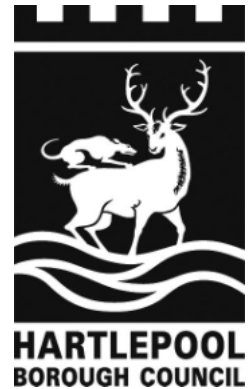


# GENERAL PURPOSES (APPEALS & STAFFING) COMMITTEE AGENDA



Wednesday 21 March 2012

at 9.00 am

in Committee Room A, Civic Centre, Hartlepool

MEMBERS: GENERAL PURPOSES (APPEALS & STAFFING) COMMITTEE:

Councillors S Akers-Belcher, Cook, James and Ray Wells.

1. **APOLOGIES FOR ABSENCE**

2. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**

3. **MINUTES**

None.

4. **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

5. **ITEMS REQUIRING DECISION**

5.1 Appeal against Redundancy Dismissal (JT) - *Chief Customer and Workforce Services Officer (para 1)*

- (a) Management Statement of Case
- (b) Appellant Statement of Case

6. **ANY OTHER CONFIDENTIAL ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**

## **EXTRACT FROM THE POLICY ON REORGANISATION, REDUNDANCY AND REDEPLOYMENT**

### **Appeals against Redundancy Dismissal**

#### **Constitution of Appeals Committee**

Appeals against redundancy dismissal are heard by a duly convened and quorate General Purposes (Appeals and Staffing) Committee of the Council. The Constitution defines the make up of the Committee and how many Members constitute a quorum.

Members who have had any direct prior involvement in the case will be excluded from sitting. The Chief Customer and Workforce Services Officer or representative will attend appeals against redundancy dismissal to provide advice (including procedural and employment law advice) to the Committee and to assist Members generally in establishing the arguments and facts being presented to them.

Normal Council Democratic Services support will be provided to the Committee. The Democratic Services Officer shall record the decision of the Committee but is not present to provide any form of advice other than on administrative matters.

#### **Written Statements**

Both management and the employee will be invited to submit written statements of case which will be forwarded to Committee Members 7 days before the hearing. Where both parties have provided statements these will also be exchanged 7 days before the hearing. If one party does not produce a statement, they will receive the other party's statement as early as practicable on the day of the hearing.

#### **Representation and Attendance**

The normal procedure will be for the employee plus one representative, and the dismissing manager, the relevant service manager, plus a Workforce Services representative, to attend the hearing and present their cases. Witnesses will be called in turn, to give evidence and will then leave the hearing. It is at the discretion of the Committee to permit either party to bring additional representatives/managers and to decide whether they may attend in an observer or participant capacity.

#### **Decisions**

Decisions generally will fall into two categories, namely:

- (a)** not allowing the appeal in which case the employees redundancy dismissal is confirmed.
- (b)** confirming the process needs to be reviewed. In which case the following options can be considered:
  - (i)** the decision to select the post/person is unfair and the process needs to be reviewed. If necessary this may need to be referred back to Members who were involved in the original decision;
  - (ii)** the procedure followed has been unfair and the process needs to be reviewed.

During this time, the redundancy notice period will be extended until the outcome of the review is confirmed. The person will remain an employee of the Council with no loss of pay or benefits. Where possible the employee will remain in the post. However, this cannot always be guaranteed and in this instance alternative work will be offered suitable to the grade/position for this period. The employee will remain on the redeployment register during this time.

Following any review the Committee and all parties should reconvene to make a final decision.

The Committee shall give its decision in full detail in the presence of both parties and the Chief Customer and Workforce Services Officer or representative, and clarification may be sought by any party.

## **Guide to the format of the Hearing**

The procedure will be as follows: -

### **Management Case**

1. The management representative and/or Workforce Services representative shall state the case.
2. The management representative and/or Workforce Services representative may call witnesses and the procedure for questioning each witness shall be:
  - Management and/or Workforce Services representative to question
  - Employee and/or representative to question
  - Each Member of the Committee and the Chief Customer and Workforce Services Officer or representative to be invited to ask any questions
  - Management and/or Workforce Services representative to re-examine
  - Witness to retire
3. The employee or representative may ask questions of the management representative and/or Workforce Services representative.
4. The Committee Members and the Chief Customer and Workforce Services Officer or representative may ask questions of the management representatives and/or Workforce Services representative.

### **Employee Case / Response**

5. The employee or representative shall state the case.
6. The employee or representative may call witnesses and the procedure for questioning each witness shall be:
  - Employee and/or representative to question.
  - Management representative and/or Workforce Services representative to question.
  - Each Member of the Committee and the Chief Customer and Workforce Services Officer or representative to be invited to ask any questions.
  - Employee and/or representative to re-examine.
  - Witness to retire
7. The management representative and/or Workforce Services representative may ask questions of the employee.
8. The Committee Members and the Chief Customer and Workforce Services Officer or representative may ask questions of the employee and/or representative.

### **Summing Up**

9. The management representative and/or Workforce Services representative to have the opportunity to sum up the case, if they choose to.

10. The employee and/or representative to have the opportunity to sum up the case, if they choose to.
11. The management representative and Workforce Services representative, the employee and representative to withdraw.
12. The Committee to deliberate in private with only the Chief Customer and Workforce Services Officer or representative and Democratic Services Officer in attendance recalling the management representative, Workforce Services representative, the employee and representative only if clarification of evidence already given is required. In such instances all parties should be recalled even though clarification may be required from only one party.

### Decision

13. The Committee shall announce its decision to both parties unless further time for deliberation is needed; in which case both parties will be advised of this.
14. The decision of the Committee and the terms of this will be notified to both parties in writing within 7 calendar days of the hearing.

### General Notes

1. The provision for summing up at (9) and (10) does not include the right to introduce new evidence at this stage in the procedure. If this becomes necessary, then the other party should be given the right of reply.
2. Any matters not covered by the above procedure will be for the Committee to determine.
3. The employee representative must be a Trade Union representative or colleague from work.
4. When advising the Committee, the Chief Customer and Workforce Services Officer or representative shall not have had any involvement in the original decision to dismiss.

September 2010