

Item 9 Proposed Amendment to the Terms of Reference and Name of the Dismissals Appeals Sub-Committee

Report of the Strategic HR Manger

Recommended:

1. That the Committee extend the terms of reference of the Dismissals Appeals Sub-Committee to include those matters noted in paragraph 2.2 of this Report and that the Sub-Committee's name be changed to the Employment Appeals Sub-Committee to reflect its wider terms of reference.
2. That membership of the Sub-Committee be increased to five and that Councillor be appointed in addition to Councillors Carr, Hatley, A Dowden and Giddings.

SUMMARY:

- The Dismissals Appeals - has been established to consider employee appeals against a range of issues most notably that where an employee has been dismissed because of a disciplinary, capability or ill-health reason.
- There is a need to extend the remit of this Sub-Committee of the General Purposes Committee to cover grievance appeals as well as appeals against management decisions taken on access to the Local Government Pension Scheme. Rather than creating a third Sub-Committee, the other being the Redundancy Sub-Committee, it is proposed that the name of the Dismissals Appeals Sub-Committee is changed to the Employment Appeals Sub-Committee.
- This ensures that the Sub-Committee will have an appropriate title rather than creating a misnomer because some of the issues considered will not have resulted in dismissal. It is hoped that as this Employment Appeals Sub-Committee will be able to hear any type of appeal other than those against redundancy, that no future changes to the title will be required or need for further Sub-Committees to be created.
- The current position where only four members are appointed to the Sub-Committee is out of step with the Disciplinary and Appeals Policy and Procedure, Section 14.2 of which requires the Sub-Committee to consist of five members of the General Purposes Committee and at least three members being present for the appeal to proceed.

1 Introduction

- 1.1 This report has been written to propose some administrative changes to a Sub-Committee of the General Purposes Committee.

2 Background

- 2.1 Over the last two years the HR Policy and Procedure portfolio has been revised and developed extensively to achieve enhanced clarity and reflect legislative requirements. In conjunction with a greater focus on the management of employee behaviour, performance and attendance this has resulted in an increase in the number of issues that are being taken forward for consideration by Councillors to the final appeal stage.
- 2.2 There are currently two Sub-Committees set up to consider these matters; the Redundancy Sub-Committee and the Dismissals Appeals Sub-Committee. The latter Sub-Committee does not now cover the full remit of issues in respect of which appeals may be made (such as grievances and pension access appeals e.g. access to pension as part of a flexible retirement option). It is therefore recommended that its terms of reference be extended to include all other appeals to members by staff relating to employment matters (save for redundancy matters). It is recommended that its name be changed to Employment Appeals Sub-Committee reflect its wider remit.
- 2.3 The Disciplinary and Appeals Policy and Procedure stipulates that five Councillors should be available to make up the Dismissals Appeals Sub-Committee. Currently there are only four nominated Councillors. Three Councillors must be available for any appeal to progress. Consideration needs to be given as to whether another Councillor should be nominated to avoid any delay in progressing future appeals.

3 Corporate Objectives and Priorities

- 3.1 It is crucial that HR Policies and Procedures are up to date and legally compliant in order that the Council can achieve its ambition to be an employer of choice.

4 Consultations/Communications

- 4.1 As this is a matter solely affecting a Sub-Committee of the General Purposes Committee it is considered unnecessary to consult or communicate with other parties.

5 Option Appraisal

- 5.1 The obvious alternative to the recommended course of action is to establish a third Sub-Committee to consider the relevant matters. However, this would appear to be unnecessarily cumbersome and bureaucratic.

6 Risk Management

- 6.1 An evaluation of the risks associated with the matters in this report indicate that further risk assessment is not needed because the changes/issues covered do not represent significant risks or have previously been considered by Councillors (refer to date, relevant Cabinet or Committee meeting and item number).

7 Resource Implications

- 7.1 There are no resource implications for the implementation of these recommendations.

8 Legal Implications

- 8.1 There are no legal implications for the implementation of these recommendations.

9 Equality Issues

9.1 Option 2

An EQIA is not needed because the issues covered have previously been considered by Councillors at the General Purposes Committee on 13 April 2011 Item 436.

10 Other Issues

- 10.1 There are no further issues.

11 Conclusion

- 11.1 The recommendations in this Report will ensure that the Council's HR Policies and Procedures are up to date and legally compliant.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
<u>Confidentiality</u>			
It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	N/A	File Ref:	
(Portfolio: Leader's) Councillor Ian Carr			
Officer:	Jessie Bell	Ext:	8251
Report to:	General Purposes Committee	Date:	29 September 2011

Brief Description
To change the title of the Dismissals Appeals Sub-Committee to reflect its full remit and to decide whether another Elected Member is required to increase the current 4 Councillors to 5.

