



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 110349/2009

5 **Held in Glasgow on 29 and 30 November 2022 and 5 and 6 December 2022**

**Employment Judge S MacLean
Tribunal Members T Jones and M McAllister**

10 **Ms Frances Lorna Nicoll**

**Claimant
Represented by:
Ms A Stobart -
Counsel
[Instructed by:
Ms L MacSporrán]**

15 **Glasgow City Council**

**Respondent
Represented by:
Mr S Miller -
Solicitor**

20 **STAGE 2 EQUAL VALUE HEARING**

Employment Tribunals (Equal Value) Rules of Procedure 2013

25 Having conducted the stage 2 equal value hearing and having made a determination of such facts as the parties cannot agree and which relate to the question of whether the claimant's work is of equal value to that of the comparator under rule 7 of the Employment Tribunals (Equal Value) Rules of Procedure 2013 the Tribunal orders:

1. by 31 March 2023, the independent expert shall prepare his report on the question and shall (subject to rule 13) send copies of it to the parties and to the Tribunal; and
2. the independent expert shall prepare his report on the question on the basis
30 only of the facts relating to the question.
3. The final hearing will place May/June 2023 on dates to be agreed with the parties.

DETERMINATION OF FACTS

Introduction

4. The claim was sent to the Employment Tribunal on 24 June 2009. The
5 claimant claims equal pay and sex discrimination. Her comparator for equal
pay purposes is David McLaren (the comparator). The claim is resisted.
5. The claim was sisted pending the outcome of an investigation by the EHRC
and mass litigation concerned in part with whether the respondent's job
evaluation scheme (Work Pay and Benefit Review) (WPBR) was relied upon
10 for the equal pay proceedings. The claimant's equal pay claim is for work of
equal value. The respondent disputes that the claimant's work is of equal
value to the comparator's work. The respondent does not seek to rely on
WPBR to resist the claim.
6. Following a stage 1 equal value hearing on 9 August 2019, a Tribunal
15 decided:
- a. the claim should not be struck out on the grounds that the work of the
claimant and that of her comparator were given different value under
WPBR; and
 - b. an independent expert should be required to prepare a report on the
20 question of whether the claimant's work is of equal value to that of the
comparator (the question) and a date should be fixed for the stage 2
equal value hearing as an independent expert had been nominated by
ACAS and their availability and that of the parties to attend such a
hearing is known.
7. The Tribunal made orders requiring the parties to exchange information
25 including job descriptions and statement of facts they consider to be relevant
to the question.

8. ACAS nominated Gill Spence as independent expert for the claim. On 1 March 2020 ACAS notified the Tribunal that Ms Spence had been replaced by Stuart Walls as an independent expert.
9. The claimant's position is that the respondent was in breach of the sex equality clause from April 2006 with a date in 2015 when her pay reached the same grade as that of the comparator's post.
10. The parties have provided the Tribunal with job descriptions of the claimant and the comparator and a document identifying the facts which they consider to be relevant to the question. Mr Walls was allowed the opportunity to comment on the documentation in relation to (a) whether the parties had identified facts that are relevant to the question; and/or (b) whether there are facts that should be included. Mr Walls provided comments to the Tribunal and the parties on 21 April 2021. The parties had exchanged information about the job descriptions and met with Mr Walls to review the factual issues that are likely to be disputed.
11. At a preliminary hearing on 28 June 2022, the Tribunal issued further orders requiring the parties to present to the Tribunal and copy to the independent expert an agreed witness statement specifying:
- a. job descriptions for the claimant and the comparator;
 - b. the facts which both parties consider are relevant to the question; and
 - c. the facts on which the parties disagree (as to the fact or as to the relevance to the question) and the summary of their reasons for disagreeing.
12. The stage 2 equal value hearing was arranged at which the claimant was represented by Ms Stobart, counsel on the instruction of Ms MacSporran, solicitor. Mr Miller, solicitor represented the respondent. Mr Walls was present in his capacity as independent expert.
13. The claimant gave evidence on her own account. Peter Climie, formerly assistant development officer reporting to the comparator, and David

McClelland, formerly head of corporate services (land and environmental services) gave evidence for the respondent.

