

<p>Non-Executive Report of the:</p> <p>Human Resources Committee</p> <p>Thursday, 16 May 2024</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Linda Walker, Interim Director of Legal & Monitoring Officer</p>	<p>Classification: Open</p>
<p>Establishment of Appeals Sub-Committees 2024/25</p>	

Originating Officer(s)	Matthew Mannion, Head of Democratic Services
Wards affected	(All Wards);

Executive Summary

The terms of reference of the Human Resources Committee include establishing an Employee Appeals Sub-Committees to be convened by the Monitoring Officer or Director of Workforce, OD and Business Support as appropriate for determination of appeals under human resources procedures requiring a Member level decision.

This report recommends the establishment of a sub-committees for this function for the current municipal year, proposes a procedure for its meetings and criteria for membership of each sub-committee in accordance with the Constitution and agreed procedures.

Recommendations:

The Human Resources Committee is recommended to:

1. Agree the terms of reference for Employee Appeals Sub-Committees 2024/25 as set out at Appendix A of this report;
2. Agree the Employee Appeals hearing structure as set out at Appendix B of this report.

1. REASONS FOR THE DECISIONS

The Constitution requires that the Human Resources Committee sets up Employee Appeals Sub-Committee to determine of appeals under human resources procedures requiring a Member level decision.

2. ALTERNATIVE OPTIONS

- 2.1 The are no alternative options, if the Sub-Committees are not set up then the Council will not be able to hear appeals under human resources procedures requiring a Member level decision.

3. DETAILS OF THE REPORT

APPEALS SUB COMMITTEE

- 3.1 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 its appointed substitutes. Once appointed for a particular appeal, the membership of the Sub-Committee must remain the same throughout all stages of that appeal. An additional clause to specify that the membership of any Appeals Sub Committee be politically balanced was agreed by the Committee at its first meeting in 2023/24. The Director of Legal is authorised to make or amend sub committee appointments in accordance with Section 24 of the Constitution (from the nominations received from Members/Groups as required).
- 3.2 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).

4. EQUALITIES IMPLICATIONS

- 4.1 The recruitment process will follow equalities best practice to ensure a diverse range of potential candidates. Members of the Appointments Sub-Committee will be trained on appointments and on equalities practices.

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.

Best value

5.2 Agreeing appropriate procedures for the consideration of appeals by officers is important in ensuring the Council's officers can support the Best Value obligations.

Risk Management,

5.3 There is a risk that the Council's reputation will suffer if the recruitment and employee appeals process does not operate smoothly and effectively. The recommendations detailed above aim to mitigate this risk by implementing a standardised approach to all such appeals.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

6.1

7. COMMENTS OF LEGAL SERVICES

7.1 Under the Council's Constitution the Human Resources Committee is required to set up an Employee Appeals Sub-Committee to determine of appeals under human resources procedures requiring a Member level decision.

7.2 When considering the criteria for the Employee Appeals Sub Committee, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't (the public sector equality duty). Section 4 above sets out the steps which will be taken with regard to ensuring the Council meets its obligations in this regard.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE.

Appendices

- Appendix A – Terms of reference and membership arrangements for the Employee Appeals Sub-Committee
- Appendix B – Appeals hearing structure.

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

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

- NONE.

Officer contact

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