or any of the claimant or comparator jobs. The Tribunal's view remains however that on the evidence such manipulation was entirely possible.

5 **2015 settlements**

308. As noted above the claimants sought to lodge additional documentation during the hearing in the form of various excerpts from the council's publicly published accounts for a number of years showing the effect of the equal pay claims on their finances and in particular the costs of the settlement which was made with the various claimants in or about 2015.

309. The lodging of these documents was objected to by the respondent's representatives. After discussion in private the Tribunal agreed that we would allow the documents to be lodged and evidence to be led under reservation. Limited evidence was then taken from the respondent's witnesses but none of these witnesses had actually been personally involved. The Tribunal's view was that we would re-state our decision to allow these documents to be lodged however, as we indicated at the time, we did not consider this part of the evidence to have much if any bearing on the issue which we were required to determine namely whether there were reasonable grounds for suspecting the evaluation was not reliable. The position is that the respondent in common with many other local authorities faced a substantial number of equal pay claims in 2015. The precise reasons why they decided to settle these claims rather than continue to fight them is not something the Tribunal heard any evidence about. It is commonplace that respondents settle claims for a substantial number of reasons and that the presence or absence of an acceptable defence is only one of these. We also don't have any specific details of precisely what these claims still consisted of. The fact that there appears to have been a confidential memorandum of understanding (which we have not seen) which indicated that certain roles were to be re-evaluated did not in the view of the Tribunal provide any evidence that the respondent accepted that there was anything wrong with the initial evaluations. The Tribunal did not consider this in any way constituted grounds for suspecting the evaluation to be unreliable.

Generic job overviews

310. The Tribunal agreed with the claimant's representative that there was a reasonable suspicion of unreliability arising from use of generic job overviews. We would agree that looking at matters as a whole there is a pattern whereby female jobs were lumped together and lost points because not all jobholders did the same work. On the other hand jobs where the jobholders were predominantly male were either recreated like the three gardener roles created in 2006 or in the words of the claimant given the benefit of the doubt where not everyone does the same work but the whole group gets the benefit of a higher level mark. Varying examples of this are given above. For example Cleaners who were keyholders did not get any credit for doing this because not all cleaners were keyholders. Catering Assistants who worked in hot kitchens did not get credit because some catering assistants only helped serve in the dining hall and did not spend time in the kitchen. The Tribunal considered that on the face of it many of these generic job titles in roles where the jobholders were predominantly women had a degree of unfairness built in from the start. There was no reason why Catering Assistants who simply come in for three hours and serve food should be in the same group as employees who spend the whole morning in a hot kitchen using knives to cut food and thereafter serve the food.
311. It is noteworthy that even Ms Green is recorded at one meeting as noting that the new role meant that there was absolutely no difference between Cooks based on the number of meals being produced. The job of a Cook working in a large kitchen producing hundreds of meals within a short period of time is different from that of a Cook at an outward bound centre whose main role is producing sandwiches or packed lunches.
312. The Tribunal did not hear a great deal of evidence about how the generic job titles came about. There are some references in the minutes and it is noted at one stage that the programme will be financially advantageous to the respondent but there is a dearth of detail. The Tribunal was aware that some of the largest generic job titles appear to have existed from the very start such as Home Carers. That having been said it is clear from the evidence and the JATMIS record that job titles were subject to a degree

of fluidity and the decision appears to have been made that there would be extremely large employee groups in the predominantly female roles of Home Carer and Cleaner. The Tribunal considered that this was also grounds for suspecting that the job evaluation study was unreliable.

5 **Summary**

313. The Tribunal's view based on the evidence was that in this case there were reasonable grounds for considering that the job evaluation study was unreliable. These were

(1) The outcomes looked strange in two respects.

10 (a) The first was that there were a substantial number of instances where individual outcomes for particular posts appeared odd. As noted above a great deal of the difference between the answers given by the claimants' witnesses to the answers which appeared to have been recorded at the time of itself does not give rise to
15 reasonable groups for suspicion. Job evaluation is a process and the fact that in many cases the Tribunal would have awarded different scores is of itself not suspicious. Where however the totality of the scores contains a number of oddities then the Tribunal is entitled to look further. In this case we have Cleaners, none of whom who seem to spend much time cleaning toilets with
20 chemicals. We have Cooks, Catering Assistants and Catering Supervisors, none of whom seemed to use knives to cut up vegetables and on the other hand we have Refuse Loaders who spend up to 80% of their time pushing full commercial bins and no time pushing empty ones. We have Specialist Gardeners who
25 require to exercise more interpersonal skills than Home Carers. Home Carers who required to drive between jobs not getting any credit for this whereas Storeman get credit for driving fork lift trucks whether they do or not.

30 (b) The second strand of the outcome which raises suspicion is that whereas under the Green Book Scheme the claimant and comparator roles were rated as roughly equivalent the Red Book Job Evaluation Scheme consistently evaluated the male roles

higher. As a result of this the Red Book Job Evaluation in respect of those particular claimants and comparators which the Tribunal were to consider came up with a rank order which almost exactly mirrored the pre-implementation earnings which were based on discriminatory bonuses. The end result was that although the bonuses were abolished the holders of the male jobs in general continued to be paid more than the holders of the female jobs. The key difference was that the female jobholders could no longer pursue equal pay claims based on the jobs being rated as equivalent.

(c) When the scores were considered against the grade boundaries there were many situations where jobs with a large number of employees who were predominantly female would end up only a few points below the grade boundary, male jobs would end up a few points over the grade boundary. For the avoidance of doubt the Tribunal did not consider these outcomes to themselves amount for grounds for suspicion but they did amount to reasonable grounds for suspicion when considered along with the other concurrent facts.

20 (ii) *The Background*

314. For good financial reasons it very much suited the respondent council to get the outcome of the job evaluation scheme which they did get. As a result the number of red circles was reduced. It is noteworthy that Mr Duff and Ms Erskine were singled out for praise for avoiding the problems that other councils had had. The Tribunal's view that this could only be a reference to their role in the corporate review process is set out below.

(iii) *The lack of transparency in the Scheme*

315. Whilst the Tribunal took on board the point made by the respondent that it can be legitimate for employers to try to avoid employees gaming the system by limiting transparency to an extent the Tribunal felt that in this case there were serious issues around transparency which completely undermined the scheme. In the Tribunal's previous judgment we addressed the issue of the respondent deciding that at the end of the day

they would not provide scores routinely to employees but would put employees into job families. We were satisfied on the last occasion that the job families were simply a way of setting out the scores in the job evaluation scheme and that this did not affect the validity of the scheme.

5 On this occasion we are looking at transparency in the context of the actual scoring. There were a number of problems which in the view of the Tribunal even without the other matters would have rendered the scheme unreliable. The first relates to the total lack of transparency over the collection and verification of job facts. The first issue is that the
10 respondent in this case decided for whatever reason not to use questionnaires as set out in the Red Book. This meant that the only way jobholders could have any input at all into the collection of job facts was at the initial meetings. Tasks and activity sheets were prepared but these were not documents which were actually used for anything. It is also clear
15 that in some cases the tasks and activities sheets did not actually reflect what jobholders had said. In the case of the Home Carers they were amalgamated from several meetings. In the case of the Gardeners and various other jobs they were entirely made up by management. Crucially, even if an employee found themselves at one of the meetings with
20 jobholders designed to ascertain job facts there was absolutely no guarantee that jobholders' views on what the job facts were would be considered. It is now absolutely clear from the evidence that the meetings with jobholders were regarded as only the beginning of the process. It is clear that after that job facts could be and were changed with input from
25 management. Crucially and again the Tribunal considered this to be a serious flaw in the process, there was never any formal sign off between management and jobholders signifying that there was agreement on what the job facts were.

316. During the hearing a number of the apparently odd outcomes to the
30 process were put to Ms Green and her initial answer in each case was that this must have been what the jobholders said at the time. By the end of her evidence however it was clear that this was in no way necessarily the case. The Tribunal's view on the evidence that whilst at the beginning there may have been some idea of going back to the jobholders this did
35 not in fact happen. Neither Ms Green nor Ms Brown indicated that they

had ever done it. Ms Brown's suggestion was that it might have been done at an early stage but once management became involved then all these questions would be referred to management.

5 317. Given that there was no final sign off the Tribunal considered that this would allow apparently anomalous scores to go forward unchallenged. In addition to those specific points the fact that the respondent having developed a completely paper-based scheme which while the process was ongoing took up a substantial number of filing cabinets in a large room decided at some stage to dispose of all documentation. The respondent's
10 position was that this was something that had happened and that the claimants were trying to take advantage of this. The Tribunal disagreed. It would have been entirely possible for the respondent to have either kept the original paper files or to have these scanned or micro-filmed before disposing of them. The respondent was involved in equal pay litigation for
15 virtually the entire period since the early 2000s. The fact that they now have no documents was in the view of the Tribunal a ground for reasonable suspicion. The Tribunal were particularly concerned that the JATMIS record appears to have been substantially deleted after the current proceedings began.