14. The comparator did not give evidence and was not interviewed by the claimant. The case job description for the comparator was prepared without his involvement and was compiled following interviews with Mr Climie and Gary Walker, group manager who was the comparator's line manager in 2012. It was accepted that the claimant's work under Mr Walker was not relevant to the fact that had to be determined. Mr Walker did not give evidence to the Tribunal.
15. The parties provide the Tribunal with a joint file of documents. This included the original job descriptions of the claimant and the comparator and the case job descriptions of the claimant and the comparator in the format requested by Mr Walls' predecessor.

Background

16. In April 2006, when the claimant says that the respondent breached the equality clause, the claimant and the comparator worked in the land services department. The land services department encompasses a number of services including roads, parks, burials, cleansing, environmental health.
17. The roles of the claimant and the comparator were in the information services function headed by Dale Samson. The claimant reported directly to Ron Todd, geographical information manager. The comparator reported directly to Mark MacKay, team leader until 2008.
18. The claimant and the comparator were issued with job descriptions in 1999 and 2006 respectively. In some respects, the duties and responsibilities in the job descriptions were identical. For example, assessment and acquisition of software; standing in for line manager as required; ensuring the respondent's standing orders and financial regulations were adhered to and exercise such functions as are delegated by the director of land services or his/her nominated representative; liaising within land services, and other services of the respondent, outside bodies/agencies as required; being

responsible to line manager for the general supervision of all employees under his/her control together with allocation of standard of work; cooperating with the introduction of new procedures and/or equipment/technology; being conversant and operating at all times within the current health and safety and welfare work legislation; and any other duties appropriate to the post and in line with the needs of the service.

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19. The claimant's other duties and responsibilities in the job description when appointed in 1999 were:

a. The provision of an information and library service to the service.

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b. Maintaining and managing the library catalogue and other information products and services.

c. Providing information, research and retrieval service making appropriate use of all resources available to the service e.g. the internet.

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d. Developing a programme of library user education and to raise awareness of available information services and resources.

e. Liaising with management at all levels on the service business requirements. Evaluating business needs, recommend and pursue solutions.

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20. The comparator's other duties and responsibilities in the job description when appointed in 2006 were:

a. Assisting with the provision of a development and support service covering all computer applications and systems within land services.

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b. Liaising with management and users at all levels on the service's business requirements. Assisting with evaluating business needs, recommending and pursuing solutions.

c. Liaising with the help desk and support service in ensuring effective resolution of the system faults and requests.

- d. Providing support and development assistance to the GIS section as required.
- e. Assessment and provision of computer training within land service.

21. In 2008 the respondent's IT function was outsourced. The roles of the
5 comparator and Mr Climie were retained in-house. The comparator reported
to Jane Alexander, events manager. The comparator coordinated the IT
support for internal users and liaised with the external provider. The
comparator had greater focus on supporting the events team. This continued
until around 2012 when the comparator's job title changed to ICT coordinator
10 and he reported to Mr Walker group manager.

Observations on witnesses and evidence

22. The Tribunal appreciated that the witnesses were giving evidence about what
the jobholders did almost 16 years ago. That said the Tribunal considered
that the claimant gave fulsome answers and candidly said when matters were
15 out with her knowledge. She conceded when tasks were straightforward. The
claimant was in the Tribunal's view credible and reliable.

23. Mr Climie gave his evidence in a frank manner. He openly accepted that he
had little knowledge of the job held by the claimant. His evidence focussed
on what he had been doing with the comparator when they worked together
20 on a day-to-day basis. However, he was not present at all meetings attended
by the comparator. Mr Climie did not embellish his evidence by speculating
on matters not within his knowledge.

