

<b>ANGLESEY COUNTY COUNCIL</b>	
<b>Report to:</b>	<b>Executive &amp; Council</b>
<b>Date:</b>	<b>Executive: 9 February 2015</b> <b>Council: 26 February 2015</b>
<b>Subject:</b>	<b>Constitutional Changes to Terms of Reference of the Appeals Committee</b>
<b>Portfolio Members</b>	<b>Alwyn Rowlands</b>
<b>Head of Service:</b>	<b>Lynn Ball – Head of Function (Council Business) / Monitoring Officer</b>
<b>Report Author:</b> Tel: E-mail:	<b>Awena Walkden – Solicitor (Corporate Governance)</b> <b>Ext 2563</b> <b>awenawalkden@anglesey.gov.uk</b>
<b>Local Members</b>	<b>N/A</b>

<b>A –Recommendation/s and reason/s</b>
<p><b>RECOMMENDATION</b></p> <p><b>The Executive recommends to Council that:-</b></p> <ol style="list-style-type: none"> <li>1. Council approve the changes to the Constitution, as contained in Appendix 1 to this Report;</li> <li>2. The Head of Profession(HR) be authorised to amend any relevant policies and procedures to reflect the said changes;</li> <li>3. The Head of Function (Council Business) / Monitoring Officer be authorised to make any consequential amendments to the Constitution to reflect the said changes.</li> </ol> <p><b>REASONS</b></p> <ol style="list-style-type: none"> <li>1. The Appeals Committee currently has authority to decide appeals arising from any decision made in relation to the list of matters set out in 3.4.4.4 of the Constitution (as set out in Appendix 1 hereto) which includes employee appeals relating to grading, disciplinary and grievance.</li> </ol>

2. Research reveals that many Councils in Wales do not provide employees, below the level of Heads of Service, a right of appeal to Members; instead, their employment related appeals are heard by a panel of Officers.
3. We recommend that this Council change its practice to reflect that described in paragraph 2 above, and in Appendix 1, because:-
  - i It may not be practical for a panel of Members to be available to listen to all employment related appeals brought by staff (below Head of Service level)
  - ii At present, panels of five Members are derived from among the ten Members of the Appeals Committee. Not only is there potential for a high level of demand on a small number of Members, but the administrative work involved in calling these committee meetings is time consuming, availability is difficult to achieve given the requirement to comply with time limits and to achieve (best endeavours) political balance. Panels of Officers would provide a bigger pool, easier availability and less bureaucracy, as well as only having to comply with the time limits imposed by policy, rather than the additional need to comply with the legal requirements of calling a committee;
  - iii It would be expected that most senior officers would be very familiar with the Authority's HR policies, and their implementation would be part of their required skills set. Some may require training to support them but this is available in-house from the HR team.
  - iv The Head of Profession (HR) will put in place appropriate arrangements for appeals below Heads of Service level; these arrangements will be incorporated into relevant policies and will have due regard to the necessary degree of seniority, objectivity and independence of any panel of officers. There will be no prejudicial impact on those staff affected.
  - v There will be no loss of transparency as the nature of the relevant appeals mean they are invariably conducted in private, even when heard by Committee.
  - vi The proposed amendment constitutes an improved business process, better reflecting the particular roles and responsibilities of Members and Officers, and demonstrates compliance with the Council's first key improvement theme of being professional and well run.

**B – What other options did you consider and why did you reject them and/or opt for this option?**

The only other option is the status quo. For the reasons described we believe that the status quo does not represent the most effective, efficient and professional use of resources.

**C – Why is this a decision for the Executive?**

The implementation of the recommendations will result in constitutional change which may only be approved by the Council after consideration by the Executive.

**CH – Is this decision consistent with policy approved by the full Council?**

The policies affected by this do not require a decision of full Council i.e. they are not within the Policy Framework; however, constitutional change means that Council will decide.

**D – Is this decision within the budget approved by the Council?**

Yes

<b>DD – Who did you consult?</b>		<b>What did they say?</b>
1	<b>Chief Executive / Strategic Leadership Team (SLT)</b> (mandatory)	
2	<b>Finance / Section 151</b> (mandatory)	
3	<b>Legal / Monitoring Officer</b> (mandatory)	Commissioned the Report
4	<b>Human Resources (HR)</b>	Comments are included in the Report and are supportive of the recommendations
5	<b>Property</b>	
6	<b>Information Communication Technology (ICT)</b>	
7	<b>Scrutiny</b>	
8	<b>Local Members</b>	

<b>9</b>	<b>Any external bodies / other/s</b>	
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<b>E – Risks and any mitigation (if relevant)</b>		
<b>1</b>	<b>Economic</b>	
<b>2</b>	<b>Anti-poverty</b>	
<b>3</b>	<b>Crime and Disorder</b>	
<b>4</b>	<b>Environmental</b>	
<b>5</b>	<b>Equalities</b>	
<b>6</b>	<b>Outcome Agreements</b>	
<b>7</b>	<b>Other</b>	

<b>F - Appendices:</b>
Proposed amendments in Appendix 1.

<b>FF - Background papers (please contact the author of the Report for any further information):</b>

## ATODIAD / APPENDIX 1

### 3.4.4 Appeals Committee

3.4.4.1 A panel of 10 Members shall be appointed in accordance with the Political Balance Rules and will not include any members of the Executive.

3.4.4.2 From the Panel of 10 Members the Monitoring Officer will, for each and every appeal, appoint 5 Members to form an Appeals Committee and will use his/her best endeavours to appoint the 5 in accordance with the Political Balance Rules.

3.4.4.3 However if this is not feasible in respect of any particular appeal the Monitoring Officer will be permitted to appoint a non-politically balanced Committee, but will still endeavour to appoint from the Panel of 10 from as many Political Groups as possible. For the avoidance of doubt the Monitoring Officer will not follow a rotational method in selecting each succeeding Appeals Committee.

**(NB** These arrangements do not comply with the Political Balance Rules and the establishment of an Appeals Committee was voted upon separately by the Council and without any Member voting against the same.)

3.4.4.4 Subject to the provisions of paragraph 3.4.4.5 below, tThe determination of any appeal (where an aggrieved person has a right of appeal - whether a statutory right or a right agreed under any decision or scheme agreed by or on behalf of the Council) against any decision made by or on behalf of the Council in relation to the following matters or any matters sui generis with such matters:-

- (i) licensing and/or registrations
- (ii) functions relating to health & safety
- (iii) housing benefits
- (iv) employee related matters including grading; and
- (v) disciplinary appeals and grievances

**(NB** The Appeals Committee will not deal with Schools Exclusion and Admissions Appeals or Social Services Appeals.)

3.4.4.5 The Appeals Committee will usually only hear and determine appeals brought under paragraph 3.4.4.4 (iv) and (v) above in so far as they are raised by those at Head of Service level and above. The Appeals Committee will not, however, determine dismissal related appeals by the Head of Paid Service, Monitoring Officer, Section 151 Officer or Head of Democratic Services, as such appeals require a decision of the full Council.

3.4.4.6 In the event that an employee below Head of Service level wishes to raise an appeal arising under the grounds listed in 3.4.4.4 (iv) and (v) above his/her appeal will usually be heard by a panel of Officers to be appointed in accordance with the Council's employment policies and procedures from time to time.