


<p>Non-Executive Report of the:</p> <p>General Purposes Committee</p> <p>Thursday, 24 June 2021</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Matthew Mannion, Head of Democratic Services</p>	<p>Classification: Unrestricted</p>
<p>Establishment of (Employee) Appeals Sub-Committee</p>	

Originating Officer(s)	Simmi Yesmin, Democratic Services
Wards affected	(All Wards);

Executive 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 2021/22.

Recommendations:

The General Purposes Committee is recommended to:

1. To establish the Employee Appeals Sub Committee for the municipal year 2021/22 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 There are no alternative options, if the Sub-Committees are not set up then the Council will not be able to discharge this function.

3. DETAILS OF THE REPORT

- 3.1 The Council's Constitution (Part B - 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.
- 3.5 A separate paper will be brought to the Committee setting out options for introducing a new process for future Employee Appeals Sub Committees for the Committees consideration, this will include responsibilities set to the Chief Executive in his capacity as Head of the Paid Service to form an Officer Panel to consider dismissal appeals.
- 3.6 The paper proposes an option for a model that enables members to participate in dismissal appeals in an advisory capacity only and to provide an independent overview and scrutiny of the decision-making processes. The

proposal supports in building the foundation of an improved culture for our organisation and to strengthen the requirement for stronger performance management and accountability across the Council. Further details of the proposals will be set out in the report for Alternative models for Employee Appeals Sub Committees.

4. EQUALITIES IMPLICATIONS

- 4.1 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.

5. OTHER STATUTORY IMPLICATIONS

- 5.1 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.
 - Data Protection / Privacy Impact Assessment.
- 5.2 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.
- 5.3 There are no direct implications on sustainable action for a greener environment.
- 5.4 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.
- 5.5 There are no direct implications on crime and disorder reduction.

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. COMMENTS OF LEGAL SERVICES

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.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE.

Appendices

- Appendix 1 – Terms of Reference
- Appendix 2 – Hearing Structure

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

List of "Background Papers" used in the preparation of this report

- NONE.