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| Non-Executive Report of the: General Purposes Committee 15 June 2016 |  TOWER HAMLETS |
| Report of: Matthew Mannion, Committee Services Manager | Classification: Unrestricted |
| Establishment of (Employee) Appeals Sub-Committee | |

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| Originating Officer(s) | Antonella Burgio, Committee Services Officer |
| Wards affected | All Wards |

Summary

The terms of reference of the New General Purposes Committee include the determination of employees appeals against dismissal. Appeals Sub-Committees are established as required to consider these appeals.

This report recommends the establishment of the Appeals Sub-Committee for the current municipal year.

Recommendations:

The New General Purposes Committee is recommended to:

That the General Purpose Committee establish an Employee Appeals Sub Committee for the municipal year 2016/17 with the attached terms of reference (Annex A) and hearing structure.

1. REASONS FOR THE DECISIONS

- 1.1 The Constitution requires that employee appeals against dismissal be determined at Member level.

2. ALTERNATIVE OPTIONS

- 2.1 If the Sub-Committees are not set up then the Council will not be able to discharge this function .

3. DETAILS OF REPORT

- 3.1 The Council's Constitution (Part 3 - Responsibility for Functions, Section 3.3 – Council and Statutory Bodies, Paragraph 3.3.9) makes provision for the Appeals Committee to agree the criteria for the establishment of Appeals Sub Committees to discharge functions on its behalf, and sets out the required membership and quorum thereof.
- 3.2 On 18th June 2007, the Appeals Committee authorised the Assistant Chief Executive to convene an Appeals Sub Committee, in accordance with the requirements of the Constitution, to determine any appeal in respect of any function for which the Council is responsible (except where statutory arrangements exist or where the appeal function is delegated elsewhere in the Constitution.
- 3.3 For appeals by employees under human resources procedures that require a Member-level decision, the Employee Appeals Sub-Committee comprises of an ad hoc panel for each appeal dependent on availability. This panel will include in each case a Chair and two other Councillors drawn from the Committee Members and their appointed substitutes. Once appointed for a particular appeal, the membership of the Sub-Committee must remain the same throughout all stages of that appeal.
- 3.4 Members can only sit on an Appeals Sub – Committee if they have received annual training at this Council on policies and procedures relevant to the consideration and determination of the appeal which the sub – committee is charged.
- 3.3 The Terms of reference and membership arrangements for the Employee Appeals Sub-Committee are attached at Appendix A. Also attached is the Appeals hearing structure and the calendar of dates for the 2015/16 meetings of the Sub – Committee.
- 3.4 Meetings are scheduled to take place at 6.30pm in accordance with the programme of meetings for principal meetings.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 There are no direct financial implications arising from this report. The costs of administering the Employee Appeals Sub-Committee and related training requirements will continue to be contained within existing budgets.

7. LEGAL COMMENTS

- 7.1 As the sub-committee acts in a quasi-judicial capacity it is imperative that all its proceedings are conducted strictly in accordance with the provisions of the law and the Council's Constitution in order to obviate any procedural challenge in the courts.

8. ONE TOWER HAMLETS CONSIDERATIONS

- 8.1 It is essential that in relation to appeals by employees under the authority's human resources procedures that best practice is adhered to in terms of equalities. As far as possible panels are appointed that are representative of gender and ethnic diversity; and Members must be fully equipped and trained to ensure that all relevant issues are given proper consideration.

9. BEST VALUE (BV) IMPLICATIONS

- 11.1 Agreeing appropriate procedures for the appointment of senior officers is important in ensuring the Council recruits the best leadership team available to support the Best Value obligations.

10. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 10.1 There are no direct implications on sustainable action for a greener environment.

11. RISK MANAGEMENT IMPLICATIONS

- 11.1 The proposals seek to minimise the risk to the authority both of any possible safeguarding failure in relation to children or vulnerable adults; and of adverse Employment Tribunal findings should the process for employee appeals not be sufficiently robust.

12. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 12.1 There are no direct implications on crime and disorder reduction.
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Linked Reports, Appendices and Background Documents

Linked Report

- None

Appendices

- None

Local Government Act, 1972 Section 100D (As amended)

List of “Background Papers” used in the preparation of this report

List any background documents not already in the public domain including officer contact information.

- None

Officer contact details for documents:

- N/A