

Personnel Appeals Committee

Minutes of a meeting held at County Hall,
Colliton Park, Dorchester on 17 June 2013.

Present:

Peter Richardson (Chairman)
Deborah Croney (Vice-Chairman),
Paul Kimber and William Trite.

Officers attending:

Jonathan Mair (Head of Legal and Democratic Services), Chris Matthews (HR Business Partner - Children's Services and Dorset Waste Partnership), Natalie Adam (HR Manager - Central Services), Sara Collinson (HR Business Partner - Corporate Resources and Environment) and Jason Quinn (Democratic Services Officer).

(**RECOMMENDED** in this type denotes that the approval of the County Council is required).

Apologies for Absence

29. Apologies for absence were received from David Harris and Pauline Batstone. William Trite attended as a reserve member of the Committee.

Code of Conduct

28. There were no declarations by members of any disclosable pecuniary interests under the Code of Conduct.

Minutes

29. As there were no members present that had attended the meeting on 29 April 2013, the Committee agreed that former members of the Committee would be contacted to seek confirmation that the minutes were an accurate record of the meeting in advance of the Chairman signing them. The minutes would therefore be presented to the Chairman for signature at the next meeting of the Committee on 22 July 2013.

Terms of Reference

30. The Terms of Reference of the Personnel Appeals Committee were received by members.

Noted

Exclusion of the Public

Resolved

31. That, under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the item of business specified in minutes 32 and 35 because it was likely that if members of the public were present there would be a disclosure to them of exempt information as defined in Paragraphs 1, 2 and 4, of Part 1 of Schedule 12A to the Act and the public interest in withholding the information outweighed the public interest in disclosing that information.

Membership of the Personnel Appeals Committee

32.1 The Committee considered an exempt joint report by the Monitoring Officer and the Director for Corporate resources regarding the new arrangements for the composition of the Personnel Appeals Committee.

32.2 The Monitoring Officer informed the Committee that the joint report had been considered by the Staffing Committee.

32.3 It was explained that although the current arrangements in place for the Personnel Appeals Committee had been long standing, a problem with the Committee's composition had come to light regarding representation from Trade Unions on payboard meetings and grievance appeals. The Committee were told that as the Trade Union officials were employees of Dorset County Council, it was unlawful for them to sit as joint members on the Committee and therefore the arrangements for the Committee must change. It was also explained that in a previous meeting of the Committee, members had requested that Officers look at alternative ways of working.

32.4 The Chairman asked if a brief summary could be provided explaining the reasons why previous members of the Committee had requested Officers to look at alternative arrangements. The Monitoring Officer explained that the request had predominantly related to the amount of time taken to hear grievance and dismissal appeals. Appellants often pursued multiple avenues of complaint simultaneously, and this inevitably caused delays. It was also explained that setting up meetings had been complicated due to the number of participants that were required to attend. The Committee were told that the appeal process was supposed to be a speedy one in order to reach a rapid conclusion, making it easier for successful appellants to return to work. However the current arrangements were preventing this from happening.

32.5 The Monitoring Officer directed the Committee to paragraph 1.7 in the report which outlined the possible options for new working arrangements regarding grievance appeals and explained each option to the Committee. It was explained that Trade Union representation was no longer possible on payboard meetings. However one of the four options set out in the report would need to be adopted for grievance appeals. It was recommended that the fourth option be adopted, which would see the Chief Executive or a Director act as the decision maker for grievance appeals, after consultation with one elected member from the Personnel Appeals Committee and one Trade Union representative.

32.6 A member asked if the recommended option could be amended to include consultation with two Trade Union representatives, as he felt that the Trade Unions offered an important contribution. The Monitoring Officer explained that this had been discussed by Officers, but increasing the number of Trade Union representatives would necessitate an increase in the number of elected members, ultimately resulting in a larger group, which the new arrangements were trying to avoid.

32.7 A member suggested that the Committee consider the three recommendations individually.

32.8 As the first recommendation regarding Trade Union representation was a legal issue, the Committee unanimously agreed the recommendation.

32.9 The Monitoring Officer explained that the second recommendation related to the four options regarding the arrangements for hearing grievance appeals. A member suggested that the number of Trade Union representatives to be consulted be increased even if the Committee favoured the recommended option, and they became non-voting participants. Members agreed that keeping the number of participants low, would only benefit the appellants in these types of appeals, and supported this. A member also informed the Committee that as appellants were often represented by a Trade Union official; two Trade Union representatives would feature in the majority of cases.

