

DUNDEE CITY COUNCIL

REPORT TO: Policy and Resources Committee - 10 March 2008

REPORT ON: Review of Personnel Appeals

REPORT BY: Assistant Chief Executive (Management)

REPORT NO: 132-2008

1 PURPOSE OF REPORT

- 1.1 To review the role and remit of the Personnel Appeals Sub-Committee and propose changes to streamline the process and enable appeals to be dealt with more quickly and effectively.

2 RECOMMENDATION

It is recommended that the Committee approves:-

- 2.1 The proposals described in paragraphs 5.1 to 5.3 of this report and their incorporation, as appropriate, in the existing Council Discipline and Grievance Procedures; and a Regrading Appeals Procedure to be discussed and agreed with the trade unions.

3 FINANCIAL IMPLICATIONS

- 3.1 None.

4 MAIN TEXT

- 4.1 The current arrangements for the hearing of appeals within the Council enable employees to pursue appeals, in respect of regradings, grievances and disciplinary action, eg dismissal or disciplinary sanctions short of dismissal such as unpaid suspension, demotion, etc but excluding all warnings, in stages through their line managers, heads of department and the Personnel Appeal Sub-Committee of elected members.
- 4.2 The ACAS Code of Practice on Disciplinary and Grievance Procedures states:-
- 4.21 On grievances - if an employee informs an employer that he/she is unhappy with the decision after a grievance meeting, the employer should arrange an appeal. As far as is reasonably practicable the appeal should be with a more senior manager than the one who dealt with the original grievance. The employee has the right to be accompanied at the appeal meeting. In larger organisations, it is good practice to allow a further appeal to a higher level of management, such as a director. (This is the practice within Dundee City Council.)

- 4.2.2 On discipline - employees who have had disciplinary action taken against them should be given the opportunity to appeal. As far as is reasonably practicable a more senior manager not involved with the case should hear the appeal. Employees have the right to be accompanied at the appeal meeting. If the decision is the final stage of the organisations' appeals procedure, this should be made clear to the employee. (In the case of Dundee City Council there is a further appeal to the head of department or nominee.)
- 4.3 Following the recent elections, the Committee structure has been rationalised to enable Councillors to give full consideration to the priority matters of policy and scrutiny, whilst delegating more operational decisions to officers.
- 4.4 Arrangements for Personnel Appeals Sub-Committee meetings have often been problematic in the past, due to the need to seek cross party representation in addition to the many other demands on members' diaries. Proposals have therefore been formulated to align appeals with other Committee remits by enabling members to focus on appeals with the most serious implications for employees and delegate other matters to officers.

5 PROPOSALS

- 5.1 At present regrading applications are not being processed routinely due to the concentration of all experienced resources on Single Status Job Evaluation and the development of a new Single Status pay and grading structure. Discussions have been held with the trade unions on the appeals mechanism for this exercise. This will include a joint management/trade union panel with the members trained to the necessary level of understanding of the agreed job evaluation scheme and appeals will be strictly based on job content as evaluated by the scheme. Comparisons with other jobs, whether within the Council or in other authorities, will no longer be acceptable grounds.

It is proposed that management should discuss and agree with the trade unions the continuation of an appropriate panel arrangement to meet and deal with final regrading appeals in future, when they are resumed, following the full implementation of the Single Status Agreement.

- 5.2 Grievances generally involve operational matters and are often coloured by the opinions and perceptions of employees involved. They are best dealt with in the context of the work of departments, where the employees and managers concerned have to resolve the issues and if necessary compromise to some extent on a way forward.

It is proposed that grievance appeals if required beyond the level of the head of department should go to a final appeal heard by a Senior Officer of another department, appointed by the Chief Executive.

- 5.3 Dismissal is the most serious sanction that an employer can apply to an employee and may have far reaching consequences for individuals affected.

Disciplinary action short of dismissal which involves a significant or continuing monetary penalty, eg unpaid suspension, demotion, withholding of increments, etc, may also impact heavily on an individual.

It is proposed that the Personnel Appeals Sub-Committee should continue to hear appeals against dismissal and disciplinary action short of dismissal, that results in a significant financial penalty, only.

6 **POLICY IMPLICATIONS**

- 6.1 This report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti Poverty, Equality Impact Assessment and Risk Management. There are no major issues in connection with these.

7 **CONSULTATION**

- 7.1 The Chief Executive, Depute Chief Executive (Support Services), Depute Chief Executive (Finance), Head of Finance and the trade unions have been consulted on this report.

8 **BACKGROUND PAPERS**

- 8.1 The ACAS Code of Practice on Disciplinary and Grievance Procedures.

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29 February 2008