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# CONSTITUTION COMMITTEE

TIME: 2.00pm  
DATE: Tuesday, 15 April 2008  
VENUE: Meeting Room 1

## MINUTES

### Membership:

Ron Allen – <i>Chairperson</i>	p	Bruce Hogan	p
Lady Dunrossil	P	Ceri Jones	p
Bill Evans	p	Will Windsor-Clive	p
Charles Gillams	p	Kathy Williams	p
Jeremy Hilton	p		

P=Present a=apology/absent

## 9. MINUTES

### RESOLVED

**THAT the minutes of the meeting held on 17 January 2008 be approved as a correct record and signed by the Chairperson.**

10. **APOLOGIES FOR ABSENCE** – No apologies for absence were received.
11. **PUBLIC QUESTIONS** – No public questions were received.
12. **MEMBERS' QUESTIONS** – No members' questions were received.
13. **REVIEW OF PROCESS FOR EMPLOYMENT RELATED APPEALS – AMENDMENTS TO THE CONSTITUTION** – Sue Scrivens, Head of Human Resources presented this report that proposed a change to the authority's current procedures for handling all employment related appeals. The report had been considered by the Appointments Committee who recommended the appropriate changes be made to the Constitution.

Sue Scrivens explained that the Appeals Committee – not the Appointments Committee as indicated in the report, would continue to hear appeals against dismissal and other employment related matters for senior staff at 2<sup>nd</sup> tier and above, and some 3<sup>rd</sup> tier officers who report directly to a Group Director and the Chief Executive. All other appeals in future would be heard at officer level. The proposed changes were as a result of the Local Authorities (Standing Orders) (England) Regulations

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introduced in 2001, which regularised Member involvement in the recruitment and dismissal of staff.

During the ensuing debate the following concerns were raised:

- The proposed changes would result in a change to employees' contracts of employment and there was little evidence that staff had been consulted. Only two of the three unions had provided a response. Many staff were not members of a trade union, how had they been consulted?
- An appeal would not seem to be independent if a Senior Manager of the Authority heard it. Any appeal should be heard by more than one person.
- Regulations were introduced in 2001, the current system was working well, therefore did not seem necessary to change the current process. It was noted that whilst the report stated, "*the continuation of the existing processes is not an option*" the authority would not be outside the law if current procedures remained.

In response to some of the concerns raised Sue Scrivens explained that the Trade Unions were consulted through the Joint Steering Group. Representatives from two of the Trade Unions, GMB & Unison, regularly attend these meetings, the third Trade Union, UNITE do not always attend; however if they have an issue they would always raise it with us. Any appeals would be heard by more than one person and they would not have been involved prior to the hearing. If necessary a Manager from another Directorate would hear the appeal. All Managers would be properly trained to hear appeals. The proposed arrangements would be reviewed after one year.

Cllr Hogan proposed

*"that this matter be deferred. A further report should be brought to the committee clarifying the appeals process. A response should be actively sought from the third trade union. The detailed response from the other two trade unions should also be included in the report"*

This was seconded by Lady Dunrossil.

On being put to the vote it was

## **RESOLVED**

**THAT this matter be deferred. A further report should be brought to the committee clarifying the appeals process. A response should be actively sought from the third trade union. The detailed response from the other two trade unions should also be included in the report.**

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**Cllr Ron Allen**  
**Chairperson**

Meeting closed at 15.20