

Agenda item:

Decision maker: Employment Committee

Subject: Employee Appeals

Date of decision : 18th January 2011

Report by: Kay White – Head of HR

Wards affected: None

Key decision (over £250k): N/A

1. Purpose of report

Members have requested that the decision taken on 1st July 2010 on Member involvement in employment appeals be reconsidered.

2. Recommendations

It is recommended that:

2.1 Members reconsider their involvement in employment appeals

2.2 The revised HR Appeals Policy be agreed and the Constitution amended accordingly.

3. Background

A report to the October 2009 Employment Committee regarding its duties and responsibilities referred to Personnel Appeals Committees, although no specific recommendation was made. In recent years the Council has been at risk and suffered at Employment Tribunals because of the length and complexity of the HR processes involved, including the appeals process.

The matter was again discussed at the 1st July 2010 Employment Committee. The view of the Committee was that to reduce the involvement of members would be a retrograde step and the proposed revised HR Appeals Policy (Appendix 1) was not approved.

4. Reasons for recommendations

4.1 Direct action has been taken to resolve this issue through the review of the HR processes but it was suggested that consideration should also be given to amending the individual appeals function.

4.2 It is recognised that Members have significant calls on their time and with the potential for a significant increase in appeals against redundancy it is believed prudent for the requirement for appeals to be heard by three members to be changed other than that required for senior staff on the JNC for Chief Officers terms and conditions of service. This would reflect the responsibility and accountability Chief Officers have for the management and performance of their service and individual concerns would be dealt with more quickly which is of prime importance in such cases.

5. Equality impact assessment (EIA)

An Equality Impact Assessment has been undertaken.

6. Head of legal services' comments

6.1 There are no legal implications arising from this proposal. No legislation or human rights will be breached.

6.2 If approved, this will be more cost efficient as far more Appeals can be heard in a prompt and streamlined manner, and is endorsed by the ACAS statutory Code of Practice, which Employment Tribunals take into account.

7. Head of finance's comments

There are no additional financial costs arising from the recommendations in this report.

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Signed by:

Appendices:

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location

The recommendation(s) set out above were approved/ approved as amended/ deferred/
rejected by on

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Signed by: