

Forest Heath District Council

(This report is not a key decision. This report has been subject to appropriate notice of publication under the Council's Access to Information Rules)

Report of the Cabinet Member for Resources, Governance and Performance

CABINET

15 OCTOBER 2013

CAB13/112

JOINT APPEAL POLICY AND PROCEDURE (Decision Plan Reference: OCT13/09)

1. Summary and reasons for recommendation(s)

- 1.1 The Human Resources Service is currently working through the HR Policies that are in place at each Council, in order to produce and agree new joint policies for West Suffolk. This report proposes a new joint Appeal Policy and Procedure.
- 1.2 The new Policy and Procedure are in accordance with current employment legislation specifically the Employment Rights Acts 1996, 1999 and the Employment 2008 and the ACAS Code of Practice on Disciplinary and Grievance Procedures.
- 1.3 Both existing policies and procedures, in place at Forest Heath District Council and St Edmundsbury Borough Council, have been reviewed and changes made to ensure that managers have a sound and effective single policy for dealing with employee grievances.
- 1.4 The joint policy details the composition of the Appeals Panel. The ACAS Code of Practice recommends any appeal is lead by a senior manager not previously included in the Disciplinary Procedure.
- 1.5 The Joint Leadership Team, Unison and the Portfolio Holders have been consulted on this policy.

2. Recommendation(s)

2.1 That the Cabinet recommends to Council, that:

2.1.1 The Joint Appeal Policy and Procedure is adopted.

2.1.3 The Head of Legal and Democratic Services be required to make the necessary changes to the Forest Heath District Council Constitution.

| Contact details | Portfolio holder(s) | Lead officer(s) |
|------------------------|--|--|
| Name | Councillor Stephen Edwards | Karen Points |
| Title | Cabinet Member for Resources, Governance and Performance | Head of Human Resources and Organisational Development |
| Telephone: | 01638 660518 | 01284 757015 |
| E-mail | stephen.edwards@forest-heath.gov.uk | karen.points@westsuffolk.gov.uk |

3. How will the recommendations help us meet our strategic priorities?

3.1 The recommendation meets the Councils' priorities to work together to be efficient councils in the effective management of human resources.

4. Key issues

4.1 The two Councils' have a Joint Leadership Team, a single pay and reward strategy, and are bringing together a shared workforce. HR Policies and procedures underpin the terms and conditions of employment, and are tools for both managers and employees to utilise to deal with matters when they arise.

4.2 It is important for everyone to have absolute clarity, fairness and consistency in regard to resolving employment concerns and disputes, the adoption of this joint and up-to-date policy will be supported by information sharing and training for managers and staff, as appropriate.

5. Other options considered

5.1 To retain existing, different policies that need reviewing is not an effective option.

6. Community impact

6.1 **Crime and disorder impact** *(including Section 17 of the Crime and Disorder Act 1998)*

6.1.1 None.

6.2 **Diversity and equality impact** *(including the findings of the Equality Impact Assessment)*

6.2.1 The adoption of a joint policy supports equity and consistency in approach between the two partner employers in West Suffolk.

6.3 **Sustainability impact** *(including completing a Sustainability Impact Assessment)*

6.3.1 N/A.

6.4 **Other impact** *(any other impacts affecting this report)*

6.4.1 Amendment to the Councils' constitutions will be required following approval at Council of this policy, removing reference to the Staffing Appeals Committee

and constituting a Joint Appeal Committee for any termination or grievance involving those posts that are member responsibility only.

7. Consultation *(what consultation has been undertaken, and what were the outcomes?)*

7.1 West Suffolk Joint Staff Consultative Panel and the Joint Leadership Team have been consulted during its development.

8. Financial and resource implications *(including asset management implications)*

8.1 Effective HR Policies mitigate risk of employment disputes. Training will be delivered as part of the HR Bite-size programme contained within the Corporate L & D/Training programme.

9. Risk/opportunity assessment *(potential hazards or opportunities affecting corporate, service or project objectives)*

| Risk area | Inherent level of risk (before controls) | Controls | Residual risk (after controls) |
|--|--|--|--|
| Poor employment relations | Medium | Adoption of joint policy | Low |
| Delay in dealing with problems | Medium | Effective policy with clear and practical timescales | Low |
| Lack of management skill in solving workplace disputes | Medium | Training for managers | Low |

10. Legal and policy implications

10.1 Compliance with TULR(C)A and Employment Rights Acts 1996, 1999 and the Employment Act 2008 and ACAS Codes of Practice.

11. Ward(s) affected

11.1 None directly.

12. Background papers

12.1 None.

13. Documents attached

13.1 Appendix - Joint Appeal Policy and Procedure 2013