24. The Tribunal welcomed Mr McClelland providing his recollection of the work
undertaken by the claimant and the comparator. To his credit Mr McClelland
25 displayed a good knowledge of the land services department. The Tribunal
was mindful that the claimant and the comparator were three or four levels of
management below Mr McClelland. The Tribunal therefore felt that he lacked
knowledge of what they and in particular the claimant was doing on a day-to-
day basis. Mr McClelland also tended to comment on the value of what the
30 claimant and the comparator were doing which was perhaps informed by his

need to justify earlier decisions that had been taken. The Tribunal considered that in relation to the disputed issues Mr McClelland was credible not always reliable because of his seniority.

25. The Tribunal considered that the respondent's witnesses had an awareness of the comparator's role. However, from their comments about the claimant's role they had little or no knowledge about her role and perceived that she worked as a librarian in a physical library. In these circumstances in relation to a significant proportion of the dispute facts the Tribunal accepted the claimant's evidence for the reasons set out above.

26. There was an issue about the timeframe that the Tribunal should be considering given that the case comparator job description was prepared without reference to the comparator; covered several roles undertaken by him without reference to a timeframe. The Tribunal agreed with the claimant's submission that the relevant role was senior systems development officer in around April 2006 as that was when the claimant said that the respondent breached the equality clause.

The disputed facts

27. The Tribunal then referred to the statement of relevant and dispute facts. It considered the evidence and the parties' submissions on each disputed fact and set out its conclusion.

Disputed fact 1

28. The claimant asserted that she designed and managed information systems as part of her role. The respondent disputed that and that the claimant delivered web-based services. The respondent's position was that the claimant's role was a library function and involved structuring and managing physical resources. The respondent asserted that the comparator was involved in the analysis and development of existing and new web and database systems which it says the claimant was not.

29. The claimant's evidence was that she was tasked with providing information and library services to the land service. She had a physical library that she

managed and maintained. The claimant also provided an information research and retrieval system. The claimant had a document control system which was proprietary software known as Open Text which was initially used as a quality assurance control system. The claimant said that she adapted the Open Text software by adding meta data to provide a database of information that could be used for research purposes. The claimant also developed a web-based mailbox system known as Mail Book which was used by senior managers to track and receive mail.

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30. Mr Climie and Mr McClelland had no knowledge of Open Text or the uses that the claimant made of it. Mr McClelland was aware of Mail Book but did not appear to know of the claimant's involvement in setting it up.

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31. No documents were produced from the Open Text system. The Tribunal accepted the claimant's evidence and felt that this demonstrated Mr McClelland's lack of detailed awareness of the claimant's role. This was in the Tribunal's view understandable given Mr McClelland's seniority. The Tribunal did not accept the respondent's position was that the claimant's role was a library function and involved structuring and managing physical resources.

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32. The Tribunal found that the claimant's job went beyond the physical resources. Her job description envisaged the use of all resources available including the internet. The claimant was not involved in writing any software but rather adapting and tailoring existing commercial systems for the particular needs of land services. The adaptation allowed Open Text to be used for research as well as document control.

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33. Mr Climie gave evidence about the comparator using a proprietary software known as Dreamweaver to create and develop web pages for the land services intranet. The comparator set up registration forms for the public to register for events which would involve modifying a template to take account of the information requires. They also updated the section of the respondent's website for land services using the respondent's protocols. The updates included formatting, adding text and video images.

34. The Tribunal found that from the evidence the comparator was involved in the analysis and development of existing and new webpages and database systems. Dreamweaver was a development tool that allowed the comparator to build systems, write code allowed and develop software.

5 *Disputed fact 2*

35. The respondent asserted that the comparator's role involved a significant external customer facing information management responsibility which the claimant disputed. The reasoning was that the claimant was unaware of this. The respondent referred to the "Santa Dash" which took place after April
10 2006.

