

Report to Governance Committee

10 March 2025

Appeals Panel Annual Report 2023/24

Report by 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 or a grievance outcome or from parents in respect of Stage 2 Transport (to school) Appeals.

Between 1 April 2023 and 31 March 2024 two Boards of Appeal against dismissal were convened. In addition to this, two other appeals against dismissal were received but subsequently withdrawn by the appellants before the hearing dates could be finalised. Two other requests for appeal against an earlier grievance outcome were received but dealt with by the Director of Law and Assurance and judged not to qualify for referral to the Panel. There were no final stage appeals received relating to school transport during this period.

Recommendation

That the Appeals Panel Annual Report 2023/24 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. Boards of Appeal drawn from the Appeals Panel have the power to change or 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 on 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 hearings 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 by the 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 2023/24

- 2.1 Between 1 April 2023 and 31 March 2024 two Boards of Appeal against dismissal were convened, details are provided below:

Members	Date of hearing	Directorate	Type of Appeal	Outcome	Recs and response	Budget implications
Cllr Bence Cllr Lord Cllr Wickremaratchi	26.04.23	Adults' Services	Dismissal	Decision upheld	See Appendix 1	N/A
Cllr Mitchell Cllr Lord Cllr Wickremaratchi	27.02.24	Highways and Transport	Dismissal	Decision upheld	None	N/A

3 Member training during 2023/24

- 3.1 During this period one member stood down and another member was appointed to the Panel. 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. It was expected that induction training would be delivered to those members appointed to the Appeals Panel in May 2025

therefore no further member training was carried out during 2023/24. Consideration will now be given to delivering member training during 2025/26.

4 Consultation, engagement and advice

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

5 Finance

- 5.1 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 by an officer from Human Resources (as appropriate). In cases of appeal against school transport provision, the case is usually presented by a school transport officer.
- 5.2 Any additional costs and resources from upholding an appeal are managed within existing budgets. Upholding an appeal and giving transport assistance may mean that a travel 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.

Gavin Wright

Director of Human Resources and Organisational Development

Tony Kershaw

Director of Law and Assurance

Contact Officer: Amanda Drinkwater, Democratic Services Officer, 0330 22 22521 or e-mail amanda.drinkwater@westsussex.gov.uk

Background papers

None