

## **APPEALS PANEL NO. 3**

**FRIDAY 14 MARCH 2014 AT 10.00AM**

**PRESENT:** Councillor Collier (Chairman), Councillors Boaden and Bowditch.

**OFFICERS:** Director of Economic Development  
Director of Governance  
Senior Administrator/Performance Management  
HR Advisory Service Team Leader

**ALSO**

**PRESENT:** Appellants  
Mr C Lexa (Unison – representing an appellant)  
Mrs I Maleney (in support of an appellant)  
Mr T Earl (GMB – representing an appellant)

### **1. APOLOGIES FOR ABSENCE**

There were no apologies for absence submitted.

### **2. DECLARATIONS OF INTEREST**

There were no declarations of interest affecting the business to be transacted at the meeting.

### **3. PUBLIC AND PRESS**

RESOLVED - That in accordance with Section 100A(4) of the Local Government Act 1972, the Public and Press were excluded from the meeting during consideration of the following items of business on the grounds that it involved the likely disclosure of exempt information, as defined in Paragraph Number 1 of Part 1 of Schedule 12A of the 1972 Local Government Act.

### **4. APPEAL AGAINST REFUSAL OF REQUEST FOR VOLUNTARY REDUNDANCY**

Consideration was given to an appeal against a refusal of a request for voluntary redundancy.

The Chairman introduced the Panel and outlined the purpose of the hearing, together with the procedure to be followed. He gave an assurance that the hearing would be conducted fairly and that all parties would be afforded the time necessary to put their case, following which the Panel would reach a decision.

It was noted that all those present had seen the relevant documentation, copies of which had been circulated.

Members and Officers, the Appellant and his representative introduced themselves.

The Chairman asked the Appellant to summarise the reason for his appeal.

The Appellant indicated that he believed that the work involved in his role could be evenly distributed amongst existing officers within the Directorate, a practice which was undertaken at other local authorities. He suggested that as an alternative, the position could be made available as a sideways move with the work being carried out by someone else within the authority that possessed the relevant skills and knowledge. Specific training courses were on offer throughout the year to assist with this.

The Appellant explained that his role had been considerably devalued during the Job evaluation process and when a similar post to his had retired in July 2012 the Council had not considered it necessary to fill the post. He felt that this implied that the position did not hold the same level of importance within the Council as it had previously. He added that he had not been aware that the Voluntary Redundancy (VR) initiative specified that people who singularly carried out their roles were unlikely to be successful in their VR application and he felt that he had been discriminated against because of this.

The Appellant highlighted other authorities who did not employ a specific person for this role and he believed that the work could be managed satisfactorily if appropriate systems were put in place and officers changed their attitude towards the role.

The Appellant confirmed that he had nothing further to add at that stage.

The Chairman invited the Council's representative to present the management case.

The Council's representative felt strongly that the Council could not afford to lose the post. She confirmed that there had been two officers in post until a retirement eighteen months ago. The Appellant had taken on the work from both posts and a Lean System Review had been carried out to ensure that there was support in place to help deliver the work. She felt that there was no more capacity within the team to spread out the work of the post.

The Council's representative highlighted the upturn in the economy and explained the impact this had on the post. She also felt that this was a key role in the authority which Elected Members needed direct access to. She added that each application for VR had been considered individually on its merits and the post was not discriminated against because it was a stand alone role.

The Appellant's representative understood that the authority had savings to achieve and felt that the authority should use VR as an opportunity to keep people who were enthusiastic about working for the authority and redeploy them in roles where staff wanted to leave.

The Appellant, the Appellants representative, the Council's representative and the HR Advisory Service Team Leader answered questions and clarified various points raised by Members in relation to the appeal.

The Chairman asked whether anyone present had any further questions to raise. None were forthcoming.

Accordingly, the Chairman invited the various parties to sum up.

At the request of the Chairman, the Appellant and his representative confirmed that they were satisfied with the manner by which the Appeals Panel hearing had been conducted and that he had received a fair hearing by the Panel.

The Chairman thanked the Appellant, his representative and Officers for their input and asked that they leave the hearing while the Panel considered their decision.

The parties left the room (at 10.25am) whilst the Panel considered their decision.