36. The Tribunal considered Mr Climie's evidence about the comparator's involvement with external customers. The Tribunal found that the comparator worked closely with colleagues and senior management on IT issues. The Tribunal was unconvinced that the comparator had an external customer
15 facing role until he moved to the event team in 2008. Even then the external customer facing role was insignificant.

37. The Tribunal found that the comparator was involved in providing support to the events team which involved developing a template registration form that could be used to register for events which were the responsibility of the events
20 team. The comparator provided IT support which would involve modifying the existing template for each event. The comparator's role was to support the administration team. He had no direct customer facing role until 2008 when he would attend an event and wear a high vis jacket.

Disputed fact 3

25 38. There was a disputed about extent of the claimant's involvement working with external bodies and internal teams, including the claimant's involvement in the M74 project team and other projects and the degree to which that work was done under the supervision of a more senior employee.

39. The claimant's gave evidence about her involvement in the M74 public
30 enquiry team. She accepted that it was before the relevant period.

40. The claimant gave evidence about attending the Local History And Archaeology Strategy Group which sought to support regeneration of the city by disseminating and interpreting the history of the city, revealing cultural identity and a sense of community. The main role was developing the tourism and potential of a city's local history and archaeology assets. The claimant provided research and advice to the working group and reported to senior manager, Ian Bruce. The claimant also gave evidence about representing land services on the cross council local transport strategy. She worked with Andrew Brown, senior engineer, and provided research and support to the strategy group. The claimant also said that she worked with external bodies by helping to prepare responses to government consultation and also work with Historic Glasgow events on an annual basis.
41. The Tribunal accepted the claimant's evidence. The Tribunal considered that with her educational background and interests in the subject area, the claimant was a valuable member of the Local History And Archaeology Strategy Group. The Tribunal had no doubt that the claimant committed a significant amount of time to this project.
42. While the claimant reported to a more senior employee such as Mr Bruce or Mr Brown the Tribunal did not agree with the respondent's position that the claimant merely a presence.
43. The Tribunal found that the claimant participation was more than a physical presence. She was a working member on the groups utilising her skill and knowledge. She provided expert advice and contributed to the strategy of the local history and archaeology strategy group. She also provided time and expertise to the local transport strategy by ensuring the financial accuracy and traceability of the statistical information used and providing benchmarks from reliable sources that could be updated on an ongoing basis.

Disputed fact 4

44. The respondent disputed that the claimant developed a quality assurance document control system. The respondent accepted that the claimant was to

conform to external quality control standards and ensure document management standards in her role.

45. The Tribunal did not consider that the respondent's witnesses were in a position to provide contrary evidence to the claimant. The Tribunal's understanding of the evidence was that Open Text software was a quality assurance document control system which the claimant adapted by adding metadata to enable the system to be used for research purposes.

Disputed fact 5

46. There was a dispute about the extent to which the claimant or comparator provided training as part of their roles

47. The job descriptions involved training others (paragraphs [16]d and [17]e above).

48. On the evidence before the Tribunal, it found that the claimant provided information and research services to land services. She ensured that all staff were able to access the Barbour index and other online material. The claimant provided training to individuals and groups which was tailored to the resources they used on internet navigation, research and the use of the library system. She also provided training as part of the digitalisation of the modernising government programme to allow staff to carry out their own research independently.

49. The Tribunal also found that the comparator provided informal training to others (a few people at a time) particularly to administrative staff who used the basic functions of the bespoke systems on a day to day basis. There was written material. The training tended to be repetitive training covering any new elements on functionality.

Disputed fact 6

50. The respondent asserted that the claimant's role did not require ensuring improvement of the library service or entailing the responsibility to develop the

service. It was accepted in cross examination by Mr McClelland that the claimant had this responsibility.

51. The Tribunal found that the claimant's role required ensuring improvement of the library service which entailed responsibility to develop the service.

5 *Disputed fact 7*

52. Whether the physical library managed by the claimant was a by-product of the quality assurance document of the control work the claimant carried out. The respondent's position was that the physical library existed before an IT dimension.

