

PERFORMANCE PORTFOLIO DECISION SCHEDULE



Wednesday 7th December 2011

at 10am

in Committee Room C, Civic Centre, Hartlepool

Councillor H Thompson, Cabinet Member responsible for Performance will consider the following items.

1. KEY DECISIONS

No items

2. OTHER ITEMS REQUIRING DECISION

2.1 Single Status Agreement Appeals – *Chief Customer and Workforce Services Officer*

3. ITEMS FOR INFORMATION

No items

PERFORMANCE PORTFOLIO

Report to Portfolio Holder

December 7th 2011



Report of: Chief Customer and Workforce Services Officer

Subject: SINGLE STATUS AGREEMENT APPEALS

SUMMARY

1. PURPOSE OF REPORT

To provide an update on progress on appeals received and obtain ratification of Appeals Panel outcomes in respect of High, Medium, Low and Very Low Priority Appeals.

2. SUMMARY OF CONTENTS

The report provides a background to the Appeals Procedure together with an update on the progress of appeals received and requests ratification of Appeals Panel outcomes in respect of High, Medium, Low and Very Low Priority Appeals.

3. RELEVANCE TO PORTFOLIO MEMBER

Corporate Issues.

4. TYPE OF DECISION

Non Key.

5. DECISION MAKING ROUTE

Portfolio meeting only.

6. DECISION(S) REQUIRED

To note progress on appeals received and ratify Appeals Panel outcomes in respect of High, Medium, Low and Very Low Priority Appeals.

Report of: Chief Customer and Workforce Services Officer

Subject: SINGLE STATUS AGREEMENT APPEALS

1. PURPOSE OF REPORT

- 1.1 To provide an update on progress on appeals received and obtain ratification of Appeals Panel outcomes in respect of High, Medium, Low and Very Low priority appeals .

2. BACKGROUND

- 2.1 The Single Status Appeals Procedure was agreed at the Performance Portfolio Holder meeting on 27 June 2008. This has been reviewed in the light of experience of operating it for High Priority Appeals and a revised Appeals procedure has been implemented following Performance Portfolio ratification.

- 2.2 The revised procedure provides:

- “The Executive Member with responsibility for Workforce Services will be regularly advised of appeals received and progress made in dealing with them” and;
- “All Appeal Panel outcomes must be ratified by the Executive Member with responsibility for Workforce Services or Governors (Governing Body, Pay Review Committee or Appeals Committee), as appropriate, prior to any changes being implemented.”

- 2.3 Appeals are prioritised in accordance with the Single Status Agreement as detailed in Table 1.

Table 1

| Priority | Type of Appeal |
|----------|---|
| High | Appeals received from current employees who are continuing to receive protection at 1 July 2008/ Appeals which do not need an Appeals Panel to meet/ Appeals from employees who leave the Council from areas where job losses are needed/ Appeals from employees who retire from the Council due to ill health and the Teesside Pension Fund Doctor (for LGPS members) or the Council’s Occupational Health Advisor (for non LGPS members) has determined that they meet the Local Government Pension Fund Tier 3 Ill Health criteria |

| | |
|-----------------|--|
| | |
| Medium | Appeals received from current employees who were receiving protection prior to 1 July 2008/Appeals received from current employees who do not gain initially |
| Low | Appeals received from current employees who gained initially |
| Very Low | Former employees |

- 2.4 A timetable for processing all outstanding appeals by December 2011 is now in place.
- 2.5 Provision for the ongoing costs of appeal outcomes has been made in the Council's base budget since 2007/08 to meet the cost of implementing any successful appeals from 1st April 2007. This provision was initially set at £400,000, inclusive of employers national insurance and pension costs, for 2007/08. This figure has been increased in the budget by the annual cost of living pay award and is currently £415,000. Schools have made separate provision in their own budgets for appeals by school staff.
- 2.6 In order to ensure equality of treatment, as far as possible, the revised Appeals Procedure, as detailed in 2.1 above, made provision for employees whose high priority appeals were considered under the original Appeals Procedure to request the opportunity to have their appeal reconsidered on a similar basis to medium, low and very low appeals, once the programme for processing all outstanding appeals is complete.
- 2.7 It is intended that high priority appeals from employees whose pay band reduced on appeal and/or who are leaving early next year as a result of budget reductions will have the opportunity to have their appeal revisited in February/March next year with the remainder having the opportunity in June/July next year.

3. CURRENT POSITION ON APPEALS

- 3.1 Outstanding appeals (including where the outcome has not yet been ratified) are shown in Table 2. This table will be updated on an ongoing basis to remove those appeals which have been withdrawn or ratified

Table 2

| Department | Posts Appealed (and number of appellants)/Priority | | | | |
|-------------------|--|--------|--------|----------|---------|
| | High | Medium | Low | Very Low | Total |
| Chief Executive's | 6 (9) | 8 (10) | 1 (1) | 1 (1) | 16 (21) |
| Child and Adults | 8 (15) | 3 (7) | 6 (17) | 7 (7) | 24 (46) |

| | | | | | |
|---------------------------------|----------------|----------------|----------------|----------------|-----------------|
| Regeneration and Neighbourhoods | 9 (9) | 4 (7) | 15 (25) | 4 (4) | 32 (45) |
| Schools | 3 (3) | 0 (0) | 1 (1) | 0 | 4 (4) |
| Total | 26 (36) | 15 (24) | 23 (44) | 12 (12) | 76 (116) |

