

Changes to the Appeals Policy and Guidance

SUMMARY

- 1.1 Following a request made by the Leadership that all employment appeals be heard by officers, rather than a panel of Elected Members, the appeals policy and guidance have been revised. They have been discussed and agreed with the trade unions.
- 1.2 Timescales for making an appeal have also been clarified in the revised draft policy and guidance.

RECOMMENDATION

- 2.1 To adopt the revised policies which implement the request that employee appeals be heard by senior officers, which will then be publicised on the Council's intranet site

REASONS FOR RECOMMENDATION

- 3.1 The recommendation is made on the basis that it supports the request of the Leadership to ensure that officers have accountability for employment decisions.

SUPPORTING INFORMATION

- 4.1 The Member-led Employee Appeals Sub Committee currently hears the following appeals:
 - from employees (except the Chief Executive and Chief Officers) against dismissal as an outcome of disciplinary, managing attendance or managing individual capability procedures
 - against redundancy
 - final stage hearings under the grievance procedure.

- 4.2 Arranging for appeals to be heard by senior officers should enable the appeal to be heard earlier. The availability of scheduled dates for Member appeals has resulted, on occasion; in the appeal not being heard for a number of months after the original dismissal decision has been reached.
- 4.3 The associated guidance has been updated to reflect that all appeals will be heard by officers, and the roles and responsibilities have been defined. Officers have been responsible for hearing appeals in the past, so this is a familiar responsibility. In addition, the HR service delivers mandatory “Chairing a Hearing” training for officers required to chair employment related hearings. An HR Advisor would always be present at the appeal hearing to advise the chair of the process and any employment law implications, as well as advising on consistency of approach across the Council.
- 4.4 Following feedback on the timescales for receiving grounds of appeal and making the arrangements for appeals, the policy has also been revised to reflect that employees will now have ten days rather than seven to lodge an appeal and submit the relevant information in support. All of their information should be submitted within the ten days, although in exceptional circumstances they may be asked to provide additional information. This is a change to the process – currently the appellant would submit their grounds of appeal and then have a further time period within which to send in their statement of case. This can result in a prolonged lead time to the appeal hearing.

We have taken the opportunity to address the anomaly arising from the requirement that the manager (whose decision was being appealed) submit their statement of case information at the same time as the appellant. This correction will ensure that managers have a reasonable opportunity to address the appeal in their response.

OTHER OPTIONS CONSIDERED

- 5.1 To maintain the current appeals process. This is not considered to be appropriate as a specific request has been made for officer- chaired appeals. The clarification on submitting the detailed grounds of appeal is also required to support an effective and fair process.

This report has been approved by the following officers:

Legal officer Financial officer Human Resources officer Estates/Property officer Service Director(s) Other(s)	Paul McMahon Liz Moore Head of HR Not applicable
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For more information contact: Background papers: List of appendices:	Appendix 1- Implications Appendix 2 – Managing an appeal Appendix 3 – Appeals grounds for employees Appendix 4 – Appeals – how to make an appeal Appendix 5 – Appeals Policy Revised June 18
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IMPLICATIONS

Financial and Value for Money

- 1.1 None directly arising.

Legal

- 2.1 Employees have a legal right of appeal which the Council has an obligation to undertake. The law does not prescribe that the appeal be heard by a particular individual, but the employer should, where possible, ensure that the appeal is heard by someone not previously involved in the decision being appealed, and with sufficient authority to overturn the decision if that is the outcome.

Personnel

- 3.1 As set out in the report.

IT

- 4.1 None directly arising

Equalities Impact

- 5.1 A review of the EIA will be carried out with the Equality and Diversity Lead before implementation of the policy.

Health and Safety

- 6.1 None directly arising

Environmental Sustainability

- 7.1 None directly arising

Property and Asset Management

- 8.1 None directly arising

Risk Management and Safeguarding

- 9.1 Any dismissals that are not carried out fairly could result in claims to an Employment Tribunal.

Corporate objectives and priorities for change

- 10.1 To be a modern, flexible and resilient Council we need to ensure all of our processes and procedures are agile and fit for purpose.