10 53. The Tribunal had difficulty understanding what was said to be in dispute. From the evidence the Tribunal found that in the relevant period, the physical library existed and continued to be maintained by the claimant. The Open Text software was used by the claimant to catalogue and track physical resources and as a research tool for search for data. She managed the service subscription to the Barber index and ensured that the subscription met
15 current needs of land services taking account of any free online services that may become available.

54. The Tribunal also found that the claimant managed the increasing digitalisation of information and access to resources which were moving
20 online, ensuring that resources needed by the land services were obtainable in digital form and that employees knew where to find them.

Disputed fact 8

55. There was a dispute about whether the claimant had responsibility for supervising, training or managing assistant and the extent to which the
25 comparator had responsibility for co-ordinating the work of others. If the comparator did so, it was disputed it was at the point when it is relevant to the equal value question as the claimant's position was that it was not part of his role at the relevant time.

56. The Tribunal accepted the claimant's evidence. The Tribunal found that the claimant had been responsible for supervising and managing Jim McCallum. She signed his leave cards and managed his training. In 2006, she was responsible for allocating work training and providing support to modern apprentice Carly Wallace. The claimant looked after Ms Wallace day to day to help with her portfolio of evidence. When Ms Wallace left land services she was not replaced by another modern apprentice.
57. The Tribunal had the benefit of hearing evidence from Mr Climie whose evidence about working with under the supervision of the comparator was accepted. The Tribunal found that at the relevant time the comparator was part of the team reporting to Mr MacKay. Mr Climie worked in the same team as the comparator. They worked closely together. The comparator was responsible for supervising Mr Climie. There was no evidence to suggest that the comparator supervised any of the other members of the team or assistants employed by the respondent on fixed term contracts.

Disputed fact 9

58. There was a dispute about the extent of the decisions which the claimant and a comparator could make in their roles.
59. The respondent's position was that the claimant could make decisions with a limited remit but did not make independent decisions at a significant level. The claimant disagreed.
60. The respondent asserted that the comparator exercised more considerable discretion and independence than the claimant which she disputed. The respondent asserted that the comparator's role involved making strategic decisions about processes and systems which the claimant disputed. The claimant's understanding was that the comparator would not be the decision maker or authoriser.
61. The Tribunal accepted the claimant's evidence. The Tribunal found that she made day to day decisions in her role. Whilst she reported to Mr Todd, she worked autonomously, without supervision. She decided priorities in her day

to day work and how to manage her time. The claimant would also make long-term decisions about the direction of travel for the library. She would liaise with departments and make recommendations about the extent of the subscription to the Barber index, embracing the digitalisation of materials and training staff to research independently using the tools that she had recommended. The claimant needed to seek agreement about financial spend but could make recommendations about what to purchase.

62. The Tribunal also accepted Mr Climie's evidence about the comparator's day to day workload. The Tribunal found that the comparator managed his day to day workload and allocated tasks to Mr Climie. The comparator updated the land services section of the respondent's website with information provided to him by the functions within the land services. He would update the intranet with information provided to him and use the Dreamweaver software to update the internal systems.

63. As regards the comparator's strategic decision-making Mr McClelland gave evidence about his involvement the modernising government agenda. The Tribunal understood that the comparator provided technical advice, but Mr McClelland was responsible for the target. The comparator had no budget procuring incidentals other than purchasing some peripheral hardware.

20 *Disputed fact 10*

64. The respondent's assertion that the claimant's role did not require communication at a high level or require analytical skills or specialist knowledge.

65. The claimant's position was that she did require such skills. She had specific qualifications in relation to information management and required to carry out research in complex areas and seek out research and specialist information for stakeholder queries. The respondent disputed the level of research carried out by the claimant and the level of skills required in her role.

66. The claimant gave evidence about the in-depth enquiry and research she required to carry out for senior managers and technical staff. The Tribunal considered that the claimant's evidence was measured and credible.

