



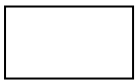
Report of the Chief Officer - HR

Overview & Scrutiny Committee

Date: 2nd July 2007

Subject: Monitoring of the Personnel Appeal Panel Arrangements for January to December 2006

Electoral wards affected: None



Ward Members consulted
(referred to in report)

Specific implications for:

Equality and Diversity

Community Cohesion

Narrowing the gap

1.0 Executive Summary

- 1.1 The Council's Personnel Appeals Panel hears employee appeals against dismissal and stage 3 grievances. The Panel was originally composed of three Elected Members but in 2005, Executive Board changed the composition to three JNC Officers.
- 1.2 The purpose of this report is to consider the operation of those revised arrangements and whether there is any evidence to suggest that the outcome of appeals has changed or whether there has been any increase in risk to the Council as a result of the new arrangements.
- 1.3 The Council implemented the revised appeals process in September 2005. The Committee previously received an updated report every 6 months but in April 2006 Committee resolved to receive a further update after the arrangements had been in place for 12 months. This report relates to the period January to December 2006 during which there were 23 panels.
- 1.4 There is no evidence to suggest that the nature of the outcome of appeals has changed or that there is any increased risk to the Council in relation to potential Tribunal cases as a result of the new arrangements.

1 Purpose of this report

- 1.1** The purpose of this report is to update the Overview & Scrutiny committee regarding the operations of the arrangements for the Personnel Appeals Panel which hears appeals against dismissal and stage 3 grievances.

2 Background information

- 2.1** At its meeting on the 10th May 2005 the Committee resolved to recommend to Council an amendment to the Constitution reflecting changes to the personnel panel arrangements in Leeds. Consequently, the revised Personnel Appeals Panel process was agreed by the Council in May 2005 and implemented in September 2005. At its meeting on the 19th April 2006 the Committee received an update report regarding the operation of the revised arrangements. As 6 months was a short timescale in which to assess the impact of the revised arrangements the Committee resolved to receive a further update report after the new arrangements had been in operation for a year. This report provides this update.
- 2.2** Since the implementation of the new arrangements the panel is now composed of three JNC Officers rather than three Elected Members. The revised Personnel Appeals Panel process was reviewed after 12 months; this report forms part of the continuing development and evaluation of the process.
- 2.3** An original pool of Chairs, Panel Members, HR Advisors, Legal Advisors and Clerks was created through a series of training sessions run jointly by Corporate HR Service and Legal Services.
- 2.4** Since then, further training has been arranged to expand the pool of trained officers and this now totals 19. The Personnel Appeals Panel is administered by The Corporate HR Service.
- 2.5** Outcomes of appeals are determined as from the appellant's perspective. Upheld means the Panel agrees with an appeal, in part or in whole; not upheld means that the appellants appeal was not agreed by the Panel, and withdrawn means the appellant withdrew. In some instances the case is 'referred' which means that the panel has referred the case back for further investigation or information prior to coming to a final decision.

Main issues

3 Corporate Overview January to December 2006

January to December 2006

Case Type	Referred	Upheld	Not upheld	Total Cases	Total Days
Dismissal	0 (0%)	4 (50%)	4 (50%)	8	9
Grievance	0 (0%)	0 (0%)	7 (100%)	7	11
Ill Health	1 (14%)	0 (0%)	6 (86%)	7	5
Performance Capability	0 (0%)	0 (0%)	1 (100%)	1	1
Total	1 (5%)	4 (17%)	18 (78%)	23	26

Table 1

3.1 Commentary

- 3.1.1 In the 12 months from January to December 2006 there were 23 Personnel Panels. The panels heard appeals against dismissal, stage 3 grievances and for the first time appeals against ill health dismissal and performance capability.
- 3.1.2 One trend in the data for this period is the increase in number of appeals compared to previous years; in 2004 there were 9 cases heard and in 2005 12 cases were heard. These can be attributed solely to the number of ill health dismissals not previously recorded; as depicted in table 1.
- 3.1.3 As this table shows, the total number of days spent in 2006 on appeals by the Personnel Panels was 26. This equates to an average of 1.13 days per hearing compared to 1.10 days average in 2005 and 1.11 days average in 2004. This appears to be due most significantly to the increased number of grievances at stage 3. By nature, grievances at this stage are complex and require considerable hearing time and 2 or 3 days is not uncommon.
- 3.1.4 It is also noted that of all grievances heard at stage 3 none have been upheld. However none of these grievances have subsequently been lodged at Employment Tribunal. There was a claim for unfair dismissal and race discrimination lodged with the tribunal. The appeal as a stage 3 grievance was not upheld by Personnel Panel and subsequently the Employment Tribunal was withdrawn.
- 3.1.5 In the year 2006 there were 6 Employment Tribunal (ET) claims submitted against the council. Of the 3 claims for unfair dismissal, one was withdrawn when the Personnel Panel upheld the appeal. Two appeals have not been upheld by Personnel Panel and the hearings are to be listed at Employment Tribunal.
- 3.1.6 Two claims for unfair dismissal and disability discrimination were lodged with the Employment Tribunal. One has been withdrawn as the appellant was retired on

grounds of ill health. The second appellant's Personnel Panel hearing has been adjourned pending the outcome of a referral to Occupational Health.

3.1.7 A further Employment Tribunal case was lodged as a claim for unfair dismissal and sex discrimination. The appeal was upheld by Personnel panel, the appellant reinstated and the employment tribunal case withdrawn.

3.1.8 When comparing data for the period 2004/2005/2006 there is no evidence that there has been any significant variation in the nature of the outcome of appeals as a consequence of implementing the new arrangements.

4 Legal and Resource Implications

4.1 The process is being delivered within existing resources and to council policy.

5 Conclusion

5.1 There is no evidence to suggest that the nature of the outcome of appeals has changed or that there is an increased risk to the Council as a result of the new arrangements.

6 Recommendations

6.1.1 The Overview & Scrutiny Committee is recommended to note the contents of this report.