

Constitution Committee – 13th October 2009

Constitution Committee AGENDA NO.

REVIEW OF PROCESS FOR EMPLOYMENT RELATED APPEALS	
Committee Date	13 th October 2009
Background Documents	<p>Statutory Instrument No.3384. The Local Authorities (Standing Orders)(England) Regulations 2001.</p> <p>ACAS Code of Practice 1 Disciplinary and Grievance Procedures April 2009.</p> <p>Personnel Advisory Bulletin 7/04</p> <p>Constitution Committee Report and Minutes 5 November 2008</p> <p>Constitution Committee Report and Minutes 15 April 2008</p> <p>Extract from Appointments Committee Minutes 1 April 2008</p>
Principal Consultees	The principal trade unions
Officers	<p>Joint report from :</p> <p>Peter Bungard, Chief Executive and Dilys Wynn, Director of People Services.</p>
Purpose of Report	This paper sets out a revision to the Council's employment appeals process.
Recommendations	<p>The Constitution Committee recommends to the Council :</p> <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

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Background

- 1, In 2001 the Local Authorities (Standing Orders)(England) Regulations regularised the Member role in the recruitment and dismissal of staff and in addition, over the last three years there has been a number of changes to legislation and relevant Codes of Practice 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 in the process of reviewing their employment appeal arrangements for the same reasons.

The proposals outlined in this paper were presented to the Appointments Committee in April 2008 and Constitution Committees of 15 April and 5 November 2008. The relevant reports and minutes are attached as background documents to this report.

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 will ensure that our arrangements are consistent 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 that the Council puts in place good practice arrangements for hearing employment appeals. This will include more than one independent senior member of staff hearing the appeal.
- 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 in April 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 in the summer of the same year and were supportive of the proposed revisions.

Recommendations

5. The Constitution 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.