20 (iv) *Manipulation of marks*

318. The Tribunal's view was that the JATMIS record clearly showed that individual evaluators were ordered to change grades in respect of a number of evaluations by the Corporate Review Process. The Corporate Review Process was the process which looked at every single one of the
25 job evaluations. There is absolutely no record as to why individual decisions were made. The process clearly shows that by the time the Corporate Review Process was underway all involved in the system would know how to manipulate a final grade by changing the answer to one or two questions. This was done as a specific matter of policy in respect of
30 the Cleaning Supervisors in order to deal with the issue of differentials created by the introduction of the living wage. It is clear from the JATMIS records that evaluators were routinely instructed to change scores or to change grades. The fact that they were asked to change a grade is in the view of the Tribunal clear evidence that such manipulation was possible

under the system. There is no direct evidence in the sense of a smoking gun that any of the scores in respect of the claimant or comparator roles being considered by this hearing were ordered to be changed in this way. However, that having been said, the Tribunal inferred from the fact that manipulation was possible and was being regularly carried out and from the other matters referred to above that there were at least reasonable grounds for suspecting that manipulation had taken place.

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319. At the end of the day the Tribunal considered that their role was to act as gatekeeper. We are not making a final determination that any of the job evaluations referred to are incorrect. The position is that the claimants have challenged these. The respondent have an absolute defence to these claims if the job evaluation study stands and the female claimants were rated lower than their male comparators. The law provides that they can only do this if the job evaluation study is valid and there are no reasonable grounds for believing that it is unreliable. The Tribunal's view is that in this case for the reasons above stated there are more than reasonable grounds for suspecting it to be unreliable. As a result, the respondent is not entitled to deploy their absolute defence. The next stage will be for a further stage 1 equal value hearing to take place with a view to appointing an independent expert to carry out a further job evaluation to see whether equal value is established or not.

Scope of judgment

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320. As noted at the outset the scope of this judgment is limited to the specific claimant posts with regard to the specific comparator posts which are listed. The Tribunal's view is that there are reasonable grounds for suspecting that every single one of the claimant and comparator job evaluations which we considered are unreliable. Our judgment does not go beyond this. The parties may however note that our reasons for coming to this conclusion are fairly generic and would on the basis of the evidence we heard appear to be relevant to other claimant and comparator roles as well. It is for essentially this reason that we have decided that our

finding of unreliability extends to certain comparator posts which were within scope of the hearing but where we have not made any specific findings of fact in relation to particular scores in the section above where we have considered the evaluations individually.

5 **Employment Judge: I McFatridge**
 Date of judgment: 07 July 2023
 Date sent to parties: 07 July 2023

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Appendix 1

Home Carers

4102828/2016	Home Carer FC 3	Ms	Rachel		Adams
4103176/2016	Home Carer FC 3	Ms	Karen		Aitken (Fraser)
4104615/2016	Home Carer FC 3	Ms	Suzanne		Allagui
4102839/2016	Home Carer FC 3	Mr	John	Ritchie	Allan
4102851/2016	Home Carer FC 3	Ms	Deborah	Anne	Anderson
4102845/2016	Home Carer FC 3	Ms	Lorraine	Elizabeth	Anderson
4102856/2016	Home Carer FC 3	Ms	Amanda		Archer
4102862/2016	Home Carer FC 3	Mr	WALTER	HELIBERTO	ARREAZA
4102867/2016	Home Carer FC 3	Ms	Kirsty	Louise	Bain
4102868/2016	Home Carer FC 3	Ms	Kathryn		Baird
4102875/2016	Home Carer FC 3	Ms	Arlene	Ann	Barnes
4102880/2016	Home Carer FC 3	Ms	Diane		Baxter
4102882/2016	Home Carer FC 3	Ms	Debbie	Anna	Beaton
4104618/2016	Home Carer FC 3	Ms	Edith		Beveridge
4104619/2016	Home Carer FC 3	Ms	Sheila	Agnes	Bisson
4102902/2016	Home Carer FC 3	Ms	Sheila	Agnes	Bisson
4102903/2016	Home Carer FC 3	Ms	MARLENE	LILLIAN	BLACK
4102906/2016	Home Carer FC 3	Ms	Jean		Blair
4102915/2016	Home Carer FC 3	Ms	Elizabeth	Henderson Pearson	Borthwick
4102920/2016	Home Carer FC 3	Ms	Sarah	Margaret	Bowman
4102925/2016	Home Carer FC 3	Ms	Laura		Boyes
4102927/2016	Home Carer FC 3	Ms	Angela		Boyle
4102944/2016	Home Carer FC 3	Ms	Gemma		Brown
4102942/2016	Home Carer FC 3	Ms	Julie		Brown
4102941/2016	Home Carer FC 3	Ms	Nicola	Lisa	Brown
4102954/2016	Home Carer FC 3	Ms	Alison	Jane	Bruce
4102956/2016	Home Carer FC 3	Ms	Ruth	Love	Buchanan
4102957/2016	Home Carer FC 3	Mr	George		Bullimore
4102963/2016	Home Carer FC 3	Ms	Ann		Burt
4102964/2016	Home Carer FC 3	Ms	Susan		Byers
4102968/2016	Home Carer FC 3	Ms	Linda		Cain
4102969/2016	Home Carer FC 3	Ms	Rosanna		Caldwell
4102973/2016	Home Carer FC 3	Ms	Louise	Elaine	Campbell
4102981/2016	Home Carer FC 3	Ms	Caroline		Campbell
4102980/2016	Home Carer FC 3	Ms	Elizabeth	Marion	Campbell
4102985/2016	Home Carer FC 3	Ms	Andrea	Dawn	Carr
4103000/2016	Home Carer FC 3	Ms	April		Christie
4103006/2016	Home Carer FC 3	Ms	Allison	Jane	Clark
4104623/2016	Home Carer FC 3	Ms	Isobella	Lynn Honeyman	Clark
4103013/2016	Home Carer FC 3	Ms	Sandra	Violet	Cobban
4103014/2016	Home Carer FC 3	Ms	Caroline	Helen	Cockburn
4103017/2016	Home Carer FC 3	Ms	Anne	Ellen	Colquhoun
4103020/2016	Home Carer FC 3	Ms	Mary		Connolly
4103021/2016	Home Carer FC 3	Ms	Leeanne	Marie	Connor
4103025/2016	Home Carer FC 3	Ms	Michelle		Cook
4103047/2016	Home Carer FC 3	Ms	Evelyn	Grace	Cumming
4103048/2016	Home Carer FC 3	Ms	Helen		Cummings
4103056/2016	Home Carer FC 3	Ms	Gillian		Cuthbert
4103074/2016	Home Carer FC 3	Ms	Elaine		Devlin
4103079/2016	Home Carer FC 3	Ms	Rosemary		Dickie
4103092/2016	Home Carer FC 3	Ms	Elaine	Mcneil	Doogan
4103098/2016	Home Carer FC 3	Ms	Jaye	Elizabeth	Douglas

4103100/2016	Home Carer FC 3	Ms	Sheila	Cunningham	Downie
4103102/2016	Home Carer FC 3	Ms	Anne	Mcnaughton	Doyle
4103123/2016	Home Carer FC 3	Ms	Marie		Dunn
4103124/2016	Home Carer FC 3	Ms	Heather	Ann	Dunsmore
4103134/2016	Home Carer FC 3	Ms	Linda		Edwards
4104629/2016	Home Carer FC 3	Ms	Jayde		Emmerson
4103142/2016	Home Carer FC 3	Ms	Karen		Evans
4103147/2016	Home Carer FC 3	Ms	MARION		FAIRGRIEVE
4103150/2016	Home Carer FC 3	Ms	Wendy		Falls
4103153/2016	Home Carer FC 3	Ms	Catriona	Alice	Fellows
4103159/2016	Home Carer FC 3	Ms	Danielle	Elizabeth	Fissenden
4103178/2016	Home Carer FC 3	Ms	Bernadette		Fraser
4103187/2016	Home Carer FC 3	Ms	Frances	Gillian	Galletly
4103193/2016	Home Carer FC 3	Ms	Lorraine		Gear
4103207/2016	Home Carer FC 3	Ms	Kay		Gilmour
4103211/2016	Home Carer FC 3	Ms	Irene		Gordon
4103215/2016	Home Carer FC 3	Ms	Amanda		Gourlay
4104630/2016	Home Carer FC 3	Ms	Donna		Graham
4103220/2016	Home Carer FC 3	Ms	Elizabeth	Bernard	Graham
4103232/2016	Home Carer FC 3	Ms	ANGELA		GRIFFIN
4103238/2016	Home Carer FC 3	Mr	Bruce		Gwilliam
4103239/2016	Home Carer FC 3	Ms	Vivienne	Claire	Haddrell (Carpenter)
4103029/2016	Home Carer FC 3	Ms	Helen	Catherine	Hannigan (Corse)
4103245/2016	Home Carer FC 3	Ms	Angela		Harkin
4105183/2016	Home Carer FC 3	Ms	June		Harpin
4103250/2016	Home Carer FC 3	Ms	Vikki	Louise	Harrison
4103252/2016	Home Carer FC 3	Ms	Belinda	White	Harron
4103258/2016	Home Carer FC 3	Ms	Elaine	Yvonne	Heggie
4103261/2016	Home Carer FC 3	Ms	Michelle	Eileen	Henderson
4103272/2016	Home Carer FC 3	Ms	Heather	Irene	Hollands
4103279/2016	Home Carer FC 3	Ms	Elaine	Margaret	Hooley
4103282/2016	Home Carer FC 3	Ms	Janet		Hope
4103285/2016	Home Carer FC 3	Ms	Jessica	Jane	Howard
4103289/2016	Home Carer FC 3	Ms	TRACY		HUGHESQUINNEY
4103293/2016	Home Carer FC 3	Ms	Karen		Hunter
4103292/2016	Home Carer FC 3	Ms	Stacy	Louise	Hunter
4103313/2016	Home Carer FC 3	Ms	Janette	Agnes	Huxtable
4103317/2016	Home Carer FC 3	Ms	Shirley-Ann		Iliff
4103320/2016	Home Carer FC 3	Ms	Julie		Ireland
4103324/2016	Home Carer FC 3	Ms	Kim	Sally	Jackson
4103326/2016	Home Carer FC 3	Ms	Ann	Elizabeth	James
4103179/2016	Home Carer FC 3	Ms	Agnes	Fraser Mcalpine	Johnstone
4103340/2016	Home Carer FC 3	Ms	Karen		Johnstone
4103342/2016	Home Carer FC 3	Ms	Pamela		Kay
4103345/2016	Home Carer FC 3	Ms	Mary	Taitnairn	Keggan
4103347/2016	Home Carer FC 3	Ms	Fiona	Marie	Keith
4103346/2016	Home Carer FC 3	Ms	Pauline	Elizabeth	Keith
4103357/2016	Home Carer FC 3	Ms	Ruth	Wangui	Kingett
4103362/2016	Home Carer FC 3	Mr	Marc		Komlavi
4103364/2016	Home Carer FC 3	Ms	Arlene		Krzyzanowska
4103369/2016	Home Carer FC 3	Ms	HEATHER	ELLEN	LAIDLAW
4103376/2016	Home Carer FC 3	Ms	Audrey	Jane	Lamont
4103378/2016	Home Carer FC 3	Ms	Sheila	Mary	Lawson
4103380/2016	Home Carer FC 3	Ms	Carol	Anne	Lee
4103384/2016	Home Carer FC 3	Ms	PATRICIA	JANE	LESSELS
4103388/2016	Home Carer FC 3	Ms	Mary		Lightfoot
4103390/2016	Home Carer FC 3	Ms	Amanda	Jane	Lironi

