

Report to Governance Committee

24 September 2021

Appeals Panel Annual Report 2020/21

Report by Interim Director of Human Resources and Organisational Development and Director of Law and Assurance

Electoral divisions: N/A

Summary

The Governance Committee receives an annual report on the activity of the Appeals Panel from which Boards of Appeal are drawn to consider final appeals from staff against dismissal. This report summarises the role of the Panel and the outcomes of Boards which have heard cases in the last year. These are shown in **Appendix 1**.

In 2020/21 one board of appeal was convened. There were a further three appeals submitted but subsequently withdrawn prior to any hearing taking place.

Recommendation

That the Appeals Panel Annual report 2020/21 be noted.

Proposal

1. Background and context

- 1.1 The County Council's Human Resources policies and procedures make provision for staff who have been dismissed to appeal against that decision to members via an Appeals Panel. Subject to meeting the agreed criteria (determined by the Director of Law and Assurance) staff may also appeal to the Panel as the final stage of a grievance. The Boards of Appeal drawn from the Panel have the power to uphold management decisions or to reverse a dismissal decision or uphold or alter a grievance outcome. They may also make recommendations for improvements to Council procedures. The Appeals Panel also hears appeals against school transport decisions.
- 1.2 It was agreed by the Governance Committee in January 2010 that an annual report be presented setting out:
 - An overview of the cases heard;
 - A summary of any recommendations arising from the hearings and any comments or feedback relating to them;
 - Any comments or observations from the annual training session for Panel members; and

- Any recommendations for the future.

- 1.3 Boards of Appeal comprise between three and five members. Hearings are scheduled on fixed dates throughout the year and cancelled if not required. Members are usually allocated to three or four hearings each year and Boards of appeal are scheduled every four to five weeks to ensure that all appeals can be heard in a timely fashion. As many dates are cancelled due to a lack of business it cannot be guaranteed that all members of the Panel will sit on any board of appeal.
- 1.4 The membership of the Panel changes from time to time and are appointed either at Governance Committee or sometimes by the County Council in the interests of time. Prior to the election in May 2021 the Panel comprised 14 members and there were four vacancies. The Panel does not include members of the Cabinet.

2. Boards of Appeal during 2020/21

- 2.1 In January 2020 the Committee received a report on officer delegations (Constitutional provisions). The report explained that there is no requirement for the Chief Executive or nominee to sit on the Board of Appeal and the arrangement going forward is that, save in exceptional cases, the Chief Executive will not sit on Boards of Appeal but will ensure that the Board is fully and properly advised. From April 2020 to April 2021 all formal meetings were required to be held virtually in accordance with legislation and government guidance due to the Covid-19 public health emergency.
- 2.2 During 2020/21 there were four appeals against dismissal submitted to the Director for Law and Assurance. Three appellants withdrew their appeal prior to any hearing taking place. One appeal was held virtually due to the public health restrictions in place at the time and the appeal was dismissed. No final stage transport appeals were received during this period. There was one request for a stage three grievance hearing but this was rejected as the criteria for proceeding (evidence of an error of process or significant new information) were not met.
- 2.3 In all four members were involved in hearing the virtual appeal. A summary of the hearing and recommendations is provided at Appendix 1.

3. 2020/21 Annual meeting and training

- 3.1 All members appointed to the Panel had received training delivered by Diane Henshaw, Principal Solicitor, who until recently advised Boards of appeal. An annual meeting took place virtually in November 2020 and members present received refresher training on both school transport and staff appeals. It was agreed that the induction training due to be delivered in 2021 would cover chairing a meeting and outlining the member role if an appeal is referred to a tribunal.

4. Arrangements for Boards of appeal during 2021/22

- 4.1 Following the election in May 2021 15 members have been appointed to the appeals panel and there are currently three vacancies. Two induction sessions have taken place to date and of the 15 members on the panel, 12 have received induction training on both staff appeals and school transport appeals. Arrangements are in hand for a further induction session to take place in

October for the remaining three members to attend and is timed to enable induction training to be provided to any additional members appointed to the panel either at the Governance Committee in September or at full Council in October. Only those members who have received training will be appointed to hear an appeal. Such appeals will take place in person in accordance with the current legislation.

5. Consultation, engagement and advice

- 5.1 Following the election in May 2021 new appointments to the Appeals Panel have been made. Those who were members of the Appeals Panel during 2019/20 who have been re-elected and re-appointed to the Appeals Panel have had the opportunity to comment on Appendix 1.

6. Finance

- 6.1 Boards of Appeal are overseen jointly by Legal Services and Democratic Services. The manager who either heard the grievance or made the decision to dismiss presents the management case to the Board of Appeal and is supported in this by an officer from Human Resources. Resources are currently managed within existing budgets.

7. Risk implications and mitigations

- 7.1 One of the more important functions of the Appeals Panel is to identify shortcomings in the Council's procedures or their application and to make recommendations for action. This should help reduce the risk of challenge to decisions.

8. Policy alignment and compliance

- 8.1 There are no crime or disorder or social value implications because this report deals with internal or procedural matters only. Both equality duty and human rights assessments are addressed in individual hearings.
- 8.2 In relation to the Council's Climate Change obligations, Virtual hearings have led to a reduction in travel.

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Appendices

Appendix 1 – Summary of Board hearings

Background papers

None