32.10 A member who supported the recommendation suggested that any new arrangements put in place be reviewed within twelve months. The Monitoring Officer informed the Committee that a similar suggestion had been made by the Staffing Committee and a review of the new arrangements would take place within twelve months.

32.11 After a question relating to the responsibility of grievance appeals being taken away from members of the Committee, the Monitoring Officer explained that it was members of the Committee who had requested that alternate arrangements be explored. The Vice Chairman suggested that as the report had been referred by previous members of the Committee, their experience and opinions on the matter should be explored. She explained that the Committee had a wide variety of business to consider, and therefore allowing grievance appeals to be considered in a new, swifter way was a good idea and in all participants' best interests.

32.12 It was suggested that if only one member of the Committee was to be consulted on grievance appeals, then the need for reserve members had become redundant. The Committee were informed that due to member's availability and the urgency involved with considering other items of business presented to the Committee, it was important to have reserve members.

32.13 An amendment to increase the number of Trade Union representation on grievance appeals was suggested but was not seconded.

32.14 The majority of members agreed to recommend option 4 to the County Council that the new arrangements be reviewed within twelve months.

32.15 The Monitoring Officer informed the Committee that the third and final recommendation related to arrangements for hearing end of employment appeals. He explained that while not without risk, Officers felt that all appeals of this nature be heard under similar arrangements to those agreed for grievance appeals.

32.16 Members agreed that it made sense for all appeals to be heard by the Chief Executive or a Director after consultation with elected members.

RECOMMENDED

33.1 That, the County Council approve that membership of the Personnel Appeals Committee be changed so that members of Trade Unions no longer serve as members of the Committee when it sits as a pay board or to hear grievance appeals from staff.

33.2 That, the County Council approve that the role of hearing and determining grievance appeals be delegated to the Chief Executive or a Director after consultation with one elected member of the Personnel Appeals Committee and one Trade Union representative drawn from any one of the recognised Trade Union and that these arrangements be reviewed in twelve months.

33.3 That, the County Council approve that the role of hearing and determining end of employment appeals be delegated to the Chief Executive or a Director after consultation with two elected members of the Personnel Appeals Committee.

Reason for Recommendation

34. In order to comply with the law and to test a more proportionate approach to hearing and determining appeals.

Redundancy Case

35.1 The Committee considered an exempt joint report by the Director for Corporate Resources and the Director for Environment on a redundancy case from within the Environment Directorate.

35.2 The HR Business Partner informed the Committee that the report related to a compulsory redundancy case. A full staff consultation had taken place within the area of work the case related to, but as not enough voluntary redundancy requests had come forward, compulsory redundancies needed to be made.

35.2 The Committee were informed that an extremely robust selection process had taken place in order to identify the individuals who had been selected for redundancy, this involved a paper based assessment and formal interviews, and the two individuals selected had scored lowest overall. It was stated that the selection process was not based on cost, but on skills and experience relevant to the post.

35.3 The Committee were told that although two individuals had been selected for redundancy, only one had cost implications relating to the early introduction of pension benefits. The HR Business Partner explained that the costs associated with the case were relatively low in comparison to other cases, and that the payback period was a little under six months.

35.4 It was explained that if the Committee approved the redundancy, the individual would be issued with a notice of redundancy, although they had already been informed of the situation. Members were told that after the individual had received the notice of redundancy, they would be placed on the redeployment register for thirteen weeks, but similar posts matching the individual's skills and experience were limited.

35.5 In response to a member's question regarding the history of this area of the Council, the HR Business Partner explained that following changes to the way in which this particular team worked, reductions were necessary, despite being previously avoided.

35.6 With regard to whether or not the current workforce would be able to maintain a high level of service if faced with extreme weather conditions, following these reductions in staff. It was explained that the winter recently experienced was extremely bad, yet the workforce maintained a high level of service, demonstrating that they were able to cope with the reduced number of staff. It was also noted that new vehicles had been purchased to support work in this area, and as a result, the repair work needed on them had been reduced.

35.7 It was asked that if the individual was presented with a job opportunity elsewhere, and requested to leave before his contracted notice period, would he be able to leave. It was explained that the right of counter notice was typically allowed, providing the workload of the team was not compromised.

35.8 A member suggested that although compulsory redundancies were never an option they liked to explore, it was necessary on this occasion, and the Committee unanimously agreed to approve the redundancy and the early introduction of pension benefits.

Resolved

36. That the early introduction of pension consequent upon the dismissal of the post holder on the grounds of redundancy, in respect of post number 60010092, with effect from 16 September 2013, be approved.