

EMPLOYMENT AND APPEALS COMMITTEE

6 October 2009

UPDATE ON VARIOUS MATTERS

Report of the Director of Corporate Services

STRATEGIC AIM:	To be a well managed organisation.
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1. PURPOSE OF THE REPORT

- 1.1 To update Members on various matters identified for further work at the meeting of the Committee held on 16 June 2009.

2. RECOMMENDATIONS

- 2.1 **That the matters set out in the report be considered and that further action be identified.**

3. BACKGROUND

- 3.1 At its meeting on 16 June 2009 the Committee asked for a report on a number of issues which had been raised at that meeting and the preceding meeting.

3.2 Training

There are two strands of potential training for members of the Committee:-

- a) Refresher training on the principles of adjudicating appeals, including good practice and natural justice – in recent years this training has been delivered in-house and on an ad hoc basis as new members have been appointed to serve on the Committee. Information is being sought from neighbouring authorities as to any external training that they have commissioned for this purpose and the Committee will be updated at its meeting.
- b) Equality and diversity – an outline of a short course to be delivered at an early evening session has been requested from NOH Solutions who have delivered well-received training to officers as part of the core induction/training programme. Details will be circulated as soon as possible.

3.3 Composition of Appeals Panels

The Committee approved a revised protocol for selecting members to sit on Panels at its last meeting. There is potentially a wider issue concerning whether it might be appropriate in certain circumstances to ensure that factors other than the simple application of a rota system allied to availability are used to decide on the make-up of a particular Panel.

For example, it might be considered appropriate to achieve a gender balance or a “political” balance. As there are no formal political groups in the authority, this latter issue would not apply as it would in other councils, but nevertheless there might be cases where declared political allegiances could be taken into account.

One question is whether it would be desirable to try to incorporate such considerations into the formal protocol or whether to leave them to be taken into account on an informal, ad hoc, basis by officers in consultation with the Chairman.

3.4 Scope for Reciprocal Arrangements

This links partly to the previous matter. Members wondered whether it might be helpful to establish an arrangement with one or more neighbouring authorities to enable a member of another council to sit on a Panel where that member would represent a better balance of composition of the body for the particular circumstances of an appeal.

Enquiries so far have not revealed any existing practice to this effect in the area or any particular enthusiasm to pursue a reciprocal arrangement. Authorities seem content that their own procedures enable all cases to be dealt with appropriately.

It might still be possible to seek a co-option arrangement, but such provision would require the agreement of the Local Joint Council, for the application to employment appeals, and of the Council.

3.5 Grievance Appeals

This is the subject of a separate report on this agenda (Report No 209/2009).

3.6 Briefing Processes for Hearings

The report on Grievance Appeals covers what has been the traditional arrangement for briefing Panel members immediately before a hearing on all appeals. It also envisages the possibility

of members wishing to have a de-briefing session following an appeal if issues have been raised that could have a bearing on future cases.

It is difficult to envisage anything helpful that would go beyond this practice without risking straying into the facts of cases before the hearing itself.

3.7 Terms of Reference

A question arose during consideration of the revised Terms of Reference relating to the possible need to review the complaints procedure for children's matters in the same way as had been required in respect of Adult Social Services.

The Regulations which made the change in respect of adults do not apply yet to children, so that reference can remain in the Terms of Reference for the time being. The Director of Children and Young People's Services is considering whether it would be desirable anyway to seek to amend the procedure relating to complaints concerning children's matters.

3.8 Membership of the Committee

The Council appointed Mrs S Iannantuoni to the vacant place on the Committee.

The request to increase the size of the Committee to nine members will be reported to the Constitution Review Working Group, along with the revised Terms of Reference, as part of the forthcoming work on updating the Council's Constitution.

4. RISK MANAGEMENT

RISK	IMPACT	COMMENTS
Time	MEDIUM	Any desirable training should be delivered as soon as possible to inform the handling of future appeals.
Viability	LOW	There are no fundamental risks.
Finance	LOW	There are no direct budget implications. Training costs will be met from the existing members' development budget.
Profile	LOW	There is little or no profile outside the authority in respect of appeals at this internal stage.
Equality and Diversity	LOW	The appeals process applies and operates equally for all employees.

Background Papers
None

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