



AGENDA ITEM:

COUNCIL: 13 December 2023

Report of: Corporate Director of Transformation, Housing, and Resources

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SUBJECT: Procedure for Dealing with Employment Related Appeals against Dismissal or Demotion in all applicable Policies.

Wards affected: Borough-wide.

1.0 PURPOSE OF THE REPORT

1.1 To agree to a revision to the appeal arrangements for employment-related appeals matters.

2.0 RECOMMENDATIONS TO COUNCIL

2.1 That the revised appeal process as detailed in the attached Appendix (i) be approved, published on the Council's website, and amended in the Constitution.

3.0 BACKGROUND

- 3.1 As part of the HR & OD Review part of the Our Futures project, HR and OD services have been reviewing a number of policies and procedures, as an ongoing review of existing policies and procedures, to ensure they are still fit for purpose and in line with good practice.
- 3.2 There are a number of employment policies and procedures that can result in the dismissal or demotion of an employee. These are primarily, Disciplinary Policy, Capability and Performance Policy, Sickness Management Policy, and selection for redundancy in accordance with the Organisational Change Policy.
- 3.3 Currently each of these policies has its own appeals process.
- 3.4 This essentially provides for a right of appeal to Senior Manager/Head of Service for sanctions issued that are short of dismissal or demotions. However, any

sanction of dismissal or demotion must be referred to the Employment Appeals Sub Committee.

4.0 Proposals

- 4.1 Given the changes to the governance arrangements for the Council and moving into a committee structure rather than a cabinet structure, it is considered an appropriate time to review the function of the Employment Appeals Sub Committee.
- 4.2 This forum is called when required. In truth, the volume of appeals is less than two per year on average, with some years having no appeals.
- 4.3 The Employment Appeals Sub Committee as it currently stands has three members, a Legal Service Officer, a HR Officer, and a Democratic Services Officer in attendance as the Committee Panel.
- 4.4 The coordination of setting setup of dates in members' diaries and the time commitment of an Appeal Hearing (which is usually scheduled for a full day), can be time consuming and difficult to administer.
- 4.5 This results in significant delays from the time an employee appeals the decision to when the Employment Appeal Sub Committee Hearing takes place. Given that the employee is usually in a no pay situation during this time, this delay is not recommended for good employment practice.
- 4.6 A number of neighbouring authorities including the County Council, have moved away from member Employee Appeals Sub Committees, and moved to Senior Officer Appeals Panels. This is to reduce the burden on members' time, reduce the potential delays in decisions, and to ensure that decision making on employment matters is consistent and in line with agreed management practice.
- 4.9 It is therefore proposed the update and streamline the appeal process for employment related matters and the proposed amended structure is attached at Appendix (i).

5.0 SUSTAINABILITY IMPLICATIONS

- 5.1 There are no significant sustainability impacts associated with this report and no significant impact on crime and disorder.

6.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 6.1 The proposed appeals process changes will not have any direct effect on the budgetary position of the Council.

7.0 RISK ASSESSMENT

- 7.1 The actions referred to in this report will be covered by the scheme of delegation to officers, when updated and any necessary changes have been made in the relevant risk registers.

8.0 HEALTH AND WELLBEING IMPLICATIONS

8.1 There are no health and wellbeing implications arising from this report.

Background Documents

There are no background documents (as defined in Section 100D (5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

There is a significant direct impact on members of the public, employees, elected members and / or stakeholders. Therefore, an Equality Impact Assessment is required, and a formal assessment is attached as Appendix (ii) to this report, the results of which have been considered in the Recommendations contained within this report.

Appendices

Appendix (i) – Revised Procedure for Dealing with Employment Related Appeals against Dismissal or Demotion in all applicable Policies.

Appendix (ii) - Equality Impact Assessment