After considering all of the evidence presented at length the Panel invited the parties back into the meeting room (at 10.40am) to be informed of the decision.

On their return the Chairman advised that the Panel had:

RESOLVED – That, having considered all of the evidence presented, both prior to and at the hearing, the Panel had decided to not uphold the appeal as they felt that the post could not be deleted. They also felt strongly that it was important for members of the public, Elected Members and Parish Councils to have a dedicated officer to contact.

The Panel placed on record their appreciation for the work carried out by the Appellant and for his long service within the authority.

*The Panel adjourned at 10.50am and reconvened at 1.00pm.*

## **5. APPEAL AGAINST REFUSAL OF REQUEST FOR VOLUNTARY REDUNDANCY**

Consideration was given to an appeal against a refusal of a request for voluntary redundancy.

The Chairman introduced the Panel and outlined the purpose of the hearing, together with the procedure to be followed. He gave an assurance that the hearing would be conducted fairly and that all parties would be afforded the time necessary to put their case, following which the Panel would reach a decision.

It was noted that all those present had seen the relevant documentation, copies of which had been circulated.

Members and Officers, the Appellant and her representative introduced themselves.

The Chairman asked the Appellant to summarise the reason for her appeal.

The Appellant's representative spoke on behalf of the Appellant. She stated that the potential impact of the loss of post would be minimal as the Appellant worked part time in a Team which had a high concentration of staff on the days that she worked. She added that there were some tasks that were no longer within the remit of the Team and therefore the work load had reduced. She highlighted a reduction in the hours of another Team member despite the Appellant's VR application having been submitted.

The Appellant's representative explained that the Team carried out a variety of tasks for the Directorate but some areas within the Directorate had their own Technical Support who carried out some of their admin work. The Team had the skill set for a full range of administrative tasks and were able to take on new or 'bespoke' tasks.

The Appellant's representative explained that a review was being carried out within the Directorate and it was felt that any changes to the work load as result of the review could be handled sufficiently within the existing team. She added that some of the Appellant's colleagues had produced statements in support of her application.

The Appellant and the Appellant's representative answered Members questions and clarified issues as requested.

The Chairman invited the Council's representative to present the management case.

The Council's representative informed the Panel that the Team had been set up within her Directorate to merge a number of existing admin posts to enable admin to support the Directorate in a more streamlined and efficient manner, the Team had, at that time, been reduced by one post. She was concerned about the impact of the loss of the Appellants post on the rest of the Team as they worked very well and took on a lot of tasks.

She highlighted the impact on the Team and on the Directorate when a member of the Team was absent. She outlined the review that was being undertaken in the Directorate and the impact that it would have on the Team.

The Appellant's Line Manager added that the current working patterns within the Team had all been inherited when the Team was brought together. There had been some minor changes to two members of the Team but the Team still had more cover in the morning than in the afternoon. She circulated a copy of a spreadsheet which showed the working patterns of the whole team.

The Council's representative answered Members questions and clarified issues as requested.

Accordingly, the Chairman invited the various parties to sum up.

At the request of the Chairman, the Appellant and her representative confirmed that they were satisfied with the manner by which the Appeals Panel hearing had been conducted and that she had received a fair hearing by the Panel.

The Chairman thanked the Appellant, her representative and Officers for their input and asked that they leave the hearing while the Panel considered their decision.

The parties left the room (at 2.05pm) whilst the Panel considered their decision.

After considering all of the evidence presented at length the Panel invited the parties back into the meeting room (at 2.33pm) to be informed of the decision.

On their return the Chairman advised that the Panel had:

**RESOLVED** – That, having considered all of the evidence presented, both prior to and at the hearing, the Panel had decided to uphold the appeal as they felt that the loss of the Appellant's post would not have a detrimental impact on the service.

## **6. APPEAL AGAINST REFUSAL OF REQUEST FOR VOLUNTARY REDUNDANCY**

Consideration was given to an appeal against refusal of a request for Voluntary Redundancy.

The Chairman introduced the panel and outlined the purpose of the hearing, together with the procedure to be followed.

The Chairman asked the Appellant to summarise the reasons for their appeal.

