

Non-Executive Report of the: General Purposes Committee 25 June 2019	 TOWER HAMLETS
Report of: Matthew Mannion, Head of Democratic Services	Classification: Unrestricted
Establishment of (Employee) Appeals Sub-Committee	

Originating Officer(s)	Simmi Yesmin, Senior Committee Officer
Wards affected	All Wards

Summary

The terms of reference of the 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 2019-2020.

Recommendations:

The General Purposes Committee is recommended to agree:

1. To establish the Employee Appeals Sub Committee for the municipal year 2019/20 with the attached terms of reference (Appendix 1) and hearing structure (Appendix 2).

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 None as 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), makes provision for the General Purposes Committee to consider and determine appeals by employees under human resources procedures requiring a Member level decision and to establish Employee Appeals Sub-Committees to determine such appeals. The Corporate Director, Governance is authorised to convene meetings of the Sub-Committees.
- 3.2 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.
- 3.3 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 (Appendix B).
- 3.4 Meetings are scheduled to take place at 6.30pm in accordance with the programme of meetings for principal meetings.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 This report recommends that the General Purposes Committee agree to establish the Employee Appeals Sub Committee for the municipal year 2019/20 with the attached terms of reference (Appendix 1) and hearing structure (Appendix 2). There are no direct financial implications arising from this report.

5. LEGAL COMMENTS

- 5.1 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.
- 5.2 The Sub-Committee should have regard to the terms of reference (Appendix A) and the Hearing structure (Appendix B) when conducting appeals and should be familiar with the procedure relevant to the appeal being heard.

6. EQUALITIES CONSIDERATIONS

- 6.1 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.

7. OTHER STATUTORY IMPLICATIONS

- 7.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:
- Best Value Implications,
 - Consultations,
 - Environmental (including air quality),
 - Risk Management,
 - Crime Reduction,
 - Safeguarding.
- 7.2 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.
- 7.3 There are no direct implications on sustainable action for a greener environment.
- 7.4 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.
- 7.5 There are no direct implications on crime and disorder reduction.

Linked Report

- None

Appendices

- Appendix A – Terms of Reference
- Appendix B – Hearing Structure

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