4103393/2016	Home Carer FC 3	Ms	Margaret	Pyott	Loan
4103398/2016	Home Carer FC 3	Ms	Margaret	Lesley	Lothian
4103400/2016	Home Carer FC 3	Ms	Debbie		Lothian
4103402/2016	Home Carer FC 3	Ms	SARAH	CAROLINE	LOUTIT
4103403/2016	Home Carer FC 3	Ms	Andrena	Gail	Low
4103407/2016	Home Carer FC 3	Ms	Hannah	Mcisaac	Lyall
4103406/2016	Home Carer FC 3	Ms	Heather		Lyall
4103416/2016	Home Carer FC 3	Ms	Susan	Mary	Macgregor
		The Execut or of			
4103421/2016	Home Carer FC 3	Ms	Marjorie	Linda	Mackenzie
4103422/2016	Home Carer FC 3	Ms	Joyce	Linda Gibb	Mackie
4103424/2016	Home Carer FC 3	Ms	Ursula	Marie	Maclennan
4103009/2016	Home Carer FC 3	Ms	Mary	Clark Martin	Macleod
4103427/2016	Home Carer FC 3	Ms	Lorraine		Macrae
4103431/2016	Home Carer FC 3	Ms	Lisa	Louise	Malcolm
4103437/2016	Home Carer FC 3	Ms	Janice		Mapplebeck
4103440/2016	Home Carer FC 3	Ms	Pauline	Helen	Marshall
4103443/2016	Home Carer FC 3	Ms	LAURA	ELIZABETH	MARTIN
4103456/2016	Home Carer FC 3	Ms	Ann		Maxwell
4103457/2016	Home Carer FC 3	Ms	Lynn	Kay	Mcandie
4103460/2016	Home Carer FC 3	Ms	Anne		Mcarthur
4103463/2016	Home Carer FC 3	Ms	Sandra	Ann	Mccallum
4103472/2016	Home Carer FC 3	Ms	Linda		Mccue
4103473/2016	Home Carer FC 3	Ms	Tracey		Mcculloch
4103487/2016	Home Carer FC 3	Ms	KIRSTEEN	ANNE	MCFARLANE
4103488/2016	Home Carer FC 3	Ms	Charlene		Mcfarlane
4103489/2016	Home Carer FC 3	Ms	SHIRLEY		MCGAIR
4103493/2016	Home Carer FC 3	Ms	Debra	Jane	Mcgonigle
4103495/2016	Home Carer FC 3	Ms	Michelle	Kayleigh	Mcgowan
4103511/2016	Home Carer FC 3	Ms	Sarah	Ann	Mckeen
4103523/2016	Home Carer FC 3	Ms	DENISE	MARY	MCLERIE
4103532/2016	Home Carer FC 3	Ms	Elizabeth	Donna	Mctavish
4103542/2016	Home Carer FC 3	Ms	Monika		Michalski
4103545/2016	Home Carer FC 3	Ms	Helen		Mill
4103547/2016	Home Carer FC 3	Ms	Catherine	Baird	Millar
4103548/2016	Home Carer FC 3	Ms	Anne	Halket	Miller
4103549/2016	Home Carer FC 3	Ms	Tracey	Helen	Miller
4103553/2016	Home Carer FC 3	Mr	Lukasz	Cezary	Miskiewicz
4103563/2016	Home Carer FC 3	Ms	Helen	Hastie	Molloy
4103569/2016	Home Carer FC 3	Ms	Elaine		Moore
4103572/2016	Home Carer FC 3	Ms	Moira		Morris
		Ms		Pamela Moncrieff	
4103564/2016	Home Carer FC 3	Ms	Susan		Muirhead
4103599/2016	Home Carer FC 3	Ms	Linda	Gillian	Murrie
4103611/2016	Home Carer FC 3	Ms	Debbie		Nisbet
4103623/2016	Home Carer FC 3	Ms	Jean	Ritchie	Park
4103643/2016	Home Carer FC 3	Ms	Pauline	Janet	Penny
4103646/2016	Home Carer FC 3	Ms	Tracy-Ann		Phimister
4103653/2016	Home Carer FC 3	Ms	Lisa		Potter
4103658/2016	Home Carer FC 3	Ms	Susan	Mary Davidson	Pullar
		Ms			
4103659/2016	Home Carer FC 3	Ms	Tracy		Purves
4103661/2016	Home Carer FC 3	Ms	Armanda	Isobell	Quinn
4104636/2016	Home Carer FC 3	Ms	Sally		Rainey
4103673/2016	Home Carer FC 3	Ms	Annie		Reekie

4103675/2016	Home Carer FC 3	Ms	Pamela	Edna	Reid
4103683/2016	Home Carer FC 3	Ms	Julie	Catherine Reid	Reston
4103696/2016	Home Carer FC 3	Ms	Eileen	Isabel	Ritchie
4103695/2016	Home Carer FC 3	Ms	Janet		Ritchie
4103693/2016	Home Carer FC 3	Ms	Louise		Ritchie
4103692/2016	Home Carer FC 3	Ms	Yvonne		Ritchie
4103700/2016	Home Carer FC 3	Ms	Katy	Margaret	Robertson
4103704/2016	Home Carer FC 3	Ms	Pamela		Robertson
4103714/2016	Home Carer FC 3	Ms	Wilma		Rogers
4103715/2016	Home Carer FC 3	Ms	Gill		Rollo (Bease)
4103718/2016	Home Carer FC 3	Ms	Yvonne	Elizabeth	Ross
4103726/2016	Home Carer FC 3	Ms	Anna	Grazyna	Rusiecka
4103738/2016	Home Carer FC 3	Ms	Lorraine		Scott
4103757/2016	Home Carer FC 3	Ms	Isabel	Mcquillan	Shields
4103759/2016	Home Carer FC 3	Ms	Ruth		Simpson
4103767/2016	Home Carer FC 3	Ms	Adriani		Singleton
4103783/2016	Home Carer FC 3	Ms	Monica		Smith
4103774/2016	Home Carer FC 3	Ms	Sharon	Jane	Smith
4103772/2016	Home Carer FC 3	Ms	Wendy		Smith
4103782/2016	Home Carer FC 3	Ms	Alaine		Smith (Weir)
4103791/2016	Home Carer FC 3	Ms	Donna		Steedman
4103802/2016	Home Carer FC 3	Ms	Lesley	Anne	Stewart
4103800/2016	Home Carer FC 3	Ms	Mary Anne	Graham	Stewart
4103810/2016	Home Carer FC 3	Ms	Kemi	Olatundun	Sutherland (Fakorede)
4103813/2016	Home Carer FC 3	Ms	Barbara	Jane	Sutherland (Smith)
4103814/2016	Home Carer FC 3	Ms	Elaine		Sutton
4103817/2016	Home Carer FC 3	Ms	Linda		Sweeney
4103823/2016	Home Carer FC 3	Ms	Jennifer		Takel
4103824/2016	Home Carer FC 3	Ms	Jacqueline	Elizabeth	Talbot
4103845/2016	Home Carer FC 3	Ms	Katrina		Thomson
4103850/2016	Home Carer FC 3	Ms	Corrinne		Thomson (Inglis)
4103785/2016	Home Carer FC 3	Ms	Anne	Snedden	Tuffin
4103861/2016	Home Carer FC 3	Mr	George		Walkingshaw
4103866/2016	Home Carer FC 3	Ms	Carol		Wallace
4103884/2016	Home Carer FC 3	Mr	Derek	Heggie	Watson
4103743/2016	Home Carer FC 3	Ms	Helen	Scott	Watters
4103894/2016	Home Carer FC 3	Ms	Kirsty		Westwater
4103900/2016	Home Carer FC 3	Ms	Yvonne		Whitehill
4103906/2016	Home Carer FC 3	Ms	Lorraine	Ann	Whyte
4103908/2016	Home Carer FC 3	Ms	Lucy	Ann	Wilks
4103912/2016	Home Carer FC 3	Ms	Margo	Forbes	Williamson
4103938/2016	Home Carer FC 3	Ms	Christine		Wood
4103941/2016	Home Carer FC 3	Ms	June	Elizabeth	Wren
4103947/2016	Home Carer FC 3	Ms	Michelle	Helen	Young
4103955/2016	Home Carer FC 3	Ms	Urszula	Ewa	Ziomek-Sienko

