



Employee Appeals arising from compulsory redundancies

SUMMARY

- 1.1 The Personnel Committee resolved on 9 January 2013 to propose to Council that an increased number of members be empowered to hear employees' compulsory redundancy dismissal appeals arising from restructures. This will speed up the members appeal process, reducing the risk of placing more stress on employees.
- 1.2 Currently, any three of the 15 members of Taxi Licensing and Appeals Committee can hear an employee appeal. It is proposed to double this pool to 30 through the temporary appointment of an additional 15 members to the end of the 2012/13 municipal year, based on Widdicombe Rules to reflect political composition.
- 1.3 Existing arrangements require appeals to be chaired by either the Chair or one of the Vice Chairs of the Taxi Licensing and Appeals Committee – a total of five members. These positions attract special responsibility allowances. Additional allowances should not arise from this process. It is therefore proposed that the eight board and committee Chairs currently receiving special responsibility allowances be among those councillors appointed to the pool of 30 and empowered to chair appeals.

RECOMMENDATIONS

- 2.1 To appoint an additional eight Labour members to hear employee appeals until 22 May 2013, to include Councillors Afzal, Bolton, Hillier, Roberts and Tittley.
- 2.2 To appoint an additional four Conservative members to hear employee appeals until 22 May 2013.
- 2.3 To appoint an additional three Liberal Democrat members to hear employee appeals until 22 May 2013.
- 2.4 To amend the Council Constitution such that the six overview and scrutiny Chairs along with the Chairs of Audit and Accounts Committee and Planning Control Committee be empowered to chair employee appeals until 22 May 2013.
- 2.5 To instruct officers to arrange mandatory and appropriate employee appeal training sessions for anyone requiring it, to be completed by Friday 22 February 2013.
- 2.6 To agree that no additional allowances will arise from these resolutions.

REASON FOR RECOMMENDATIONS

- 3.1 It is imperative that sufficient members are able to hear employee appeals to reduce the risk of unnecessary delays in dealing with any such appeals.



Derby City Council

COUNCIL
30 January 2013

Report of the Strategic Director for Resources

SUPPORTING INFORMATION

- 4.1 A large number of employee appeals are anticipated in the coming months due to restructures required to enable the council to enter 2013/14 with a balanced budget. Currently, employee appeals are scheduled once every three weeks, with members of the committee involved in taxi licensing and general licensing appeals in the intervening weeks. It is considered unreasonable to expect the same members to cope with the anticipated number of additional employee appeals arising from redundancies.
- 4.2 The additional appeals are anticipated to be those relating to dismissals on the grounds of redundancy, where these are part of a collective redundancy covered by Section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992.
- 4.3 The Taxi Licensing and Appeals Committee, from which the Employee Appeals Sub Committee is currently drawn, consists of eight Labour members, four Conservative members and three Liberal Democrat members. This composition is reflected in recommendations 2.1 - 2.3
- 4.4 If this report is approved, the pool of members authorised by Council to hear employee appeals will be 30, with a total of 13 members permitted to chair those appeals. The members will be:

Labour (16)

Chairs: Councillors Afzal, Bolton, Hillier, Jackson, Pegg, Redfern, Roberts, Sandhu, Tittley, Whitby and L Winter.

Non Chairs: Councillors J Khan and MacDonald +3

Conservative (8)

Chairs: Councillors Barker and Harwood.

Non Chairs: Councillors Keith and Poulter +4

Liberal Democrat (6)

Non Chairs: Councillors Atwal, Skelton, and F Winter +3

OTHER OPTIONS CONSIDERED

- 5.1 To take no action. This would cause significant delays to the employee appeals process and is not feasible.
- 5.2 To empower management to hear employee appeals. This would be unsatisfactory to the administration. Appeals before members are considered to be a vital right of employees and it is felt that to remove this following its reinstatement last May would be a retrograde step.

This report has been approved by the following officers:

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| Legal officer | N/A |
| Financial officer | N/A |
| Human Resources officer | Karen Jewell, Director of Human Resources and Business Support |
| Service Director(s) | Janie Berry, Director of Legal and Democratic Services |
| Other(s) | Phil O'Brien, Head of Democratic Services |

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| For more information contact: | David Walsh 01332 643655 david.walsh@derby.gov.uk |
| Background papers: | None |
| List of appendices: | Appendix 1 – Implications |

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| IMPLICATIONS |
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Financial and Value for Money

- 1.1 None. Recommendation 2.6 specifically requires that no allowances will be paid for the extra responsibility required of members.

Legal

- 2.1 The council's Constitutional Appointments will be amended to reflect the changes.

Personnel

- 3.1 Agreeing the report will reduce the risk of unnecessary delays in dealing with employee appeals.

Equalities Impact

- 4.1 None.

Health and Safety

- 5.1 None.

Environmental Sustainability

- 6.1 None.

Asset Management

- 7.1 None.

Risk Management

- 8.1 None.

Corporate objectives and priorities for change

- 9.1 None.

