

Governance Committee

25 June 2018

Staff Appeals Panel – proposals for change

Report by Director of Law and Assurance and the Director of Human Resources and Organisational Change

Update to paragraph 4.2 of the report

- 4.2 UNISON and FBU have made their views known to members who sit on Staff Appeals Panels. These are enclosed in the Appendix.
- 4.2.1 Both unions believe that reinstatements are only recently increasing in number due to the inadequacies of HR processes, which are linked to the previous outsourcing of this key strategic function.
- 4.2.2 Both unions do not believe there is a case for any change to the existing arrangements. UNISON and FBU wish the Staff Appeals Panel to remain wholly member-led so it can remain principally an arena where natural justice considerations are given to a case. Both unions believe that the Head of Paid Service role will bring to the panel a desire to set natural justice considerations against other factors, and that natural justice will no longer be a primary consideration. This focus is what members bring to Staff Appeals Panel, is valuable and should be retained unfettered by the Head of Paid Service role.
- 4.2.3 It is the Head of Paid Service's duty to ensure there is an appeals panel, but there is not statutory direction or requirement for the Head or Paid Service or their nominee/s to sit on that panel. There is a mixed approach to appeals panels across the country and even within West Sussex. Despite the table shown at paragraph 4.6 there are many examples of councils with exclusively member-led appeals panels, including within districts and boroughs in our own county.
- 4.2.4 The Appeals Panel has historically performed a very effective service for the county. There is no reason for change other than a desire to extend officer control into this area of decision-making. Therefore, our unions support the retention of the status quo and would encourage members to reinstate this option. This is not currently an option within the papers, so the unions would view Option 3 as the most desirable of those options remaining.