

1. ARRANGEMENTS FOR DETERMINING EMPLOYMENT RELATED APPEALS

Submitted by: Chief Executive

Portfolio: Finance and Budget Management

Purpose of the Report

To confirm the arrangements for the involvement of elected Members in employment-related appeals.

Recommendations:

- (a) That a sub-committee of this Committee comprised of 5 members be established to deal with employee appeals in respect of Bullying and Harassment, Capability Policy, Disciplinary Procedure, Grievance Procedure, Restructuring and Redundancy Policy and Procedure (Unfair Selection for Redundancy) in accordance with the appropriate policies.
- (b) That each of the named policies be amended to provide for appeals to be dealt with by the sub-committee.
- (c) All of the sub-Committee shall have completed the relevant training before serving in that capacity.

Reasons

It is considered that there are significant benefits in accountability, democratic authority and separation from the initial decisions for the democratically elected Members of the authority to make the appeal determination in respect of these policies.

1. **Background**

1.1 The following policies and procedures incorporate provision of an appeal process for employees who are dissatisfied with decisions made in connection with their employment:

- Bullying and Harassment Policy
- Capability Policy
- Disciplinary Procedure
- Early Retirement Scheme
- Flexible Retirement Scheme
- Grievance Procedure
- Job Evaluation Scheme
- Restructuring and Redundancy Policy and Procedure.

1.2 The majority of these policies and procedures currently provide for appeals to be determined either by the Chief Executive or Executive Directors, although Members are involved in appeals in connection with capability, and also job evaluation.

1.3 The Terms of Reference of the Staffing Committee include:

'To make arrangements for members of the Committee to determine appeals of employees in accordance with the appropriate policies.'

2. **Issues**

2.1 It is recommended that in relation to the following policies and procedures, appeals be determined by a sub-committee of this Committee. As is normal, the Chair of the sub-committee will have a casting vote. The sub-committee would be required to be politically proportionate and accordingly it is recommended that there be 5 members of the sub-committee. The members would be supported by an officer from Human Resources and an officer from Legal Services.

- Bullying and Harassment
- Capability Policy
- Disciplinary Procedure
- Grievance Procedure
- Restructuring and Redundancy Policy and Procedure (Unfair selection for redundancy).

2.2 It is recommended that the current decision making process remains unchanged (Executive Director – Resources and Support Services in consultation with the relevant Portfolio Holder) in relation to applications for early retirement and flexible retirement.

2.3 It is recommended that appeals relating to Job Evaluation continue to be determined by the Job Evaluation Appeal Panel which comprises:

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|--------------|---|---|
| Chair | - | Chair of the Employees' Consultative Committee (Chair has casting vote) |
| Trade Unions | - | Two representatives |
| Officers | - | Head of HR and one member of Executive Management Team (or nominees) |
| Facilitator | - | Director, West Midlands Council (or nominee) |

2.4 **Training**

It is recommended that all members of the Staffing Committee should receive appropriate training relating to the relevant appeal processes before participating in determining any appeal.

3. **Options Considered**

To retain the role of officers as it is now which has benefits of professionalism, operational experience and potentially speed of arrangements

4. **Proposal**

- (a) That a sub-committee of this Committee comprised of 5 members be established to deal with employee appeals in respect of Bullying and Harassment, Capability Policy, Disciplinary Procedure, Grievance Procedure,

Restructuring and Redundancy Policy and Procedure (Unfair Selection for Redundancy) in accordance with the appropriate policies.

- (b) That each of the named policies be amended to provide for appeals to be dealt with by the sub-committee.
- (c) All of the sub-Committee shall have completed the relevant training before serving in that capacity.

5. **Reasons for Preferred Solution**

It is considered that there are significant benefits in accountability, democratic authority and separation from the initial decisions for the democratically elected Members of the authority to make the appeal determination in respect of these policies.

6. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

Good employment policies and procedures will assist in promoting a Co-operative Council delivering high quality community driven services.

7. **Legal and Statutory Implications**

The Council is empowered to discharge its functions through officers or committees and is bound by the general and local government employment framework.

8. **Equality Impact Assessment**

No differential impact has been identified.

9. **Financial and Resource Implications**

The processes will be delivered within existing budgets.

10. **Major Risks**

The Council requires fair and effective employment policies and procedures to ensure the effective use of human resources, to maintain morale and to avoid the financial and reputational damage of failing to properly address employment issues.

11. **Earlier Cabinet/Committee Resolutions**

Council, 12th July 2012 minute 13.

12. **Background Papers**

Human Resources policies and procedures.