3.2 The Outcomes of Appeals ratified previously are detailed in Table 3 below.

Table 3

| | Pay band increased on Appeal and Outcome Ratified (no of appellants) | Pay band stayed the same on Appeal and Outcome Ratified (no of appellants) | Pay band decreased on Appeal and Outcome Ratified (no of appellants) |
|---------------------------------|--|--|--|
| Chief Executive's | 6 (10) | 12 (21) | 1 (1) |
| Child and Adults | 7 (8) | 26 (70) | 6 (7) |
| Regeneration and Neighbourhoods | 15(17) | 46(61) | 6(10) |
| Schools | 2 (4) | 2 (2) | 0 (0) |
| Total | 30 (39) | 86 (154) | 13 (18) |

4. PROGRESS ON APPEALS

4.1 Since the last report the Appeals Panel has met on 6 occasions and has agreed outcomes, subject to ratification, in respect of 10 appeals relating to 21 appellants. A number of appeals which had been scheduled to be heard were also withdrawn.

4.2 In determining the appeal outcomes, the Appeal Panels have considered the submissions made by the appellant as well as 'sore-thumbing' the original evaluation. This is essential to ensure the robustness of individual evaluations and the job evaluation scheme as a whole. Whilst there are three possible overall outcomes (pay band increases, pay band remains the same or pay band decreases), this may mask changes to particular factor levels and/or 'tidying up' of evaluations which does not affect overall pay bands.

4.3 A summary of the outcomes, of the Appeals Panels as detailed in 4.1 above and which were inadvertently omitted from the 23 February 2010 report, subject to ratification, is set out in Table 4.

Table 4

| | Pay band increased on Appeal and Outcome Ratified (no of appellants and those affected by the outcome) | Pay band stayed the same on Appeal and Outcome Ratified (no of appellants and those affected by the outcome) | Pay band decreased on Appeal and Outcome Ratified (no of appellants and those affected by the outcome) |
|---------------------------------|--|--|--|
| Chief Executive's | 2(2) | 7(11) | 0 (0) |
| Child and Adults | 3(8) | 7(15) | 0 (0) |
| Regeneration and Neighbourhoods | 4(5) | 8(8) | 1 (1) |
| Schools | 0(0) | 3(3) | 0 (0) |
| Total | 9(15) | 25(37) | 1(1) |

- 4.4 As indicated above, the Portfolio Holder is responsible for ratifying the outcomes in respect of Council employees whereas Governors are responsible for ratifying the outcomes in respect of school employees. Similarly, the Council is responsible for any changes in employee costs for Council employees whereas schools are responsible for any changes in employee costs for school employees.
- 4.5 A summary of the ongoing and back pay costs of implementing appeal outcomes will be provided at the end of the appeals programme. In some instances pay bands increase but there are no ongoing costs because the higher pay band has been previously awarded at some point after the date of appeal or the post has been deleted.
- 4.6 Further details of the outcomes of individual appeals is included in the "Not for Publication" **Appendix A** attached to this report.

This item contains exempt information under Schedule 12A Local Government Act 1972, namely information relating to a particular employee, former employee or applicant to become an employee of the Council (para 1)

- 4.7 The Portfolio Holder will continue to receive regular reports regarding the appeals programme and appeal outcomes for Council employees that require ratification before they can be implemented. Appeal decisions for school employees require Governor ratification before they can be implemented and, where appropriate, arrangements will be made to obtain such ratification in respect of appeals from school employees.

- 4.8 Trade unions will be updated regularly at the monthly Single Table Meeting with Hartlepool Joint Trade Unions Committee Representatives regarding the appeals programme and appeal decisions which have been ratified.

5. RECOMMENDATION

- 5.1 The Portfolio Holder notes the progress made and ratifies the Appeals Panel Outcomes in respect of Council employees (as detailed in the “Not for Publication” schedule attached to this report).

6. REASONS FOR RECOMMENDATIONS

- 6.1 The Appeals Procedure is an integral part of the Single Status agreement and requires that the Executive Member with responsibility for Workforce Services be regularly advised of progress made in dealing with appeals received and ratifies the outcomes of Appeals Panels in respect of Council employees.

7. BACKGROUND PAPERS

Cabinet report 23 December 2007.
Cabinet report 27 May 2008.
Performance Portfolio report 27 June 2008
Performance Portfolio report 26 September 2008
Performance Portfolio report 2 February 2009
Performance Portfolio report 26 February 2009
Performance Portfolio report 16 April 2009
Finance and Performance Portfolio report 14 July 2009
Finance and Performance Portfolio report 5 November 2009
Finance and Performance Portfolio report 23 February 2010
Finance and Performance Portfolio report 23 March 2010
Finance and Performance Portfolio report 30 April 2010
Finance and Performance Portfolio report 18 May 2010
Cabinet report 16 August 2010
Performance Portfolio report 26 October 2010
Cabinet report 21 February 2011
Performance Portfolio report 22 February 2011
Performance Portfolio report 23 March 2011
Performance Portfolio report 14 September 2011
Performance Portfolio report 8 November 2011

8. CONTACT OFFICER

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