67. The Tribunal found that in her role, the claimant required to carry out research on diverse issues and often technical subject areas. The Tribunal did not however consider that the claimant required specialist knowledge in these subject areas but rather specialist knowledge in information and management retrieval and analytical knowledge. The Tribunal found that the claimant provided information to a wide and diverse group of people and would therefore need good communication skills to understand and impart the information at the relevant level of understanding.

Disputed fact 11

68. There was a dispute about the qualification and expertise held and required by the claimant and the comparator.

69. The respondent's position was that the claimant's qualifications were not relevant to her role which the claimant disputed.

70. Once again, the Tribunal considered that the claimant's evidence was measured and credible. She accepted that she was highly qualified for the role. The Tribunal felt that neither of the respondent's witnesses had a full understanding of the claimant's role. Mr McClelland referred to it being similar to a community librarian.

71. The Tribunal found that in order to complete the role, the claimant had to have knowledge of the following: quality in technical standard, copyright rules, legislation and regulations relevant to the service, research skills, database use and management, software adaptation and maintenance, council policies and procedures. The claimant was highly qualified. Her role could not be done without a tertiary education. The Tribunal considered that given the diversity in subject areas in the land services department, a postgraduate diploma in the library and information services or the equivalent would be essential. As such, a diploma could only be obtained as a postgraduate, the

Tribunal considered that the claimant's post required a postgraduate qualification in library information services. Having a chartered professional status with chartered institution of library and information professionals was desirable but not essential.

5 72. Turning to the comparator, the respondent asserted that the comparator required extensive expertise, a background in IT and awareness of advances. The claimant disputes this as there is no knowledge and has seen no evidence of any qualifications or expertise held by the comparator or its requirement for his roles.

10 73. The Tribunal had difficulty making any findings in relation to what qualifications would be required for the comparator's role. There was no person specification as this would only be prepared if there was a recruitment exercise.

15 74. The Tribunal found that to complete the comparator's role it would be essential to have knowledge of IT equipment and how to set it up; knowledge of how to update the website and the intranet and modify templates; and knowledge of the respondent's protocols; and the use and development of Dreamweaver.

20 75. Mr Climie despite working closely with the comparator was unaware of his qualifications. While Mr McClelland said that the comparator needed a degree, there was no evidence that he had a tertiary degree or a degree in computer science. While the Tribunal considered that a qualification in It would be desirable from the evidence available the Tribunal could not make a finding that a degree qualification was essential.

25 *Disputed fact 12 – that the comparator*

76. There was a dispute over who was the first point of contact for IT issues. The claimant understood that it was an outsourced contractor.

30 77. The Tribunal accepted Mr Climie's evidence. The Tribunal found that in 2006 the comparator was part of a team of IT colleagues managed by Mr MacKay. The IT team would be the first point of contact for IT issues. While the

comparator would not be the first point of contact for IT issues generally the Tribunal found that he would be contacted by managers about information on the land services section of the respondent's website or on the intranet. There were plans to outsource the IT function. This happened in 2008.

5 *Disputed fact 13*

78. The claimant disputed that the comparator was responsible for assessing and acquiring software for the land services function.

79. From the evidence of the respondent's witnesses the Tribunal found that in around 2006, the claimant was part of an IT team. The claimant would not be responsible for assessing and acquiring software for the land services which largely had the software it required. From 2006 land services were planning to outsource the IT function.

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Disputed fact 14

80. The claimant disputed the assertion that the comparator's role was highly stressful.

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81. While the Tribunal noted Mr McClelland's evidence about the pressure of working with IT, the Tribunal did not consider that it was in a position to make any findings in this respect.

Disputed fact 15

82. There was a dispute whether the requirement for the claimant to maintain and update information management software was part of her role.

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83. From the claimant's evidence the Tribunal found that the claimant did not update the inner workings of the proprietary software known as Open Text. She was able to adapt it to the needs of land services.

