


Non-Executive Report of the: Appeals Committee 29 th July 2015	 TOWER HAMLETS
Report of: Service Head, Democratic Services	Classification: [Unrestricted]
Appeals Committee Terms of Reference, Quorum, Membership and Dates of Meetings	

Originating Officer(s)	
Wards affected	[All wards]

Summary

Recommendations:

The Committee is recommended to:

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

1. REASONS FOR THE DECISIONS

- 1.1 This report is for the information of the Committee and no specific decisions are required

2. ALTERNATIVE OPTIONS

- 2.1 Not applicable to noting reports.

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.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

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. LEGAL COMMENTS

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. ONE TOWER HAMLETS 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. BEST VALUE (BV) IMPLICATIONS

7.1 There are no specific Best Value implications arising from this noting report.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

8.1 There are no specific SAGE implications arising from the recommendations in the report.

9. RISK MANAGEMENT IMPLICATIONS

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.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

10. There are no Crime and Disorder Reduction implications arising from the recommendations in the report.

Linked Reports, Appendices and Background Documents

Linked Reports

None.

Appendices

Appendix 1 – Appeals Committee Hearing Structure

Appendix 2 – Appeals Committee Meeting Dates 2015/2016

**Local Government Act, 1972 Section 100D (As amended)
List of “Background Papers” used in the preparation of this report**

None.

Officer contact details for documents:

- [N/A]