

SLOUGH BOROUGH COUNCIL

REPORT TO: Employment & Appeals Committee and Member Panel on Constitution

DATE: 7th April 2014 and 9th April 2014

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APPROACH TO BUSINESS CHANGE - MEMBER INVOLVEMENT IN EMPLOYMENT APPEALS

Purpose of Report

- 1 This report proposes changes to the current process whereby staff appeals against dismissal are heard by a Member panel. Staff have a right of appeal against dismissal under disciplinary, redundancy and sickness policies.

Recommendation(s)/Proposed Action

1. **E&A/ MPOC consider the proposals attached in appendix 1 and note the proposal for a Strategic Director/Chief Executive and Assistant Director panel as the final appeal against dismissal. (Currently Member Panel).**
2. **E&A/ MPOC recommend to Council the amendments to the Constitution as set out in appendix 1.**

Other Implications

(a) Financial

Small savings will be made on the cost of training and supporting member panels to carry out this function.

(b) Risk Management –

The risk of claims against the Council for unfair dismissal remains the same.

(c) Human Rights Act, Equalities and Workforce Issues

The proposal does not affect employee's right to challenge a dismissal. A process for appeal will remain in place and heard by a convened panel of Strategic Director/Chief Executive and Assistant Director.

2. Supporting Information

- 2.1 As part of the Councils 'Fit for the Future' Organisational Development Strategy a review of the policy framework for Performance Management of Staff including capability, disciplinary and grievance has been undertaken.
- 2.2 Employment & Appeals Committee nominated Cllr Brooker to work with staff from HR in examining proposals. Following a working meeting with Cllr Brooker a proposal to amend the appeals process against dismissal has been developed.
- 2.3 The process to replace the current member appeal panel with an officer one has been examined in line with the revised ACAS Arbitration Conciliation Advisory Service guidance. Extract below

Appeals

An employee who wishes to appeal against a disciplinary decision must do so within five working days. The senior manager will hear all appeals and his/her decision is final. At the appeal any disciplinary penalty imposed will be reviewed.

ACAS Discipline and grievances at work

- 2.4 Cllr Brooker has also asked HR to examine the process for formal warnings in line with ACAS recommended guidance for managing employee misconduct. This work is underway and will be the subject of a future report.

Appendix 1 - Proposed Policy Changes

Area/ Section	Proposed Changes
<p style="text-align: center;">Disciplinary Policy & Procedure</p> <p>10.3 Appeals against dismissal are heard by the Employment Appeals Sub-Committee, and appeals against action less than dismissal are heard by an Officer Appeals Panel. The Strategic Director in consultation with HR will make the necessary Arrangements for the appeal to be heard.</p>	<p>Appeals against dismissal are heard by a convened panel of 3 with minimum of one Strategic Director/Chief Executive and one/two Assistant Director(s). The Panel will be advised by the Assistant Director of Professional Services or his/her representative(s)</p>
<p style="text-align: center;"><u>Disciplinary Policy & Procedure</u></p> <p>10.4 Employment Appeals Sub-Committee</p> <p>The Employment Appeals Sub-Committee consists of three elected Members made up from members of the Employment and Appeals Committee..</p>	<p>Delete</p>

Employment & Appeals Committee

Area/ Section	Proposed Changes
<p>Page 72 Part 3.4</p> <p>3 To consider and determine appeals against dismissal and other appeals arising from the Council's HR procedures.</p>	<p>Delete</p>
<p>Page 72 Part 3.4</p> <p>An Employment Appeal Sub Committee will be appointed to hear appeals under 3</p>	<p>Delete</p>
<p>5. To consider and determine appeals and all sub headings outlined above</p>	<p>Delete</p>