

Constitution Committee – 17th August 2009

Constitution Committee AGENDA NO: 5

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| REVIEW OF PROCESS FOR EMPLOYMENT RELATED APPEALS | |
| Committee Date | 17th August 2009 |
| Background Documents | None |
| Principal Consultees | The principal trade unions |
| Officers | Joint report from: Peter Bungard, Chief Executive and Dilys Wynn, Director of People Services. |

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| Purpose of Report | This paper sets out a revision to the Council's employment appeals process. |
| Recommendations | The Constitution Committee recommends to the Council: <ul style="list-style-type: none">• the Scheme of Delegation within the Constitution be amended in accordance with the revised processes set out in paragraph 2 of this report; and• the terms of reference for the Appointments and Appeals Committees are amended accordingly |
| Resource Implications | N/A |

MAIN REPORT CONTENTS

Background

1. The Local Authorities (Standing Orders)(England) Regulations introduced in 2001 regularised the Member role in the recruitment and dismissal of staff and in addition, over the last 3 years there has been a number of changes to legislation relating to the dismissals process, the most recent being in April 2009. In the light of these changes, it is opportune to review our current employment appeal arrangements . Local authorities across the country have either already reviewed or are reviewing their employment appeal processes for the same reasons.

Summary Proposed Revised Arrangements

2. The proposal is to amend the current employment appeals processes to reflect the relevant Regulations, legal framework and bring consistency to the role of Members in the employment of staff. Specifically this will mean in future that:
 - The Appointments Committee would continue to take responsibility for employment matters (e.g. pay and recruitment) for the following senior staff: Chief Executive/Head of Paid Service, Chief Financial Officer, Monitoring Officer/Director of Law and Administration, all Group Directors and Directors of Service reporting directly to a Group Director or the Chief Executive. This is will ensure that the Council complies with the Local Authorities (Standing Orders) (England) Regulations, 2001.
 - The Appeals Committee would take responsibility for appeals against dismissal for the group of senior staff set out in the bullet point above.
- 2.1 The Head of Paid Service will continue to be responsible for employment matters which relate to all other groups of staff (excluding schools which are subject to different employment procedures) but will additionally ensure good practice arrangements are in place to manage employment appeals by senior Council officers.
- 2.2 All employment procedures including appeals will reflect the relevant ACAS Codes of Practice.

Appointments Committee

3. The revised arrangements proposed in 2 above were considered by the Appointments Committee during 2008 who recommended that they be adopted by the Council.

Consultation

4. The relevant trade unions which include UNISON, UNITE and GMB were consulted as the proposals were being developed on two separate occasions, during the early part of 2008 and then again during the summer of the same year and are supportive of the proposed revisions.

Recommendations

5. The Constition Committee recommends to the Council:
 - the Scheme of Delegation within the Constitution be amended in accordance with the revised processes set out in paragraph 2 of this report; and
 - the terms of reference for the Appointments and Appeals Committees are amended accordingly.