Cleaning Supervisors

4102837/2016	Cleaning Supervisor FC 3	Ms	Petrina		Allan
4104617/2016	Cleaning Supervisor FC 3	Ms	Wilma		Armstrong
4102893/2016	Cleaning Supervisor FC 3	Ms	Valerie	Hunter	Beveridge
4103887/2016	Cleaning Supervisor FC 3	Ms	Eunice	Anne Watt	Blackwood
4102908/2016	Cleaning Supervisor FC 3	Ms	Cecilia	Robb Peattie	Blake
4102916/2016	Cleaning Supervisor FC 3	Mr	David		Boston

4102926/2016	Cleaning Supervisor	Ms	MARGARET		BOYLE
4102966/2016	Cleaning Supervisor FC 3	Ms	Lorraine		Byrne
4103028/2016	Cleaning Supervisor FC 3	Ms	Karin		Cornwell
4103051/2016	Cleaning Supervisor FC 3	Ms	Lynn	Margaret	Cunningham
4103078/2016	Cleaning Supervisor FC 3	Ms	Ann		Dibben
4103087/2016	Cleaning Supervisor FC 3	Mr	William	Steven	Donald
4103126/2016	Cleaning Supervisor FC 3	Ms	Rosemary	Anne	Dyce
4103139/2016	Cleaning Supervisor FC 3	Ms	Fionna	Ann	Ellis
4103158/2016	Cleaning Supervisor FC 3	Ms	Mary	Anne Gill	Fisher
4103219/2016	Cleaning Supervisor FC 3	Ms	Elizabeth	Reekie	Graham
4103241/2016	Cleaning Supervisor FC 3	Ms	Dianne		Hall
4103334/2016	Cleaning Supervisor FC 3	Ms	Sharon		Johnston
4103359/2016	Cleaning Supervisor FC 3	Mr	Neil	Colin	Kinmont
4103413/2016	Cleaning Supervisor FC 3	Ms	Alison	Margaret	Macdonald
4103446/2016	Cleaning Supervisor FC 3	Ms	Margaret	Helen	Mason
4103449/2016	Cleaning Supervisor FC 3	Ms	Anne	Katerine	Mathie
4103507/2016	Cleaning Supervisor	Ms	ISABEL		MCINTYRE
4103526/2016	Cleaning Supervisor	Ms	RHONA	JOAN	MCNEILL
4103561/2016	Cleaning Supervisor	Ms	ELSPETH	MCCLAINBAIN	MOFFAT
4103606/2016	Cleaning Supervisor FC 3	Ms	Tracy	Jane	Nicol
4103672/2016	Cleaning Supervisor FC 3	Ms	Joyce	Peters	Rattray
4103815/2016	Cleaning Supervisor FC 3	Ms	Fiona	Biggs	Swain
4103857/2016	Cleaning Supervisor	Ms	ANGELA		VALENTINE
4103868/2016	Cleaning Supervisor FC 3	Ms	Jane		Ward
4103878/2016	Cleaning Supervisor FC 3	Mr	Charles		Warwick
4103559/2016	Cleaning Supervisor FC 3	Ms	Margaret	Mary Mitchell	Williamson
4103927/2016	Cleaning Supervisor FC 3	Ms	Elizabeth	Cuthbertson	Wilson
4103937/2016	Cleaning Supervisor FC 3	Ms	Elizabeth	Ann	Wood
4103952/2016	Cleaning Supervisor FC 3	Ms	Laura		Yule

Cleaners

4102836/2016	Cleaner FC 1	Ms	Valerie		Aitken
4102824/2016	Cleaner FC 1	Ms	Yvonne	Webb	Allan
4102841/2016	Cleaner FC 1	Ms	Carol	Ann	Allum
4102849/2016	Cleaner FC 1	Ms	Diane	Sarah	Anderson
4102843/2016	Cleaner FC 1	Ms	Sharon		Anderson
4102863/2016	Cleaner FC 1	Ms	June		Arundel
4102864/2016	Cleaner FC 1	Ms	Julie	Ann	Baillie
4102865/2016	Cleaner FC 1	Ms	Wendy	Margaret	Bain
4102878/2016	Cleaner FC 1	Ms	Ivanka		Basaj
4102881/2016	Cleaner FC 1	Ms	Merlyn	Montajez	Baxter
4102885/2016	Cleaner FC 1	Ms	Dorothy		Bell
4102894/2016	Cleaner FC 1	Ms	Jacqueline	Jamima	Beveridge
4102893/2016	Cleaner FC 1	Ms	Valerie	Hunter	Beveridge
4102896/2016	Cleaner FC 1	Ms	Anne	Nicol	Beveridge
4102895/2016	Cleaner FC 1	Ms	Heather	Ann	Beveridge
4102897/2016	Cleaner FC 1	Ms	Andrea		Billington
4102900/2016	Cleaner FC 1	Ms	Marilyn		Birrell
4102901/2016	Cleaner FC 1	Ms	Charmaine	Nicola	Birrell
4103174/2016	Cleaner FC 1	Mr	James	Fox	Black

4102909/2016	Cleaner FC 1	Ms	Sakulrat		Blyth
4102911/2016	Cleaner FC 1	Ms	Caroline	Michaela	Boa
4102913/2016	Cleaner FC 1	Ms	Michelle		Bonellie
4102918/2016	Cleaner FC 1	Ms	Moira	Alison	Bowers
4102923/2016	Cleaner FC 1	Ms	Laura	Allison	Boyd
4102922/2016	Cleaner FC 1	Ms	Linda	Catherine	Boyd
4102929/2016	Cleaner - St Johns Primary School	Ms	RACHEL		BRADLEY
4102932/2016	Cleaner FC 1	Mr	John	Mark Alan	Brain
4102933/2016	Cleaner FC 1	Ms	Kathleen		Brand
4102936/2016	Cleaner FC 1	Ms	Jennifer		Breen
4104620/2016	Cleaner FC 1	Ms	Helen	Frances	Brennan
4102946/2016	Cleaner FC 1	Ms	Debbie		Brown
4102951/2016	Cleaner FC 1	Ms	Lee-Anne		Bruce
4102958/2016	Cleaner FC 1	Ms	Shirley	Anne	Bunts
4102965/2016	Cleaner FC 1	Ms	Martin		Byrne
4102966/2016	Cleaner FC 1	Ms	Lorraine		Byrne
4102967/2016	Cleaner FC 1	Ms	Regina	Marie	Caffrey
4102970/2016	Cleaner FC 1	Ms	Jacqueline		Cameron
4102971/2016	Cleaner FC 1	Ms	Carole		Cammock
4102975/2016	Cleaner FC 1	Ms	Jacqueline	Rachel	Campbell
4102982/2016	Cleaner FC 1	Ms	Denise		Carlin
4102990/2016	Cleaner FC 1	Ms	Audrey		Chalmers
4102998/2016	Cleaner FC 1	Ms	Elizabeth	Davina	Christie
4102996/2016	Cleaner FC 1	Ms	Linda	Jane	Christie
4104622/2016	Cleaner FC 1	Mr	Robert		Christie
4103004/2016	Cleaner FC 1	Ms	Lynn	Sarah-Jane	Clark
4103003/2016	Cleaner FC 1	Ms	Michelle	Ann Marie	Clark
4103012/2016	Cleaner FC 1	Ms	Julie	Dawn	Coates
4103015/2016	Cleaner FC 1	Ms	Kathleen		Collie
4103018/2016	Cleaner FC 1	Ms	Senga	Millar	Condie
4103024/2016	Cleaner FC 1	Ms	Carol	Kim	Conroy
4103023/2016	Cleaner FC 1	Ms	Elaine	Agnes	Conroy
4103027/2016	Cleaner FC 1	Ms	Lisa	Elaine Ann	Cornwell
4103028/2016	Cleaning Supervisor FC 3	Ms	Karin		Cornwell
4103032/2016	Cleaner FC 1	Ms	Lorraine		Courts (Howie)
4103034/2016	Cleaner FC 1	Ms	Elaine		Coutts
4103035/2016	Cleaner FC 1	Ms	Anne	Parker	Coventry
4103036/2016	Cleaner FC 1	Ms	Helen		Cowan
4103037/2016	Cleaner FC 1	Ms	Diane	June	Cowie
4103046/2016	Cleaner FC 1	Ms	Michelle	Elaine	Cryans
4103053/2016	Cleaner FC 1	Ms	Caroline		Curran
4103057/2016	Cleaner FC 1	Ms	Audrey		Cuthbert
4103058/2016	Cleaner FC 1	Ms	Louise	Amy	Cuthbertson
4103060/2016	Cleaner FC 1	Ms	Angela	Graham	Dair
4103061/2016	Cleaner FC 1	Ms	Pamela	Margaret	Dall (Shepherd)
4103068/2016	Cleaner FC 1	Ms	Debbie	Jacqueline	Davies
4103072/2016	Cleaner FC 1	Mr	Albert	Horne	Dear
4103077/2016	Cleaner FC 1	Ms	Dawn	Louise	Dibben
4103076/2016	Cleaner FC 1	Mr	Raymond	Alan	Dibben
4103086/2016	Cleaner FC 1	Ms	Susan	Alison	Donachie
4103091/2016	Cleaner FC 1	Ms	Agnes		Donnachie
4103097/2016	Cleaner FC 1	Ms	Lesley	Janet	Douglas
4103096/2016	Cleaner FC 1	Ms	Linda	Moira	Douglas
4103101/2016	Cleaner FC 1	Ms	Joyce		Downie
4103105/2016	Cleaner FC 1	Ms	Mandy		Drummond

