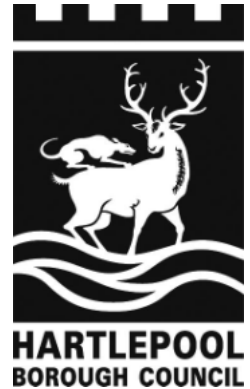


# GENERAL PURPOSES (APPEALS & STAFFING) COMMITTEE AGENDA



Wednesday, 26 August 2009

at 2.00 pm

in Committee Room A, Civic Centre, Hartlepool

MEMBERS: GENERAL PURPOSES (APPEALS & STAFFING) COMMITTEE:

Councillor Pauline Laffey (Chair)  
Councillor V Tumilty (nominated Portfolio Holder)  
Councillors C Akers Belcher, Flintoff and Griffin

1. **APOLOGIES FOR ABSENCE**
2. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
3. **MINUTES**
  - 3.1 To confirm the minutes of the meeting held on 17 August 2009 (*to follow*)
4. **ITEM FOR INFORMATION**
  - 4.1 Grievance Appeals Procedure
5. **LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006**

## EXEMPT ITEMS

Under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006

6. **ITEMS REQUIRING DECISION**
  - Stage 3 Grievance Appeal (para 1)
    - 6.1 Management Statement of Case
    - 6.2 Appellant Statement of Case (*to follow*)
7. **ANY OTHER CONFIDENTIAL ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**

**GENERAL PURPOSES  
(APPEALS AND STAFFING) COMMITTEE  
MINUTES AND DECISION RECORD  
17 August 2009**

The meeting commenced at 2.00 pm in the Civic Centre, Hartlepool

**Present:**

Councillor Pauline Laffey (In the Chair)

Councillors Atkinson, G Lilley, Shaw

In accordance with Council Procedure Rule 4.2 (ii), Councillor Hall attended as a substitute for Councillor Jackson

Also present for Minute 14 only

Councillor Payne (Portfolio Holder for Finance and Performance)

Councillor Tumilty (Portfolio Holder for Culture, Leisure and Tourism)

Officers: Dave Stubbs, Director of Neighbourhood Services  
Mike Ward, Chief Financial Officer  
Alison Oxley, HR Manager – Operations  
Rachel Clark, Senior HR Officer  
Paul Jackson, Senior HR Officer  
Sarah Bird, Democratic Services Officer

**6. Apologies for Absence**

Councillor Peter Jackson (Portfolio Holder for Transports and Neighbourhoods)

**7. Declaration of Interest**

None.

**8. Confirmation of the minutes of the meeting held on 10 July 2009**

These were accepted as an accurate account.

**9. Appeals Against Dismissal Procedure**

A copy this procedure had been attached to the agenda documentation for reference by Members.

## **10. Local Government (Access to Information)(Variation) Order 2006**

Under Section 100(A)(4) of the Local Government Act 1972, the press and public were excluded from the meeting for the following item of business on the grounds it involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006.

Minute 11 – Appeal against Dismissal – (Para1 - namely information relating to any individual)

Minute 12 – Request for payment of deferred pension benefits – (Para 1 – namely information relating to any individual)

Minute 13 – Request for payment of deferred pension benefits – (Para 1 – namely information relating to any individual)

Minute 14 – Application for Early Retirement Linked to Voluntary Redundancy – (Para 1 – namely information relating to any individual)

## **11. Appeal against Dismissal** *(Senior HR Officer)*

The Committee considered an appeal against Dismissal, further details of this were set out in the exempt section of the minutes.

### **Decision**

The decision was set out in the exempt section of the minutes

## **12. Request for payment of deferred pension benefits** *(Director of Neighbourhood Services)*

The Committee considered a request for payment of deferred pension benefits.

### **Decision**

This was outlined in the exempt section of the minutes

## **13. Request for payment of deferred pension benefits** *(Director of Neighbourhood Services)*

The Committee considered a request for payment of deferred pension benefits.

**Decision**

This was outlined in the exempt section of the minutes.

**14. Application for Early Retirement Linked to Voluntary Redundancy** *(Chief Financial Officer)*

An application for early retirement linked to voluntary redundancy was considered by the Committee.

