

GENERAL PURPOSES (APPEALS & STAFFING) COMMITTEE AGENDA



21 November 2012

at 1.00 pm

in Committee Room C, Civic Centre, Hartlepool

MEMBERS: GENERAL PURPOSES (APPEALS & STAFFING) COMMITTEE:

Councillors C Akers-Belcher, Cook, G Lilley and Richardson

1. APOLOGIES FOR ABSENCE

2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

3. MINUTES

3.1 Minutes of the meeting held on 23 October 2012.

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 Grievance Stage 3 Appeal (EN) - *Director of Child and Adult Services*
(para 1)

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

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 that 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 whom he/she should contact about a grievance he/she may, in confidence, ask the Employee Support Officer or a Workforce Services 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 Workforce Services 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 in writing to the Chief Customer and Workforce Services 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 Customer and Workforce Services 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 in time, will be forwarded to the Committee 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 Workforce Services 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 Committee 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 Workforce Services representative to question.
 - Employee or representative to re-examine.
 - Chair to invite each Member of the Committee and the Chief Customer and Workforce Services Officer to ask any questions.
 - Witness to leave the room.
- (c) The management and/or Workforce Services representative may ask questions of the employee or representative.
- (d) The Committee Members and the Chief Customer and Workforce Services Officer may ask questions of the employee or representative.
- (e) The management and/or Workforce Services representative to state the response to the grievance.
- (f) Whilst responding the management and/or Workforce Services representative may call witnesses and the procedure for each witness shall be:-
 - Management and/or Workforce Services representative to question.
 - Employee and/or representative to question.
 - Management and/or Workforce Services representative to re-examine.
 - Chair to invite each Member of the Committee and the Chief Customer and Workforce Services Officer to ask any questions
 - Witness to leave the room.

- (g) The employee/representative may ask questions of the management and/or Workforce Services representative.
- (h) The Committee Members and the Chief Customer and Workforce Services Officer may ask questions of the management and/or Workforce Services representative.
- (i) The management and/or Workforce Services 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 Workforce Services representative and the appellant and their 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 Customer and Workforce Services 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.

GENERAL PURPOSES (APPEALS AND STAFFING) COMMITTEE MINUTES AND DECISION RECORD 23 October 2012

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

Present:

Councillor: Marjorie James (In the Chair)

Councillors: Christopher Akers-Belcher, Geoff Lilley and Chris Simmons

Also present:

Appellant and accompanying relative

Officers: Hayley Martin, Constitutional and Administrative Solicitor
Angela Armstrong, Principal Democratic Services Officer

27. Apologies for Absence

None.

28. Declarations of interest by Members

Councillor Chris Simmons declared a non prejudicial interest in minute 31.

29. Confirmation of minutes

- (i) Minutes of the meeting held on 26 September 2012 – confirmed.
- (ii) Minutes of the meeting held on 2 October 2012 – confirmed.

30. 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 items of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 2 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 31 – Appeal against Home to School Transport Decision – *Director of Regeneration and Neighbourhoods* - This item contains exempt information

under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information which is likely to reveal the identity of an individual (para 2).

Minute 32 – Request for Payment of Deferred Pension Benefit (BD) – HR Business Partner – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information relating to a particular employee, former employee or applicant to become an employee of the Council (para 1).

Minute 33 – Request for Payment of Deferred Pension Benefit (MS) – HR Business Partner – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information relating to a particular employee, former employee or applicant to become an employee of the Council (para 1).

- 31. Appeal against Home to School Transport Decision**
(*Director of Regeneration and Neighbourhoods*) This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information which is likely to reveal the identity of an individual (para 2).

Members considered an appeal relating to home to school transport. Full details of the appeal together with supporting documentation were submitted for Members' considerations.

Decision

The Appeal was refused.

- 32. Request for Payment of Deferred Pension Benefit (BD)**
(*HR Business Partner*) This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information relating to a particular employee, former employee or applicant to become an employee of the Council (para 1).

The Committee considered an application from a former employee for early payment of pension on compassionate grounds. Further details of the application were set out in the exempt section of the minutes.

Decision

That the request be refused.

- 33. Request for Payment of Deferred Pension Benefit (MS)**
(*HR Business Partner*) This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information relating to a particular employee, former employee or applicant to become an employee of the Council (para 1).

The Committee considered an application from a former employee for early payment of pension on compassionate grounds. Further details of the application were set out in the exempt section of the minutes.

Decision

That the request be approved on the basis of zero cost to the local authority.

- 34. Any Other Items which the Chairman Considers are Urgent**

None.

The meeting concluded at 3.19 pm

CHAIR