25 *Disputed fact 16*

84. The level of financial responsibility held by the claimant was disputed. The claimant's position was that she had a level of responsibility for financial decisions. The respondent disputes this, noting that it would be minimal.

85. From the claimant's evidence the Tribunal found that the claimant did not have a budget. She made decisions about the purchase of information such as the Barber index and reducing the number of publications needed by sourcing free online resources. She made recommendations about matters involving purchases or finance. While her recommendations were often accepted, these required to be signed off by management.

Disputed fact 17

86. The claimant's responsibility for information management software, online information services and information collections was disputed. The respondent's position was that the claimant would access such systems or show others how to access them but did not manage digital information sources.

87. The Tribunal accepted the claimant's evidence on this point. The Tribunal found that the claimant adapted and maintained a digital catalogue of resources using Open Text software. She also had responsibility for maintaining online information services such as managing the subscription to the Balfour index and ensuring that the subscription met the current needs for identifying alternative sources.

Disputed fact 18

88. There was dispute about the extent of the claimant's involvement in new information systems and technology. The respondent's position was that the claimant was not responsible for this beyond the usual tasks one would expect to be associated with providing a library service.

89. The Tribunal referred to its earlier findings. The claimant's job went beyond the physical resources. Her job description envisaged the use of all resources available including the internet. The claimant was not involved in writing any software but rather adapting and tailoring existing systems for the particular needs of land services. The adaptation allowed the system to be used for research as well as document control.

Disputed fact 19

90. The level of the claimant's involvement in managing and monitoring publications was disputed. The Tribunal accepted the claimant's evidence.

5 91. The Tribunal found that the claimant managed the publications which sometimes involved sourcing rare publications. She was also responsible for ensuring that all publications that could be found online were up to date and used by the land service. The claimant managed the subscription to the Barbour index and monitored what publications could be sourced by alternative means.

10 *Disputed fact 20*

92. There was a dispute whether the claimant's role involved maximising internet and intranet usage within the service and updating the information skills of the staff. The Tribunal accepted the claimant's evidence on this point.

15 93. The Tribunal found that the claimant monitored the usage of the Barbour index. She was responsible for informing and encouraging staff within land service in the use of electronic information systems.

Disputed fact 21

94. The level of organisation and management skills required for the claimant's role was disputed. The Tribunal accepted the claimant evidence.

20 95. The Tribunal found that the claimant required to manage her time on a day to day basis balancing providing research and information and planning her time within cycles of work, training and index work. She required to organise and communicate tasks to the assistance/apprentices.

Disputed fact 22

25 96. There was a dispute about the level of knowledge required by the claimant in her role. The claimant's position was that she required knowledge of digital information, data protection, freedom of information, copy right and complex

subjects. The respondent's position was that she required an understanding of these areas but not a complex knowledge.

5 97. On the evidence the Tribunal found that the claimant required a high level of knowledge on digital information management, understanding how software could be adapted to be used as a research tool. As a controller of documents, the claimant needed a good understanding of data protection, freedom of information and copyright. She required to have an understanding, not a complex knowledge, of technical aspects to be able to research the technical matters.

10 *Disputed fact 23*

98. The respondent disputed the level of communication skills required by the claimant in her role.

15 99. The Tribunal referred to its earlier findings. The claimant required to carry out research on diverse issues and often technical subject areas. The claimant provided information to a wide and diverse group of people and would therefore need good communication skills to understand and impart the information at the relevant level of understanding.

20 100. The Tribunal also found that the claimant consulted with the internal service areas, discuss information needs and advise on managing subscriptions. She required to develop and sustain a relationship with stakeholders both internally and externally. She developed and maintained a network of professional relationships and contacts which she utilised as part of her work in carrying out research and responding to queries.

Disputed fact 24

25 101. The requirement for the claimant to liaise with the internal training team was disputed. The claimant said that it was part of her role which the respondent did not accept.

102. The Tribunal found that the claimant had to liaise with the internal training team to provide them with her service. She did not liaise with them to provide training through them.