**Decision**

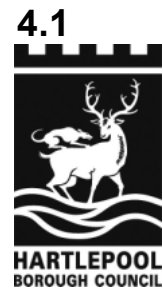
This was set out in the exempt section of the minutes

The meeting concluded at 3.55 pm.

PAULINE LAFFEY

CHAIR

# HARTLEPOOL BOROUGH COUNCIL



## GRIEVANCE PROCEDURE (updated November 2002)

### INTRODUCTION

This procedure is set out in stages to enable an employee who has a grievance to express it and for it to be resolved informally wherever possible.

It applies to all employees of the Council with the exception of those employed in schools with delegated budgets, for whom a procedure exists which has been adopted by Governing Bodies of individual schools.

The procedure is designed to provide a system which enables grievances to be considered as quickly and fairly as possible.

### SCOPE OF THE PROCEDURE

Grievances may be about a wide variety of matters, e.g. interpretation of conditions of service, treatment of an employee or work allocation. However some matters are excluded from the scope of the grievance procedure because they are dealt with under other agreements or procedures which have their own appeal systems or because remedies are not available under the grievance procedure.

### REPRESENTATION

Any employee who has a grievance may enlist the assistance of his/her trade union representative or a work colleague to raise the grievance.

### CLARIFICATION OF ISSUES

An employee may have a number of grievances some of which may be unrelated to each other. In such cases there may be a need to apply the grievance procedure to each issue separately rather than all together or, if appropriate, to deal with some issues under different procedures.

If a collective grievance is registered, it may be appropriate, in some circumstances, to deal with the matter at a later stage in the procedure, and miss out the initial stages, or any inappropriate stages.

### RESOLUTION OF ISSUES OUTSIDE THE GRIEVANCE PROCEDURE

It is an important general principle that issues of concern to employees should normally first be raised informally without recourse to the grievance procedure, through normal day to day channels of communication with colleagues/managers/supervisors.

The Council encourages this and the grievance procedure is not intended to replace this well established and successful method of handling issues of concern to employees.

## STAGES OF THE GRIEVANCE PROCEDURE

### STAGE 1

- a) Where an employee has a grievance on a relevant subject which has not been resolved otherwise he/she should discuss this in the first instance with his/her immediate supervisor/line manager (this may be a supervisor, chargehand, team leader, etc). If the grievance is a complaint about this person then the employee should raise the grievance with the next most senior person.

If an employee is unsure as to who he/she should contact about a grievance he/she may, in confidence, ask the Employee Support Officer or a Personnel Officer who will let him/her know who the appropriate person is.

- b) The immediate supervisor/line manager should respond orally to the grievance as soon as possible and within two working days (verbally) or three working days (written response) of receipt of the grievance. "Working days" in this context means Monday-Friday, in any week and therefore Saturdays, Sundays and bank/public holidays do not count as "working days". For teaching staff and term time only support staff, "working days" means the established 190/195 days on which the employee is required to work.

### STAGE 2

- a) If the matter is not resolved and the employee is still aggrieved he/she should submit a written grievance to the appropriate Chief Officer on the grievance form within five working days, with a copy to the immediate supervisor/line manager.
- b) The Chief Officer will respond in writing as soon as possible and within five working days or arrange a meeting as soon as possible with the employee and his/her trade union representative or colleague from work, the immediate supervisor/line manager (if appropriate), a personnel officer and any other relevant people.

The Chief Officer's decision may be to accept the grievance, dismiss the grievance, refer the matter back to the immediate supervisor/line manager for resolution with appropriate comments/guidance, or any other course of action which would be reasonable in the circumstances of the individual case.

A decision following a meeting will be confirmed in writing within 5 working days.

### STAGE 3

- a) If the matter is not resolved and the employee is still aggrieved, he/she should refer the grievance should in writing to the Chief Personnel Officer within ten working days of the date of the letter confirming the decision reached at Stage 2.
- b) The grievance will be heard by a duly convened General Purposes (Appeals and Staffing) Committee of the Council within four working weeks of receipt of the referred grievance. The arrangements will be as follows:

#### Constitution of Committee

The hearing of a grievance at Stage 3 is by a duly convened General Purposes (Appeals and Staffing) Committee of the Council. The Chief Personnel Officer will attend to advise the Committee on matters of policy and procedure.

