

CHESHIRE EAST COUNCIL

Staffing Committee

Date of Meeting: 23 October 2014
Report of: Head of Governance and Democratic Services
Subject/Title: Staffing Appeal Sub Committee

1.0 Report Summary

1.1 This report asks the Committee to appoint a Staffing Appeals Sub Committee.

2.0 Recommendation

2.1 That the Terms of Reference and Composition of the Staffing Appeals Sub Committee, as set out in paragraph 10 of the report, be agreed.

3.0 Reasons for Recommendations

3.1 To comply with the Council's wishes and in order to allow staffing appeals to be dealt with.

4.0 Wards Affected

4.1 N/A

5.0 Local Ward Members

5.1 N/A

6.0 Policy Implications

6.1 None identified.

7.0 Financial Implications

7.1 None identified.

8.0 Legal Implications

8.1 The terms of reference of the Council's decision making bodies are included in the Council's Constitution. Those relating to the Staffing Appeals Sub Committee will also be included, once approved by the Staffing Committee.

9.0 Risk Management

- 9.1 Failure to have proper arrangements in place to consider appeals puts the Council at risk of not fulfilling its statutory obligations.

10.0 Background and Options

- 10.1 Revised terms of reference (Appendix A to this report) for the Staffing Committee were approved by Council on 14 May 2014. These included the consideration of Appeals as follows:

Appeals

“For a Staffing Appeals Sub Committee to consider appeals from Staff in the following circumstances:

- Appeals against dismissal
- Appeals against grievance
- Appeals against policy (but only the first appeal where the appeals are based on the same issues/circumstances)
- Group Appeals covering more than one Department
- Appeals which have initially been heard by the Chief Executive e.g. appeals raised by members of the Senior Management Team
- Exceptionally where both sides agree referral to Members is appropriate”

- 10.2 The Committee is invited to formally appoint the Staffing Appeals Sub Committee.

10.3 Terms of Reference

- 10.3.1 It is recommended that the Staffing Appeals Sub Committee terms of reference should include the following:

“To hear and determine appeals in accordance with the Council’s approved personnel policies and procedures in respect of :

- Appeals against dismissal
- Appeals against grievance
- Appeals against policy (but only the first appeal where the appeals are based on the same issues/circumstances)
- Group Appeals covering more than one Department
- Appeals which have initially been heard by the Chief Executive e.g. appeals raised by members of the Senior Management Team
- Exceptionally where both sides agree referral to Members is appropriate.”

10.4 Composition of Staffing Appeals Sub Committee

10.4.1 In accordance with past practice under the previous terms of reference, the Sub Committee should comprise of three members. These will be selected based on their response to an availability request from Democratic Services. The Chairman or (if not available) the Vice Chairman of the Staffing Committee should be selected and will determine the composition of the Sub Committee as required. In line with national best practice, and in relevant circumstances in respect of particular appeals, provision should be made for an appropriate gender mix on the Sub Committee. This will be agreed with the Chairman of the Staffing Committee on a case by case basis.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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APPENDIX A

TERMS OF REFERENCE FOR STAFFING COMMITTEE

Statement of Purpose

- 1 The Staffing Committee is a key component of Cheshire East's corporate governance. It provides an independent and high level focus on the Human Resources, Organisational Development and Health & Safety matters affecting Council.
- 2 The purpose of the Staffing Committee is to provide independent assurance to the members of the adequacy of the HR service and staffing related matters.

Functions of the Committee

Recruitment and Selection

- 3 To undertake the recruitment and selection for the appointment of all members of the Corporate Leadership Board and formulating recommendations to the Council regarding the appointment and dismissal of the Head of Paid Service, Monitoring Officer and Chief Finance Officer.
- 4 To approve the designation of an officer to act as Monitoring Officer and Chief Finance Officer, in accordance with legislation and the appropriate procedures set out in the Staff Employment Procedure Rules.

HR Policies

- 5 To have the opportunity to review the Council's HR Policies and Procedures as required and to make recommendations to the Portfolio Holder. It is noted that the authority to approve HR Policies remains with the Executive

Appeals

- 6 For a Staffing Appeals Sub Committee to consider appeals from Staff in the following circumstances:
 - Appeals against dismissal
 - Appeals against grievance
 - Appeals against policy (but only the first appeal where the appeals are based on the same issues/circumstances)
 - Group appeals covering more than one Department
 - Appeals which have initially been heard by the Chief Executive, e.g. appeals raised by members of the Senior Management Team
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Corporate Leadership Board Appraisal Board

- 7 To establish and oversee an Appraisal Board for all members of the Corporate Leadership Board.

HR Performance

- 8 To receive HR and Health & Safety performance measures, as detailed below, on a quarterly basis in order to assess the effectiveness of current HR and Health & Safety arrangements.
 - Headcount Data
 - Sickness Absence
 - Turnover
 - HR Casework (including disciplinary, grievance and capability)
 - Health and Safety Accidents Records
 - Health and Safety Training