The Appellant gave a brief summary of her current duties and the changes in working practices that meant they were moving nearer to paperless practices. She said her workload would reduce even further in the near future and believed that, with general administration support from Service Support Officers, the remainder of her workload could be covered by the other staff in the section.

When the Appellant had submitted her application for Voluntary Redundancy she had assumed that, as the information requested on the form was minimal, there would be some discussion between her and her line managers and/or the Director before any decision was made but this did not happen. She commented that she had not been involved in any discussion regarding her own workload and how it could be disseminated to the remaining staff.

The Appellant stated that updates to procedures and systems had removed a lot of the time-consuming work of the staff in the section and a senior staff member was looking at a further feature on the systems used which could further reduce the workload of the section.

The Appellant referred to the fact that the Council required 40-45 voluntary redundancies to meet the projected savings levels and that only 15 had been approved resulting in a much smaller saving than expected and it seemed unfair that in future staff could be made redundant to help reach the savings target when her post did not have sufficient regular work.

The Appellant responded to questions from the Panel and from the HR Advisory Service Team Leader.

The Chairman asked if anyone present had any further questions. None were forthcoming.

The Appellant confirmed that she had nothing further to add at this stage.

The Chairman invited the Council's representative to present the management case:

The Council's representative began by saying that the Appellant was a highly valued team member and that he had been happy for her to exercise her right to apply for Voluntary Redundancy. However he had some issues with some of the things raised by the Appellant.

The Director outlined the impact of the Voluntary Redundancy initiative on the department and the Appellant's application had been declined as VR was not about the person, it was

about the post and from the outset it was his inclination that this would be a difficult post to lose.

The Director's advice was that the section could not deliver the section's duties without this post but if he or the Appellant's line managers had made that point before the decision regarding the VR application had been made, the Appellant may have felt she were being put under pressure.

The Director said that the basis of the appeal was that the work of the post could be absorbed by the remaining staff but pointed out that staff numbers in the section had reduced from five to three since 2010. The work of the deleted posts had been absorbed by the Director and the remaining staff during that time and that if VR was granted in this case they would then have to absorb the work of the Appellant's post as well. The Joint Management Team, the Senior Management Team and the Director all thought the Appellant's post was required.

The Director circulated papers to support his response to the appeal against the original decision and then summarised the contents, stating that he did not support the application for VR and neither did the line managers. A Member queried whether it was acceptable to circulate papers at this stage of the appeal meeting as the Appellant had not had the chance to familiarise herself with the evidence. The HR Advisory Service Team Leader advised that it was not uncommon for evidence to be presented on the day, that there were examples of evidence having been given at appeal meetings as long as it was relevant and that the Appellant and her representative could have time to view the evidence at that point.

An adjournment was offered by the Chairman and accepted by the Appellant. The Appellant, her representative and the Director left the room at 3:37 pm and the meeting reconvened at 4:00 pm.

The Chairman asked the Appellant if they had had time to look at the evidence and the Appellant had replied that they had and asked questions regarding the evidence which they then put to the Director.

The Director responded to questions from the Panel and from the HR Advisory Service Team Leader.

The Chairman invited the various parties to sum up.

At the request of the Chairman, the Appellant and her representative confirmed that they were satisfied with the manner by which the Appeals Panel hearing had been conducted and that the Appellant had received a fair hearing by the Panel.

The Chairman thanked the Appellant, her representative and Officers for their input and asked that they leave the hearing while the Panel considered their decision.

The parties left the room at 4:10 pm whilst the Panel considered their decision.

After considering all of the evidence presented the Panel invited the parties back into the meeting room at 4:27 pm to be informed of the decision.

On their return the Chairman advised that the Panel had;

RESOLVED - That, having considered all of the evidence presented, both prior to and at the hearing, the Panel had decided to uphold the decision of the Senior Management Team on the grounds that the post could not be deleted and the application be refused based on:

There was not sufficient evidence presented to support the case that the post of 37 hours per week could be deleted.

Although they accepted the points made regarding the use of electronic systems to reduce capacity they see this as a long term solution

The Panel placed on record their appreciation for the work carried out by the Appellant and the importance of her post within the authority.

This was echoed by the Director of Governance.

[The meeting ended at 4.29pm]