<u>Have you taken the following into consideration?</u>	Yes/No
Policy Framework/Council's Strategic Priorities	N/A
Key Decisions	N/A
Community Safety Issues	N/A
Equality Issues	N/A
Risk Management	N/A
Environmental Health/Sustainability	N/A
Property/Accommodation Implications	N/A
Is this report confidential?	No

<u>OFFICER CONSULTATIONS</u>		<u>COMMENTS</u>
Chief Executive		
Corporate Director (AF)		
Corporate Director (CM)		
Finance		
Legal		
Personnel		
Other Heads of Service		
Leader		
Corporate Portfolio Holder		
CSU		
Economic Portfolio Holder		
Environmental Portfolio Holder		
Leisure & Wellbeing Portfolio Holder		
Housing, Health & Communities Portfolio Holder		
Planning & Transport Portfolio Holder		
UNION		
FINAL APPROVED VERSION		

Statutory Authority

RISK MANAGEMENT

Questionnaire for Committee Reports

To produce an accurate and reliable Risk Assessment for your report to Councillors, please work through the questions below.

The questionnaire only applies to reports to either Cabinet or General Purposes Committee.

You may not need to answer all of the questions.

At various points you will be advised to use one of the standard phrases called 'Options' in Section 4.

Report title: **Amendment to the name and remit of the Dismissals Appeals Sub-Committee**

Report author: Jessie Bell

Service: Chief Executive's Service

Committee Date: 29 September 2011

Note: Please consider adding to your service risk register, those significant risks highlighted as part of this assessment which require further action.

Please retain the completed questionnaire, risk assessment and supporting paperwork as these documents will be Subject to review by the Audit Commission.

For any advice or assistance in completing this questionnaire please contact the Financial Services Manager, or in their absence, Head of Finance

RISK MANAGEMENT Questionnaire for Committee Reports

1. Do the principles of Risk Management apply to your Committee report ?

a)	Is this report for information only, not requiring decisions to be made ?	NO
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If your answer is **YES**, then you need not complete any further questions and you should include the **Option 1** statement in the Risk Management section of your report with appropriate amendment. If your answer is **NO** please continue to the next question.

b)	Have the risks associated with the recommendations of this report already been considered by Councillors in a previous report to Committee.	YES
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If your answer is **YES**, then you need not complete any further questions and you should include the **Option 2** statement in the Risk Management section of your report with appropriate amendment.

2. Questions to consider before writing your report to Committee

a)	Am I recommending the provision of a new service for the Council, the start of a new project or the set up of a partnership agreement with one or more organisations outside the Council?	YES / NO
b)	Am I recommending changes to the way an existing service or project is managed, operated or funded?	YES / NO
c)	Am I recommending changes to Council policy or strategy?	YES / NO
d)	Am I reporting on the performance of the Council or one of its services which will require actions to be approved and implemented ?	YES / NO

If the answer is **YES** to any of these four questions then you will need to undertake a risk assessment of each of the options you have presented in Section 5 of your report to Councillors. The Council's Risk Management methodology should be used along with the Council's standard risk assessment template (below).

If the answer is **NO** to all of these questions there is no need to undertake a risk assessment, and you should include the **Option 2** statement in the Risk Management section of your report with appropriate amendments.

3. Questions to ask yourself once you have undertaken your risk assessment:

<p>a) Have I identified existing risk controls that minimise the risks and therefore there are no significant (Red or Amber) risk implications?</p> <p>If the answer is YES to this question then no further questions are applicable and you should include the Option 3 statement in the Risk Management section of your report.</p> <p>If the answer is NO, please continue with the remaining questions in this section</p>	<p>YES / NO</p>
<p>b) Have I identified new risk controls that are required to minimise the risks and which require additional financial resources? If the answer is YES to this question then you should:</p> <p>i) Contact your Service Accountant or Head of Finance to confirm the costing and availability of those resources. Any additional resources should be reported in the Resource Implications (Section 8) of your report to Councillors.</p> <p>ii) Include the Option 4 statement in the Risk Management section of your report.</p>	<p>YES / NO</p>
<p>c) Have I identified that any new or increased insurance may be required? If the answer is YES to this question, or you are uncertain, then you should:</p> <p>i) Contact the Council’s Insurance Officer to confirm the cost and implications of extra insurance. Any additional insurance costs should be reported in the Resource Implications (Section 6) of your report.</p> <p>ii) Include the Option 4 statement in the Risk Management section of your report.</p>	<p>YES / NO</p>
<p>d) Have I identified any significant (Red or Amber) remaining risks that are not minimised fully by existing or planned risk controls?</p> <p>If the answer is YES to this question then you should include the Option 5 statement in the Risk Management section of your report.</p>	<p>YES / NO</p>
<p>e) Am I attaching a document to the report (e.g. project plan, business plan, strategy statement) that includes its own detailed</p>	<p>YES / NO</p>

<p>risk assessment? Please remember the attached document will then be in the public domain.</p> <p>If the answer is YES to this question then you should include the Option 6 statement in the Risk Management section of your covering report.</p>	
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4. Option statements to be included in your report

Option 1

This report is for information purposes so the Council's Risk Management approach does not need to be applied.