4103109/2016	Cleaner FC 1	Ms	Jane		Drysdale
4103115/2016	Cleaner FC 1	Ms	Mary		Duffy
4103122/2016	Cleaner FC 1	Ms	Jill	Susan	Dunlop
4103126/2016	Cleaner FC 1	Ms	Rosemary	Anne	Dyce
4103127/2016	Cleaner FC 1	Ms	Janet	Morris Hogg Clark	Eadie
4103128/2016	Cleaner FC 1	Ms	Margaret	Joan	Eason
4103129/2016	Cleaner FC 1	Ms	Tracy		Easson
4103130/2016	Cleaner FC 1	Ms	Janette	Vivienne	Easton
4103132/2016	Cleaner FC 1	Ms	Margaret		Eaves
4103149/2016	Cleaner FC 1	Ms	Charlene	Nikki	Falconer
4103163/2016	Cleaner FC 1	Ms	Joyce	Ann	Fleming
4103165/2016	Cleaner FC 1	Ms	Karen		Forbes
4103167/2016	Cleaner FC 1	Ms	Tracey	Anne	Forrester
4103169/2016	Cleaner FC 1	Ms	Allan		Forsyth
4103181/2016	Cleaner FC 1	Ms	Margaret	Murray	Fullerton
4103188/2016	Cleaner FC 1	Ms	Letitia	Theresa	Gallighan
4103190/2016	Cleaner FC 1	Ms	April		Galloway
4103189/2016	Cleaner FC 1	Ms	Patricia	Ann	Galloway
4103191/2016	Cleaner FC 1	Ms	Gwendaline	Thomson	Gardner
4103205/2016	Cleaner FC 1	Ms	Linda	Margaret	Gillies
4103206/2016	Cleaner FC 1	Mr	Stephen	James	Gilmour
4103213/2016	Cleaner FC 1	Ms	Susan	Margaret	Gourlay
4103216/2016	Cleaner FC 1	Ms	Somjit		Gove
4103223/2016	Cleaner - Ceres Primary School	Ms	BEVERLEY		GRAHAM
4103224/2016	Cleaner FC 1	Ms	Violet		Grant
4103226/2016	Cleaner FC 1	Ms	Heather		Gray
4103247/2016	Cleaner FC 1	Ms	Catherine	Stanley Trail	Harper
4103251/2016	Cleaner FC 1	Ms	Linda	Mary Catherine	Harrold
4103253/2016	Cleaner FC 1	Ms	Karen	Elizabeth	Hastie
4103260/2016	Cleaner FC 1	Ms	Veronica	Marjorie	Hemsley
4103267/2016	Cleaner FC 1	Ms	Sandra		Higgins
4103280/2016	Cleaner FC 1	Ms	Catherine	Ferriar Carmichael	Hoolighan
4103291/2016	Cleaner FC 1	Ms	Pauline	Mary	Hume
4103895/2016	Cleaner FC 1	Ms	Margaret		Hunter
4103302/2016	Cleaner FC 1	Ms	Yvonne		Husband
4103308/2016	Cleaner - Woodmill High School	Ms	SANDRA		HUTTON
4103310/2016	Cleaner - East Wemyss Library	Ms	ISABELLA		HUTTON
4103309/2016	Cleaner FC 1	Ms	Jacqueline		Hutton
4103907/2016	Cleaner FC 1	Ms	Euphemia	Whyte Tasker	Jeffrey
4103336/2016	Cleaner FC 1	Mr	Graham	Alasdair	Johnston
4103341/2016	Cleaner FC 1	Ms	Bernadette	Therese	Kandzior
4103349/2016	Cleaner FC 1	Mr	Owen		Kellichan
4103350/2016	Cleaner FC 1	Ms	Alison	Mary	Kenneavy
4101036/2016	Cleaner FC 1	Ms	Margaret	Dorothy	King
4103359/2016	Cleaner FC 1	Mr	Neil	Colin	Kinmont
4103365/2016	Cleaner FC 1	Mr	Tarik		Kssiaa
4103367/2016	Cleaner FC 1	Ms	Lorraine		Lagdon
4103371/2016	Cleaner FC 1	Ms	Mary	Ann	Laing
4103373/2016	Cleaner FC 1	Ms	Christina	Irene	Lamb
4103381/2016	Cleaner FC 1	Ms	Shona		Leighton

4104634/2016	Cleaner FC 1	Ms	Euphemia		Lithgow
4103397/2016	Cleaner FC 1	Mr	Henry		Logan
4103408/2016	Cleaner FC 1	Ms	Suzanne		Lynch
4103414/2016	Cleaner FC 1	Ms	Siobhan	Catharine	Macdonld
4103418/2016	Cleaner FC 1	Ms	Anne	Elizabeth	Macgregor
4103432/2016	Cleaner FC 1	Mr	John		Mallon
4103435/2016	Cleaner FC 1	Ms	Fiona	Jane	Mann
4103446/2016	Cleaning Supervisor FC 3	Ms	Margaret	Helen	Mason
4103451/2016	Cleaner FC 1	Ms	Donna	Marie	Mathieson
4103450/2016	Cleaner FC 1	Ms	Tracy	Jane	Mathieson
4103466/2016	Cleaner FC 1	Ms	Susan	Helen Barrowman	Mccartney
4103475/2016	Cleaner FC 1	Mr	James	Robertson Ross	Mcculloch
4104614/2016	Cleaner FC 1	Ms	Isobel		Mccullough
4103482/2016	Cleaner FC 1	Ms	Elizabeth		Mcdonnell
4103484/2016	Cleaner FC 1	Ms	Karen		Mcdowall
4103491/2016	Cleaner FC 1	Ms	Linda	Margaret	Mcjillvary
4103492/2016	Cleaner FC 1	Mr	Ryan	James	Mcjilly
4103500/2016	Cleaner FC 1	Ms	Amanda	Jayne	Mchale
4103505/2016	Cleaner FC 1	Ms	Nicola		Mcinnes
4103509/2016	Cleaner FC 1	Ms	Isabella	Turkin	Mckay
4103514/2016	Cleaner FC 1	Ms	Teresa	Catherine	Mckenzie
4103516/2016	Cleaner FC 1	Ms	Karen		Mckibben
4103517/2016	Cleaner FC 1	Ms	Karen		Mclachlan
4103520/2016	Cleaner FC 1	Ms Gillian McLay As Executor of Ms	Eileen	Mary	Mclay
4103522/2016	Cleaner FC 1	Ms	Maxine		Mclean
4103639/2016	Cleaner FC 1	Ms	Pauline	Pearson	Mcnair
4103533/2016	Cleaner FC 1	Mr	Ian	Duncan	Mcturk
4103535/2016	Cleaner FC 1	Ms	Cecilia	Alma	Mcvicar
4103953/2016	Cleaner FC 1	Ms	Margaret	Keith Yule	Melville
4103558/2016	Cleaner FC 1	Ms	Janet	Anderson Welsh Scott Dickson	Mitchell
4103565/2016	Cleaner FC 1	Ms	Fiona	Agnes	Montgomery
4103568/2016	Cleaner FC 1	Mr	Steven	Robert	Moore
4103567/2016	Cleaner FC 1	Ms	Valerie	Patricia	Moore
4103573/2016	Cleaner FC 1	Ms	Elizabeth		Morris
4103576/2016	Cleaner FC 1	Ms	Jay	Nicole	Mortel
4103586/2016	Cleaner FC 1	Ms	Kathleen		Munn
4103588/2016	Cleaner FC 1	Ms	Molly		Munro
4103591/2016	Cleaner FC 1	Ms	Marion	Elizabeth	Murphy
4103596/2016	Cleaner FC 1	Ms	Ann		Murray
4103604/2016	Cleaner FC 1	Ms	Diane		Ness
4103605/2016	Cleaner - Dunfermline High School	Ms	MARGARET		NEWLANDS
4103606/2016	Cleaner FC 1	Ms	Tracy	Jane	Nicol
4103614/2016	Cleaner FC 1	Ms	Allana	Jane	O'Hare
4103619/2016	Cleaner FC 1	Ms	Aileen	Panton	O'Sullivan
4103644/2016	Cleaner FC 1	Ms	Perveen	Akhter	Pervez
4103645/2016	Cleaner FC 1	Ms	Sandra		Pettigrew
4103648/2016	Cleaner FC 1	Ms	Dorota	Izabella	Piasecka
4103647/2016	Cleaner FC 1	Ms	Halina	Emilia	Piasecka

