

Report To: Cabinet
Date of Meeting: 26th April 2016
Lead Member / Officer: Councillor Barbara Smith
Report Author: Catrin Roberts
Title: **Members Involvement in Employment Appeals**

1. What is the report about?

The report relates to the involvement of members in some employment processes.

2. What is the reason for making this report?

To gain Cabinet agreement to change the requirement for members to be involved in Disciplinary and Job Evaluation Appeals.

3. What are the Recommendations?

That Cabinet agrees that there is no requirement for members to be involved in Disciplinary and Job Evaluation Appeals.

That Cabinet agrees that Disciplinary Appeals will be heard by the next level of manager, another manager, appropriate Head of Service or Director. Where there is an appeal against dismissal then a two HoS/Director Panel would be convened.

That Cabinet agrees that Job Evaluation Appeals will be chaired by a Head of Service with one management representative and one trade union representative.

4. Report details

Members are currently involved in disciplinary and job evaluation appeals. All other appeals are heard either by the managers' manager, the Head of Service or another appropriate manager/Head of Service/Director.

The purpose of the Appeal (as defined by ACAS) is to consider if the process was procedurally fair and whether the penalty given is in the range of reasonableness. The process should deal with the appeal impartially and where possible by "a manager" not previously involved in the case. ACAS guidance also states that an Appeal should be heard without unreasonable delay.

The constitution also states that:

In consultation with Head of Strategic Human Resources where appropriate, each Chief Officer is authorised to act in relation to staffing matters in accordance with any relevant HR Policies and to appoint staff below Chief Officer Level.

Effectively the councillor's role is around strategic issues with the day-to-day management and operational issues delegated to officers. Disciplinary appeals and job evaluation appeals are an operational management process and not a democratic process. It is therefore proposed that appeals for these two processes are dealt with at officer level with no member involvement.

This means that for Disciplinary Appeals this would replicate the current process for Grievances, Absence and Capability which requires the appeal to be heard by the next level of manager, another manager, appropriate Head of Service or Director. Where there is an appeal against dismissal then a two HoS/Director Panel would be convened.

This approach will comply with the ACAS code of practice that states that "an Appeal process should deal with the appeal impartially and where possible by a manager not previously involved in the case.

For Job Evaluation appeals, it is proposed that a Head of Service chairs with one management representative and one trade union representative.

5. How does the decision contribute to the Corporate Priorities?

This does not impact on Corporate Priorities.

6. What will it cost and how will it affect other services?

There is no additional costs associated with this and there is no impact on services.

7. What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision? The completed EqIA template should be attached as an appendix to the report

There is no impact on any of the protected characteristics in implementing this decision.

8. What consultations have been carried out with Scrutiny and others?

This has been discussed numerous times as part of the Corporate Joint Meeting. A report was taken to LJCC on the 10th February 2016. The Trade Unions were in agreement with the proposal but some members expressed concerns as this impacted on the remit of their role.

This has also been discussed with the Lead Officer for HR and SLT.

9. Chief Finance Officer Statement

Not applicable.

10. What risks are there and is there anything we can do to reduce them?

There are no risk associated with this proposal.

11. Power to make the Decision

Local Government Act 2000 and regulations made thereunder.