Option 2

An evaluation of the risks associated with the matters in this report indicate that further risk assessment is not needed because the changes/issues covered do not represent significant risks or have previously been considered by Councillors (refer to date, relevant Cabinet or Committee meeting and item number).

Option 3 (Risks identified are all "Green")

A risk assessment has been completed in accordance with the Council's Risk Management Methodology and the existing risk controls in place mean that no significant risks (Red or Amber) have been identified.

Note: Use the Council's standard risk assessment template (below)

Option 4 ("Red" or "Amber" Risks remain)

A risk assessment has been completed in accordance with the Council's Risk Management Methodology and has identified significant (Red or Amber) risks as detailed in the risk assessment. The Required Actions proposed to reduce these risks will incur additional control costs/insurance as outlined in the Resource Implications section of this report.

Note: Use the Council's standard risk assessment template (below) .

Please ensure any resource implications are cross referenced between the completed risk assessment and the Resource Implications section of your report.

Option 5 ("Red" or "Amber" risks remain)

A risk assessment has been completed in accordance with the Council's Risk Management methodology and has identified the following significant (Red or Amber) residual risks that cannot be fully minimised by existing or planned controls or additional procedures.

Note: Use the Council's standard risk assessment template (below)

Option 6

The attached project documentation includes a detailed risk assessment that has been completed in accordance with the Council's Risk Management methodology.

Note: Key project documentation should be attached to your Committee report and should include a risk assessment using the standard template as shown in Appendix 3 of the Council's Risk Management Strategy.

RISK ASSESSMENT

Risk No	Service / Project	Type of Risk	Risk / Root Cause	Consequences	Existing Risk Controls	Risk Score	Further Action (Y/N)	Required Action	Risk Owner	Action Target Date

EQUALITY IMPACT ASSESSMENT

QUESTIONNAIRE FOR COMMITTEE REPORTS

1. Do the principles of Equality Impact Assessment apply to your Committee report?

a) Is this report for information only, not requiring any decision to be made?	NO
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If your answer is **YES** then you need not complete any further questions and you should include the **Option 1** statement in the Equality Issues (9.2) section of your report with the appropriate amendment. If your answer is **NO** please continue to the next question.

b) Have the equalities issues associated with the recommendations of this report already been considered by Councillors in a previous Committee report?	YES
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If your answer is **YES** then you need not complete any further questions and you should include the **Option 2** statement in the Equality Issues (9.2) section of your report with the appropriate amendment.

2. Questions to consider before writing your report to Committee

a) Am I recommending the provision of a new service for the Council, the start of a new project or the set up of a partnership agreement with one of more organisations outside the Council?	YES / NO
b) Am I recommending changes to the way an existing service or project is managed, operated or funded?	YES / NO
c) Am I recommending changes to Council policy or strategy?	YES / NO
d) Am I reporting on the performance of the Council or one of its services which will require actions to be approved and implemented?	YES / NO

If the answer is **YES** to **any** of these four questions then you will need to undertake an EQIA screening of the strategy, policy, function, project, plan or procedure. If the screening identifies no potential for unlawful discrimination and/or low level or minor negative impact, you should include **Option 3** statement in the Equality Issues section of your Committee report.

If the screening exercise identifies any potential negative, adverse or unhelpful impacts or limitations you should move onto a full EQIA, and include the **Option 4** statement in the Equality Issues section of your Committee report. The Council's EQIA methodology should be used along with the EQIA form.

If the answer is **NO** to **all** of these questions there is no need to undertake an EQIA, and you should include the **Option 2** statement in the Equality Issues (9.2) section of your report with the appropriate amendments.

3. Once you have undertaken your EQIA screening, consider the following:

<p>Have I identified any potential negative / adverse / unhelpful impacts, effects or limitations on any of the equality target groups, <u>or</u> unlawful discrimination which should be addressed?</p> <p>If the answer is YES to this question, then you should include the Option 4 statement in the Equality Issues section of your report, along with the summary and recommendations from the full EQIA. The full EQIA should be Submitted to the Critical Friends' Group.</p> <p>If the answer is NO, then you should include the Option 3 statement in the Equality Issues section of your report.</p>	<p>YES / NO</p>
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Option 1

This report is for information purposes, so the Council's EQIA process does not need to be applied.

Option 2

An EQIA is not needed because the issues covered have previously been considered by Councillors (relevant date, Committee meeting and item number to be inserted).

Option 3

An **EQIA screening** has been completed in accordance with the Council's EQIA methodology and no potential for unlawful discrimination and/or low level or minor negative impact have been identified, therefore a full EQIA has not been carried out.

Option 4

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An EQIA screening has been completed in accordance with the Council's EQIA methodology and some potential for unlawful discrimination and/or low level or minor negative impact have been identified affecting one or more of the target equality groups have been identified. **A full EQIA** has been carried out and the summary and recommendations are included in the Equality Issues (9.2) section of the Committee report.

Any resource implications should be referenced in the relevant section (8) of the Committee report.