4103657/2016	Cleaner FC 1	Ms	Yvonne		Pullar
4103671/2016	Cleaner FC 1	Ms	Carrie		Rankine
4103669/2016	Cleaner FC 1	Ms	Rosie		Rankine
4103672/2016	Cleaner FC 1	Ms	Joyce	Peters	Rattray
4103674/2016	Cleaner FC 1	Ms	Agnes	Ruxton	Reekie
4103676/2016	Cleaner FC 1	Mr	Kenneth	James	Reid
4103678/2016	Cleaner FC 1	Mr	Robert	John	Reid
4103689/2016	Cleaner FC 1	Ms	Florence	Elizabeth	Riggans
4103694/2016	Cleaner FC 1	Ms	Janette		Ritchie (McLachlan)
4103697/2016	Cleaner - Woodmill High School	Ms	MARY	ANN	ROBB
4102840/2016	Cleaner FC 1	Ms	Donna	Allan	Robertson
4103703/2016	Cleaner FC 1	Ms	Dorothy	Stewart	Robertson
4103699/2016	Cleaner FC 1	Ms	Kelly	Anne	Robertson
4103705/2016	Cleaner FC 1	Ms	Marjory	Ann	Robertson
4103717/2016	Cleaner FC 1	Ms	Janice		Rooney
4103723/2016	Cleaner FC 1	Ms	Doris	Redfern	Ross
4103719/2016	Cleaner FC 1	Mr	Thomas	Herbert	Ross
4103737/2016	Cleaner FC 1	Ms	Lynne	Walker	Scotland
4103741/2016	Cleaner FC 1	Ms	Tracy	Ann	Scott
4103748/2016	Cleaner FC 1	Ms	Donna	Georgina	Sharp
4103747/2016	Cleaner FC 1	Ms	Donna		Sharp
4103751/2016	Cleaner FC 1	Ms	Sharon		Shaw
4103758/2016	Cleaner FC 1	Ms	Christina		Shields
4103756/2016	Cleaner FC 1	Ms	Karen		Shields
4103763/2016	Cleaner FC 1	Ms	Patricia	Margaret	Sinclair
4103635/2016	Cleaner FC 1	Ms	Hilda	Patterson Auchterlonie	Slater
4103770/2016	Cleaner FC 1	Ms	Fiona	Ann	Small
4103790/2016	Cleaner FC 1	Ms	Sandra		Stead
4103796/2016	Cleaner FC 1	Ms	Stephanie	Grubb	Stevens
4103797/2016	Cleaner FC 1	Mr	Samuel		Steward
4103803/2016	Cleaner FC 1	Ms	Julie	Anne	Stewart
4103798/2016	Cleaner FC 1	Ms	Michelle		Stewart
4103806/2016	Cleaner FC 1	Mr	James	Ian	Strange
4103805/2016	Cleaner FC 1	Ms	Norah	Alison	Strange
4103809/2016	Cleaner FC 1	Ms	Susan	Jane	Susans
4103826/2016	Cleaner FC 1	Ms	Janis	Linda	Taylor
4103835/2016	Cleaner FC 1	Mr	Craig	Alexander	Terris
4103839/2016	Cleaner FC 1	Ms	Susan	Elizabeth	Thompson
4103844/2016	Cleaner FC 1	Ms	Lorraine	Donna	Thomson
4103859/2016	Cleaner - East Area Flats	Mr	MICHAEL		WALKER
4103860/2016	Cleaner FC 1	Mr	Colin		Walker
4103862/2016	Cleaner FC 1	Ms	Janette	Campbell	Wallace
4103871/2016	Cleaner FC 1	Ms	Alice		Ward
4103869/2016	Cleaner FC 1	Ms	Gillian		Ward
4103873/2016	Cleaner FC 1	Ms	Carolyn	Jane	Wardrop
4103875/2016	Cleaner FC 1	Ms	Christina	Margaret	Warner
4103882/2016	Cleaner FC 1	Ms	Janet	Steele	Watson
4103886/2016	Cleaner FC 1	Ms	Carol		Watt
4103891/2016	Cleaner FC 1	Ms	Margaret		Welch
4103893/2016	Cleaner FC 1	Ms	Audrey	Mary	Welsh
4103904/2016	Cleaner FC 1	Ms	Nicola		Whittaker
4103903/2016	Cleaner FC 1	Ms	Rhona		Whittaker
4103913/2016	Cleaner FC 1	Mr	Gary	Alexander John	Williamson

4103559/2016	Cleaner FC 1	Ms	Margaret	Mary Mitchell	Williamson
4103911/2016	Cleaner FC 1	Mr	Michael		Williamson
4103925/2016	Cleaner FC 1	Ms	Jean		Wilson
4103921/2016	Cleaner FC 1	Ms	Nicola	Dawn	Wilson
4103920/2016	Cleaner FC 1	Ms	Paula		Wilson
4103933/2016	Cleaner FC 1	Ms	Helen	Bayne	Wishart
4103934/2016	Cleaner FC 1	Ms	Janet		Wither
4103937/2016	Cleaner FC 1	Ms	Elizabeth	Ann	Wood
4103940/2016	Cleaner FC 1	Ms	Louisa	Williamena	Woodside
4103331/2016	Cleaner FC 1	Ms	Jacqueline	Jenkins	Wright
4103943/2016	Cleaner FC 1	Ms	Heather		Wyper
4103263/2016	Cleaner FC 1	Ms	Sherilee	Henderson	Young
4103954/2016	Cleaner FC 1	Ms	Dovile		Zeimiene

Catering Supervisors

Catering Supervisor - Aberhill Primary School	Ms	EILEEN	GRACE	ANDERSON
Catering Supervisor (Primary School) FC 3	Ms	Julie	Ann	Baillie
Catering Supervisor - Burntisland Primary School	Ms	ANGELA	ROSE	BARCLAY
Catering Supervisor (Primary School) FC 3	Ms	Linda		Barker
Catering Supervisor - Kirkcaldy North Primary School	Ms	Alison	Yvette	Collins
Catering Supervisor - Bankhead Central Mobile	Ms	CLARE		CRUMPTON
Catering Supervisor (Primary School) FC 3	Ms	Marion	Mooney	Cunningham
Catering Supervisor (Primary School) FC 3	Ms	Shirley	Ann	Dowie
Catering Supervisor (Primary School) FC 3	Ms	Susan		Duff
Catering Supervisor (Primary School) FC 3	Ms	Leigh		Dunster
Catering Supervisor (Primary School) FC 3	Ms	Lynne	Adele	Fernie
Catering Supervisor (Primary School) FC 3	Ms	Carole	Margaret	Findlay
Catering Supervisor - Duloch Primary School	Ms	HILLARY	ANNE	FRASER
Catering Supervisor (Primary School) FC 3	Ms	Jayne	Margaret	Gilhooley
Catering Supervisor (Primary School) FC 3	Ms	Carolanne	Marietta	Gunn
Catering Supervisor - Buckhaven Primary School	Ms	MICHELE	ISOBEL	HAY
Catering Supervisor (Primary School) FC 3	Ms	Julia	Swanson	Houston
Catering Supervisor - Pitreavie Primary School	Ms	MORAG	JANET	HUTCHISON
Catering Supervisor (Primary School) FC 3	Ms	Darlene		Hutton
Catering Supervisor - Pitreavie Primary School	Ms	LYNNE	ELIZABETH	LOTHIAN
Catering Supervisor - Area 1 Mobile	Ms	NICOLA	ANN	MACKEAN
Catering Supervisor (Primary School) FC 3	Ms	Hannah	Rosemary	Macniven
Catering Supervisor (Primary School) FC 3	Ms	Elizabeth	Kennedy	Matthew
Catering Supervisor - Townhill Primary School	Ms	LINDA	JANET	MCFADDEN
Catering Supervisor - Kelty Primary School	Ms	KAREN		MCINALLY
Catering Supervisor - Lochgelly South Primary School	Ms	CLAIRE	CATHERINE	MCLAUGHLAN
Catering Supervisor (Primary School) FC 3	Ms	Nadia		Miller
Catering Supervisor (Primary School) FC 3	Ms	Christine		Mowbray
Catering Supervisor (Primary School) FC 3	Ms	Leanne		Nisbet
Catering Supervisor (Primary School) FC 3	Ms	Lori		Paterson
Catering Supervisor (Primary School) FC 3	Ms	Laura	Jayne	Pearson