Written Statements

Both sides will be invited to submit written statements of case which, if received, will be forwarded to members seven days before the hearing. Where both sides have provided statements these will also be exchanged three days before the hearing or as soon as possible if received after three days. If one side does not produce a statement then they will receive the other side's statement as early as practicable on the day of the hearing. Seven days' notice of hearings will normally be given unless it is agreed by both sides that a shorter notice period is acceptable.

**REPRESENTATION AND ATTENDANCE**

The normal procedure will be for the employee or employees bringing a grievance to attend with one representative and for the manager plus one personnel representative, to attend. Witnesses, if any, will be called in to give evidence and will then leave the hearing. It is at the discretion of the Panel to permit either side to bring additional representatives/managers and to decide whether they may attend in an observer or participant capacity.

**LEAVE**

Within the terms of this procedure, if leave of the employee raising the grievance, or of the officer to whom it must be referred, impedes the application of the time limits shown then these may be extended by the requisite number of days.

**PROCEDURE**

The procedure will be as follows:-

- (a) The aggrieved employee and/or representative shall state the grievance.
- (b) Whilst stating the grievance, if appropriate the employee/representative may call witnesses. The procedure for each witness shall be:-
  - Employee and/or representative to question.
  - Management and/or personnel representative to question.
  - Employee or representative to re-examine.
  - Chair to invite each member of the Committee and the Chief Personnel Officer to ask any questions.
  - Witness to leave the room.
- (c) The management and/or personnel representative may ask questions of the employee or representative.
- (d) The Committee members and the Chief Personnel Officer may ask questions of the employee or representative.
- (e) The management and/or personnel representative to state the response to the grievance.
- (f) Whilst responding the management and/or personnel representative may call witnesses and the procedure for each witness shall be:-
  - Management and/or personnel representative to question.
  - Employee and/or representative to question.
  - Management and/or personnel representative to re-examine.
  - Chair to invite each member of the Committee and the Chief Personnel Officer to ask any questions
  - Witness to leave the room.

- (g) The employee/representative may ask questions of the manager and/or personnel representative.
- (h) The Committee members and the Chief Personnel Officer may ask questions of the management and/or personnel representative.
- (i) The management and/or personnel representative to have the opportunity to sum up his/her case if he/she wishes.
- (j) The appellant or representative to have the opportunity to sum up his/her case if he/she wishes.
- (k) The management and personnel representative and the appellant and representative to withdraw.
- (l) The Committee to deliberate recalling management and employee/ representative only if clarification of evidence already given is required. In such instances both parties should be recalled even though clarification may be required from only one side. The Chief Personnel Officer will be in attendance throughout deliberations in order to advise members.
- (m) The Committee shall announce its decision to both sides unless further time for deliberation is needed, in which case both sides will be advised of this.
- (n) The decision of the Committee will be notified to both sides in writing within 7 days of the hearing.

**Notes:** The provision for summing up at (i) and (j) does not include the right to introduce new evidence at this stage in the procedure. If this becomes necessary, then the other side should be given the right of reply.

- Any matters of procedure not covered above will be for the Committee to decide.

#### **STAGE 4**

In the case of some grievances further appeal may be made through the North Eastern Provincial Council conciliation machinery.

#### **Chief Officers**

As Chief Officers have only one or two officers who are senior to them in the structure of the authority it may not be possible for them to use all the stages of the grievance procedure as described above.

Grievances should, therefore, be referred to the appropriate Director in the first instance, who will respond within 10 working days, and as a second stage to the Chief Executive who will respond within 10 working days.

Stage 3 (and Stage 4 if appropriate) will thereafter apply.

#### **Directors**

Directors and Divisional Heads within the Chief Executive's Department, should refer their grievance to the Chief Executive in the first instance.

Stage 3 (and Stage 4 if appropriate) will thereafter apply.



**Chief Executive**

If the Chief Executive has a grievance it will be heard by a duly convened Committee of the Council as in Stage 3 above.

**Timescales**

Timescales set in the grievance procedure may be varied by mutual consent between the aggrieved employee and the person with whom the grievance has been lodged at the appropriate stage.