Disputed fact 25

5 103. The respondent disputed that it was part of the claimant's role to consult with internal service areas.

104. The Tribunal and Mr McClelland accepted the claimant's evidence. The Tribunal found that the claimant required to consult with all land service departments so that she could understand their needs and to provide the
10 necessary service.

Disputed fact 26

105. The respondent disputed that the claimant developed and sustained relationships with key stakeholders (internal and external) as part of her role.

106. The Tribunal was satisfied from the evidence and found that the claimant
15 developed and sustained key relationships with key stakeholders, internal and external. She worked with senior managers Ian Bruce and Andrew Brown. She maintained a network of contacts in academia and government to acquire information for the service.

Disputed fact 27

20 107. The respondent disputed the level of involvement the claimant had in her role with information provided for corporate strategy and management committee meetings, preparing responses for consultations, advising on issues requiring specialist knowledge, internal and external projects and public enquiries. The respondent accepted that the claimant provided information in support of such
25 matters as requested.

108. The Tribunal heard evidence about the claimant's work on the Local history and Archaeology Strategy Working Group and providing statistic framework for benchmarking traffic flows for the Local Transport Strategy. While the Tribunal considered that the claimant provided information which was used to

support more senior managers and provided guidance to the services response team and legal counsel, the Tribunal was unconvinced that she required specialist knowledge in technical areas.

- 5 109. The Tribunal found that the claimant's role required her involvement in researching and providing information to inform and support corporate strategy and management committee meetings, preparing responses for consultations, advising on issues, internal and external projects and public enquiries.

Disputed fact 28

- 10 110. The respondent disputed that the claimant's role involved responsibility for information service quality audits and training staff to meet the required standards. Mr McClelland was unaware that the claimant provided service quality audits. However, he was several grades above the claimant and did not in the Tribunal's view have a detailed understanding of the claimant's day to day activities. The Tribunal accepted the claimant's evidence.
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111. The Tribunal found that the claimant provided service quality audits.

Disputed fact 29

112. The respondent disputed that the claimant's role required critical thinking and analytical skills to a significant level.
- 20 113. The Tribunal accepted the claimant's evidence about the type of management and research with which she was involved.
114. The Tribunal found that the nature of the claimant's role as a specialist librarian required level of attention to detail, critical and analytical thinking skills at a significant level.

25 *Disputed fact 30 – the claimant's involvement in local transport review strategy*

115. The claimant's position was that she was responsible for ensuring factual accuracy and traceability of the information used, in the Local Transport Strategy Review. While the respondent noted the claimant was responsible

for the provision of information, she had no responsibility for analysis and strategic input.

116. From the evidence the Tribunal found that the claimant was responsible for providing support and obtaining statistical framework for benchmarking matters that were being measured. The Tribunal did not find that the claimant had responsibility for analysis and strategic input. This was the responsibility of Mr Brown.

Disputed fact 31

117. There was a dispute about the claimant's involvement in Local History And Archaeology Strategy Working Group. The respondent's position was that she did not provide advice or contribute to strategy, she only provided information

118. The Tribunal considered the claimant's evidence. The Tribunal appreciated that given her undergraduate qualifications the claimant had much and did contribute to the strategy of the group. The Tribunal was less convinced that this was part of her role.

119. The Tribunal found that the claimant was responsible for providing support, advice and analysis to the group. The Tribunal did not find that the claimant had responsibility for analysis and strategic input. This was the responsibility of Mr Bruce.

Disputed fact 32

120. There was a dispute about the level of the claimant involvement in organising the services presence at annual Historic Glasgow events. The respondent's position was that it was less than the claimant states.
121. The Tribunal accepted the claimant's evidence which was plausible in the absence of any evidence to the contrary.

122. The Tribunal found that the claimant was responsible for the services' presence at the annual Historic Glasgow events.

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Employment Judge: S MacLean

Date of Judgment: 02 February 2023

Entered in register: 07 February 2023

10 **and copied to parties**