Catering Supervisor - St Columbas Primary School	Ms	HELEN	FORBES	ROBERTSON
Catering Supervisor (Primary School) FC 3	Ms	Wendy	Louise	Robinson
Catering Supervisor (Primary School) FC 3	Ms	Tracey		Thayne
Catering Supervisor (Primary School) FC 3	Ms	Veronica	Gordon	Thom
Catering Supervisor (Primary School) FC 3	Ms	Linda		Wardrope
Catering Supervisor (Primary School) FC 3	Ms	Gemma	Elizabeth	Webster
Catering Supervisor (Primary School) FC 3	Ms	Audrey	May	Willison
Catering Supervisor - Beanstalk Nursery School	Ms	KIRSTY	MICHELLE	WILSON
Catering Supervisor - Breakfast Club - Blairhall Primary School	Ms	HEATHER		YOUNG
Catering Supervisor (Primary School) FC 3	Ms	Sandra	Johnson	Young

Catering Assistant (Schools)

4102939/2016	Catering Assistant - Auchmuty High School	Ms	HEATHER		BROCK	
4103490/2016	Catering Assistant	Ms	PAMELA	JANET	MCGETTIGAN	
4103501/2016	Catering Assistant	Ms	AMANDA		MCHALE	
4103508/2016	Catering Assistant - Kennoway Primary School	Ms	CAROL	SUTHERLAND	MACINTYRE	
4103108/2016	Catering Assistant (Schools) FC 1	Ms	Aileen		Dryburgh	
4103350/2016	Catering Assistant (Schools) FC 1	Ms	Alison	Mary	Kenneavy	
4103413/2016	Catering Assistant (Schools) FC 1	Ms	Alison	Margaret	Macdonald	
4103614/2016	Catering Assistant (Schools) FC 1	Ms	Allana	Jane	O'Hare	
4103521/2016	Catering Assistant (Schools) FC 1	Ms	Alyse	Mhairi	Mclay	
4103633/2016	Catering Assistant (Schools) FC 1	Ms	Amanda	Jane	Paterson	
4103372/2016	Catering Assistant (Schools) FC 1	Ms	Angela	Jayne	Laing	
4103632/2016	Catering Assistant (Schools) FC 1	Ms	Angela	Kim	Paterson	
4103822/2016	Catering Assistant (Schools) FC 1	Ms	Ann	Helen	Tait	
4103190/2016	Catering Assistant (Schools) FC 1	Ms	April		Galloway	

4102990/2016	Catering Assistant (Schools) FC 1	Ms	Audrey		Chalmers	
4103057/2016	Catering Assistant (Schools) FC 1	Ms	Audrey		Cuthbert	
4103236/2016	Catering Assistant (Schools) FC 1	Ms	Audrey		Gunn	
4102835/2016	Catering Assistant (Schools) FC 1	Ms	Beatrice	Mary	Aitken	
4103341/2016	Catering Assistant (Schools) FC 1	Ms	Bernadette	Therese	Kandzior	
4103054/2016	Catering Assistant (Schools) FC 1	Ms	Brenda		Curran	
4103476/2016	Catering Assistant (Schools) FC 1	Ms	Brenda	Mary	Mccune	
4103085/2016	Catering Assistant (Schools) FC 1	Ms	Carol		Doherty	
4102971/2016	Catering Assistant (Schools) FC 1	Ms	Carole		Cammock	
4103454/2016	Catering Assistant (Schools) FC 1	Ms	Carole	Anne	Matthews	
4102911/2016	Catering Assistant (Schools) FC 1	Ms	Caroline	Michaela	Boa	
4103739/2016	Catering Assistant (Schools) FC 1	Ms	Caroline	Berry	Scott	
4103740/2016	Catering Assistant (Schools) FC 1	Ms	Caroline	Mary	Scott	
4103247/2016	Catering Assistant (Schools) FC 1	Ms	Catherine	Stanley Trail	Harper	
4103562/2016	Catering Assistant (Schools) FC 1	Ms	Catherine		Moffat	
4103173/2016	Catering Assistant (Schools) FC 1	Ms	Christina	Margaret Laura	Fotheringham	
4103758/2016	Catering Assistant (Schools) FC 1	Ms	Christina		Shields	
4103180/2016	Catering Assistant (Schools) FC 1	Ms	Clodagh	Mary Ann	Fulham	
4103321/2016	Catering Assistant (Schools) FC 1	Ms	Dana	Louise	Irvine	

4103594/2016	Catering Assistant (Schools) FC 1	Ms	Dawn	Lisa	Murphy	
4103842/2016	Catering Assistant (Schools) FC 1	Ms	Deborah		Thomson	
4102982/2016	Catering Assistant (Schools) FC 1	Ms	Denise		Carlin	
4102849/2016	Catering Assistant (Schools) FC 1	Ms	Diane	Sarah	Anderson	
4103244/2016	Catering Assistant (Schools) FC 1	Mr	Dominic	Richard	Hardy	
4103451/2016	Catering Assistant (Schools) FC 1	Ms	Donna	Marie	Mathieson	
4102840/2016	Catering Assistant (Schools) FC 1	Ms	Donna	Allan	Robertson	
4103849/2016	Catering Assistant (Schools) FC 1	Ms	Donna		Thomson	
4103585/2016	Catering Assistant (Schools) FC 1	Ms	Doreen		Mullins	
4103520/2016	Catering Assistant (Schools) FC 1	Ms Gillian McLay As Execut or of Ms	Eileen	Mary	McLay	
4102961/2016	Catering Assistant (Schools) FC 1	Ms	Elaine		Burnett	
4103663/2016	Catering Assistant (Schools) FC 1	Ms	Elaine		Ramsay	
4103914/2016	Catering Assistant (Schools) FC 1	Ms	Elaine	Helen	Williamson	
4103770/2016	Catering Assistant (Schools) FC 1	Ms	Fiona	Ann	Small	
4103565/2016	Catering Assistant (Schools) FC 1	Ms	Fiona	Agnes	Montgomery	
4103815/2016	Catering Assistant (Schools) FC 1	Ms	Fiona	Biggs	Swain	
4103395/2016	Catering Assistant (Schools) FC 1	Ms	Fiona	Helen	Lock	

4103666/2016	Catering Assistant (Schools) FC 1	Mrs	Fiona	Agnes	Ramsay (Kean)	
4103778/2016	Catering Assistant (Schools) FC 1	Ms	Flora		Smith	
4103637/2016	Catering Assistant (Schools) FC 1	Ms	Gillian	Jane	Paul	
4103869/2016	Catering Assistant (Schools) FC 1	Ms	Gillian		Ward	
4103830/2016	Catering Assistant (Schools) FC 1	Ms	Gillian		Teevan	
4102960/2016	Catering Assistant (Schools) FC 1	Ms	Hayley		Burnett	
4103389/2016	Catering Assistant (Schools) FC 1	Ms	Heather	Seath King	Lindsell	
4104620/2016	Catering Assistant (Schools) FC 1	Ms	Helen	Frances	Brennan	
4104635/2016	Catering Assistant (Schools) FC 1	Ms	Helen		Quinney	
4103883/2016	Catering Assistant (Schools) FC 1	Ms	Helen	Purves Souness	Watson	
4103036/2016	Catering Assistant (Schools) FC 1	Ms	Helen		Cowan	
4103063/2016	Catering Assistant (Schools) FC 1	Ms	Jacqueline	Janet	Danskin	
4103071/2016	Catering Assistant (Schools) FC 1	Ms	Jacqueline		Dean	
4103225/2016	Catering Assistant (Schools) FC 1	Ms	Jacqueline	Gertruda Hendrica Maria	Gray	
4103270/2016	Catering Assistant (Schools) FC 1	Ms	Jacqueline	Ann	Hodge	
4103309/2016	Catering Assistant (Schools) FC 1	Ms	Jacqueline		Hutton	
4103863/2016	Catering Assistant (Schools) FC 1	Ms	Jacqueline		Wallace	
4102970/2016	Catering Assistant (Schools) FC 1	Ms	Jacqueline		Cameron	
4102974/2016	Catering Assistant (Schools) FC 1	Ms	Janet		Campbell	

4103256/2016	Catering Assistant (Schools) FC 1	Ms	Janet	Margaret	Heesom	
4103694/2016	Catering Assistant (Schools) FC 1	Ms	Janette		Ritchie (McLachlan)	
4103862/2016	Catering Assistant (Schools) FC 1	Ms	Janette	Campbell	Wallace	
4103717/2016	Catering Assistant (Schools) FC 1	Ms	Janice		Rooney	
4103576/2016	Catering Assistant (Schools) FC 1	Ms	Jay	Nicole	Mortel	
4103083/2016	Catering Assistant (Schools) FC 1	Ms	Jean	Muir	Dodds	
4103808/2016	Catering Assistant (Schools) FC 1	Ms	Jenifer	Mary	Stuart	
4102936/2016	Catering Assistant (Schools) FC 1	Ms	Jennifer		Breen	
4103195/2016	Catering Assistant (Schools) FC 1	Ms	Jessie	Kathleen	Gemmell	
4103122/2016	Catering Assistant (Schools) FC 1	Ms	Jill	Susan	Dunlop	
4103106/2016	Catering Assistant (Schools) FC 1	Ms	Julie	Ann	Drummond	
4102959/2016	Catering Assistant (Schools) FC 1	Ms	June		Burgoyne	
4102863/2016	Catering Assistant (Schools) FC 1	Ms	June		Arundel	
4104638/2016	Catering Assistant (Schools) FC 1	Ms	Karen	Elizabeth Taylor	Campbell	
4103164/2016	Catering Assistant (Schools) FC 1	Ms	Karen	Fiona	Flucker	
4103253/2016	Catering Assistant (Schools) FC 1	Ms	Karen	Elizabeth	Hastie	
4103379/2016	Catering Assistant (Schools) FC 1	Ms	Karen	Lilias	Lawson	
4103464/2016	Catering Assistant (Schools) FC 1	Ms	Karen	Susan	Mccallum	
4103484/2016	Catering Assistant (Schools) FC 1	Ms	Karen		Mcdowall	

