

Report to Governance Committee

6 November 2023

Appeals Panel Annual Report 2022/23

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

Electoral division(s): 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 or a grievance or from parents in respect of Stage 2 Transport Appeals.

Between 1 April 2022 and 31 March 2023 one Board of Appeal, which heard two dismissal appeals relating to the same matter, was convened.

Recommendation

That the Appeals Panel Annual Report 2022/23 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 the 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 alter a grievance outcome. They may also make recommendations for improvements to Council procedures.
- 1.2 The Appeals Panel also hears appeals against officer decisions regarding eligibility for school transport. The Home to School Transport Policy sets out the Council's position with regard to providing transport assistance to those of statutory school age and post-16 students of sixth form age. The Panel can hear cases where a parent/carer believes the Policy has not been applied correctly, or where the circumstances are so exceptional that transport assistance should be provided. School or college students may be attending mainstream schools/colleges or specialist placements for young people with special educational needs and/or disabilities (SEND).

- 1.3 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.
- 1.4 Boards of Appeal comprise between three and four members. Hearings are scheduled on fixed dates throughout the year and cancelled if not required. Members are usually allocated to three or four each year and Boards of Appeal are scheduled every four to five weeks to ensure 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 a Board of Appeal.
- 1.5 The membership of the Panel changes from time to time and appointments are made either at County Council or Governance Committee. The Panel currently comprises 15 members and there are three vacancies; it does not include members of the Cabinet.

2 Boards of Appeal 2022/23

- 2.1 Between 1 April 2022 and 31 March 2023 one Board of Appeal was convened to hear two appeals against dismissal relating to the same matter (both appellants opted for their appeals to be heard in this way), details are provided below:

Members	Date of Appeal	Appellant's Directorate	Type of Appeal	Outcome	Panel comments & Recommendations	Budget implications
Cllr Bence Cllr Patel Cllr Mercer Cllr Lord	26.04.22	Adults Services	Dismissal	Decision upheld	The Board had some concerns relating to the lack of supervision and management at the establishment but it closed shortly afterwards.	N/A
The same as above.	26.04.22	Adults Services	Dismissal	Decision upheld	The Board had some concerns relating to the lack of supervision and management at the establishment but it closed shortly afterwards.	N/A

3 Member training during 2022/23

- 3.1 One member stood down and another member was appointed to the Panel during this period. Bespoke training for the newly appointed member was delivered by Fiona Gardiner, Principal Solicitor, Jamie McGarry, Head of HR Business Partnering & Organisational Change and David Crockford, Principal School Transport Officer.

4 Consultation, engagement and advice

- 4.1 Members of the Appeals Panel were invited to comment on a draft of this report.

5 Finance

- 5.1 Boards of Appeal are overseen jointly by Legal Services and Democratic Services. The manager who either heard the grievance, made the decision to dismiss or not award school transport provision presents the management case to the Board of Appeal and is supported on this by an officer from Human Resources (as appropriate).
- 5.2 Any additional costs and resources as a consequence of upholding an appeal are currently managed within existing budgets. Upholding an appeal and giving transport assistance may mean that a coach, bus or rail pass is ordered or a specialist taxi/minibus with passenger assistant/escort is put in place. The costs of this are met through the home to school transport budget. In some cases the additional cost to the Council may be nil, such as when a coach is already running and there is space available for the child. It should be noted that the cost implications of upholding an appeal do not form part of the Appeals Panel's consideration.

6 Risk implications and mitigations

- 6.1 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.

7 Policy alignment and compliance

- 7.1 There are no crime and 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.

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Background papers: None