

COMMITTEE: Appeals Committee	DATE: 16 June 2014	CLASSIFICATION: Unrestricted	REPORT NO: (AP/002/1415)	AGENDA ITEM:
REPORT OF/ORIGINATING OFFICER(S): Service Head, Democratic Services		TITLE: Establishment of Employee Appeals Sub Committee Wards Affected: All		

1. SUMMARY

- 1.1 This report recommends the establishment by the Appeals Committee of an Employee Appeals Sub Committee, to discharge functions on its behalf.

2. RECOMMENDATIONS

That the Appeals Committee establish an Employee Appeals Sub Committee for the municipal year 2014/15 with the attached terms of reference (Appendix A) and hearing structure.

3. BACKGROUND

- 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 2014/15 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.

4. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 4.1 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.

5. CONCURRENT REPORT OF THE HEAD OF LEGAL SERVICES

- 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.

6. IMPLICATIONS FOR ONE TOWER HAMLETS

- 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. ANTI POVERTY IMPLICATIONS

- 7.1 There are no immediate anti-poverty implications arising from this report.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT (SAGE)

8.1 There are no immediate SAGE implications arising from this report.

9. RISK ASSESSMENT

9.1 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.

LOCAL GOVERNMENT ACT, 2000 (SECTION 97)

LIST OF “BACKGROUND PAPERS” USED IN THE PREPARATION OF THIS REPORT

Brief description of “background paper”

Name and telephone number of holder and address where open to inspection

None

EMPLOYEE APPEALS SUB-COMMITTEE

Terms of reference:

1. That the Appeals Committee establish an Employee Appeals Sub-Committee with the following terms of reference:-
 - To consider and determine appeals by employees under human resources procedures requiring a member level decision.

Membership:

2. That the membership of the Employee Appeals Sub-Committee comprise:-
 - 2.1 A panel of three members to be appointed by the Director of Law, Probity and Governance on an ad hoc basis for each employee appeal from a pool of all Members of the Appeals Committee or, should they be unavailable, their appointed substitutes.
 - 2.2 The first item of business at each Employee Appeals Sub-Committee shall be to appoint, from amongst the Sub-Committee Members, a Chair for the appeal hearing.
 - 2.3 The quorum for the Employee Appeals Sub-Committee shall be three Members.
 - 2.4 Members may serve on an Employee Appeals Sub-Committee panel only after they have received annual training at this Council on policies and procedures relevant to the consideration and determination of the appeal with which the Sub-Committee is charged.
 - 2.5 In the case of an appeal which gives rise to any issues relating to safeguarding of adults or children, no Member may sit on the Employee Appeals Sub-Committee to consider that appeal unless they have previously received training in safeguarding matters to the satisfaction of the Director of Law, Probity and Governance and the Corporate Director, Children Schools and Families or the Corporate Director, Adults Health and Wellbeing as appropriate.
 - 2.6 The Director of Law, Probity and Governance shall be authorised to convene meetings of the Employee Appeals Sub-Committee, established by the Appeals Committee, to discharge functions on its behalf, subject to the criteria set out in paragraphs 2.1 to 2.5 above.