4103517/2016	Catering Assistant (Schools) FC 1	Ms	Karen		Mclachlan	
4103769/2016	Catering Assistant (Schools) FC 1	Ms	Karin		Small	
4102933/2016	Catering Assistant (Schools) FC 1	Ms	Kathleen		Brand	
4103586/2016	Catering Assistant (Schools) FC 1	Ms	Kathleen		Munn	
4103360/2016	Catering Assistant (Schools) FC 1	Ms	Kirsty	Joan	Kirby	
4103175/2016	Catering Assistant (Schools) FC 1	Ms	Laura	Helen	Frame	
4102951/2016	Catering Assistant (Schools) FC 1	Ms	Lee-Anne		Bruce	
4103070/2016	Catering Assistant (Schools) FC 1	Ms	Leisa	Helen	Dawson	
4103188/2016	Catering Assistant (Schools) FC 1	Ms	Letitia	Theresa	Gallighan	
4102922/2016	Catering Assistant (Schools) FC 1	Ms	Linda	Catherine	Boyd	
4102996/2016	Catering Assistant (Schools) FC 1	Ms	Linda	Jane	Christie	
4103543/2016	Catering Assistant (Schools) FC 1	Ms	Linda		Mill	
4103688/2016	Catering Assistant (Schools) FC 1	Ms	Linda	Margaret	Riddell	
4102855/2016	Catering Assistant (Schools) FC 1	Ms	Linda	Jane	Arbuckle	
4103855/2016	Catering Assistant (Schools) FC 1	Ms	Linda	Ann	Tully	
4103339/2016	Catering Assistant (Schools) FC 1	Ms	Lisa	Vivienne	Johnston	
4102995/2016	Catering Assistant (Schools) FC 1	Ms	Lorna		Christie	
4103032/2016	Catering Assistant (Schools) FC 1	Ms	Lorraine		Courts (Howie)	
4103620/2016	Catering Assistant (Schools) FC 1	Ms	Lorraine		Ovenstone	

4103433/2016	Catering Assistant (Schools) FC 1	Ms	Louise	Jayne	Malloy	
4103710/2016	Catering Assistant (Schools) FC 1	Ms	Louise		Robson	
4103775/2016	Catering Assistant (Schools) FC 1	Ms	Louise	Margaret	Smith	
4103004/2016	Catering Assistant (Schools) FC 1	Ms	Lynn	Sarah-Jane	Clark	
4103051/2016	Catering Assistant (Schools) FC 1	Ms	Lynn	Margaret	Cunningham	
4103571/2016	Catering Assistant (Schools) FC 1	Ms	Lynn		Morran	
4103338/2016	Catering Assistant (Schools) FC 1	Ms	Lynne		Johnstone	
4103832/2016	Catering Assistant (Schools) FC 1	Ms	Mairi		Templeton	
4103181/2016	Catering Assistant (Schools) FC 1	Ms	Margaret	Murray	Fullerton	
4103891/2016	Catering Assistant (Schools) FC 1	Ms	Margaret		Welch	
4103199/2016	Catering Assistant (Schools) FC 1	Ms	Maria		Gibson	
4103591/2016	Catering Assistant (Schools) FC 1	Ms	Marion	Elizabeth	Murphy	
4103120/2016	Catering Assistant (Schools) FC 1	Ms	Mary	Duncan	Clunie	
4103880/2016	Catering Assistant (Schools) FC 1	Ms	Mary	Lawrie	Watson	
4103115/2016	Catering Assistant (Schools) FC 1	Ms	Mary		Duffy	
4103749/2016	Catering Assistant (Schools) FC 1	Ms	Maryjane		Shaw	
4103911/2016	Catering Assistant (Schools) FC 1	Mr	Michael		Williamson	
4103046/2016	Catering Assistant (Schools) FC 1	Ms	Michelle	Elaine	Cryans	
4103392/2016	Catering Assistant (Schools) FC 1	Ms	Michelle	Anne	Little	

4102913/2016	Catering Assistant (Schools) FC 1	Ms	Michelle		Bonellie	
4102918/2016	Catering Assistant (Schools) FC 1	Ms	Moira	Alison	Bowers	
4102955/2016	Catering Assistant (Schools) FC 1	Ms	Myra	Peebles	Buchan	
4103448/2016	Catering Assistant (Schools) FC 1	Ms	Nancy	Mason Mcdonald	Duncan	
4103921/2016	Catering Assistant (Schools) FC 1	Ms	Nicola	Dawn	Wilson	
4103067/2016	Catering Assistant (Schools) FC 1	Ms	Pauline	Margaret	Davidson	
4103639/2016	Catering Assistant (Schools) FC 1	Ms	Pauline	Pearson	Mcnair	
4102859/2016	Catering Assistant (Schools) FC 1	Ms	Phyllis	Georgina	Arnott	
4103609/2016	Catering Assistant (Schools) FC 1	Ms	Rachel		Nisbet	
4102967/2016	Catering Assistant (Schools) FC 1	Ms	Regina	Marie	Caffrey	
4103833/2016	Catering Assistant (Schools) FC 1	Mr	Richard		Terras	
4103126/2016	Catering Assistant (Schools) FC 1	Ms	Rosemary	Anne	Dyce	
4102919/2016	Catering Assistant (Schools) FC 1	Ms	Samantha		Bowie	
4103790/2016	Catering Assistant (Schools) FC 1	Ms	Sandra		Stead	
4103945/2016	Catering Assistant (Schools) FC 1	Ms	Sarah		Young	
4102924/2016	Catering Assistant (Schools) FC 1	Ms	Sharon	Kathleen	Boyes	
4103506/2016	Catering Assistant (Schools) FC 1	Ms	Sharon		Mcintosh	
4102958/2016	Catering Assistant (Schools) FC 1	Ms	Shirley	Anne	Bunts	
4102988/2016	Catering Assistant (Schools) FC 1	Ms	Shirley	Jane	Cassidy	

4103271/2016	Catering Assistant (Schools) FC 1	Ms	Shirley	Jane	Hogg	
4103858/2016	Catering Assistant (Schools) FC 1	Ms	Shirley	Ann	Walker	
4103216/2016	Catering Assistant (Schools) FC 1	Ms	Somjit		Gove	
4103075/2016	Catering Assistant (Schools) FC 1	Ms	Stinderpal		Dhanjal	
4103839/2016	Catering Assistant (Schools) FC 1	Ms	Susan	Elizabeth	Allan	
4103213/2016	Catering Assistant (Schools) FC 1	Ms	Susan	Margaret	Gourlay	
4103438/2016	Catering Assistant (Schools) FC 1	Ms	Susan		Marnoch	
4103519/2016	Catering Assistant (Schools) FC 1	Ms	Susan		Mclaughlin	
4103579/2016	Catering Assistant (Schools) FC 1	Ms	Susan		Muir	
4103787/2016	Catering Assistant (Schools) FC 1	Ms	Susan		Sneddon	
4103086/2016	Catering Assistant (Schools) FC 1	Ms	Susan	Alison	Donachie	
4103088/2016	Catering Assistant (Schools) FC 1	Ms	Susan		Donaldson	
4103514/2016	Catering Assistant (Schools) FC 1	Ms	Teresa	Catherine	Mckenzie	
4103741/2016	Catering Assistant (Schools) FC 1	Ms	Tracy	Ann	Scott	
4103567/2016	Catering Assistant (Schools) FC 1	Ms	Valerie	Patricia	Moore	
4102836/2016	Catering Assistant (Schools) FC 1	Ms	Valerie		Aitken	
4103260/2016	Catering Assistant (Schools) FC 1	Ms	Veronica	Marjorie	Hemsley	
4103918/2016	Catering Assistant (Schools) FC 1	Ms	Vicky		Wilson	
4102865/2016	Catering Assistant (Schools) FC 1	Ms	Wendy	Margaret	Bain	

4103264/2016	Catering Assistant (Schools) FC 1	Ms	Wendy	Burt	Henson	
4104617/2016	Catering Assistant (Schools) FC 1	Ms	Wilma		Armstrong	
4103446/2016	Catering Assistant (Schools) FC 1	Ms	Margaret	Helen	Mason	

Assistant Cooks

4102838/2016	ASSISTANT COOK FC2	Kerry		Allan
4102983/2016	ASSISTANT COOK FC2	Vivien	Couper	Carr
4103104/2016	ASSISTANT COOK FC2	Muriel	Catherine	Drummond
4103304/2016	ASSISTANT COOK FC2	Morag	Janet	Hutchison
4103420/2016	ASSISTANT COOK FC2	Nicola	Ann	Mackean
4103459/2016	ASSISTANT COOK FC2	Susan		Mcarthur
4103621/2016	ASSISTANT COOK FC2	Catherine	Suet Mui	Page
4103768/2016	ASSISTANT COOK FC2	Joanne		Skilbeck