

APPEALS PANEL NO. 3

MONDAY 6 DECEMBER 2010 AT 2.00PM

PRESENT: Councillor Weedall (Chairman) Councillors Bowman S and Tootle.

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

Councillor Tootle declared a personal interest in accordance with the Council's Code of Conduct in respect of the complaint regarding a staff grievance. The interest related to the fact that he was a Member of Unison Trade Union but had no involvement with the actual grievance.

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 item of business on the grounds that it involves 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. COMPLAINT REGARDING A STAFF GRIEVANCE

The Chairman introduced the Panel and asked the appellant to clarify her complaint.

The appellant and the appellant's representative clarified the situation for the Panel and explained that the appellant felt that there had been a number of indiscretions in the way the job matching process had been used when matching staff to posts following the shared service between Allerdale, Borough Council, Carlisle City Council and Copeland Borough Council.

The Personnel Manager informed the Panel that because the appellant transferred from Copeland Borough Council under TUPE arrangements, the Panel would follow Copeland Borough Council's grievance procedure for this meeting.

The appellant then took the Panel through the documentation supporting her grievance. She gave the background detail to her grievance before explaining how she had completed the Job Matching Form and what her understanding of the process was. She explained why she felt the process had not been consistent and why she felt she should have had the opportunity to apply for another post in the structure. The appellant drew the Panel's attention to specific appendices within the grievance documentation. She then outlined how her grievance had been dealt with by her line manager and the Assistant Director.

The Chairman invited questions to be put to the appellant and the representative by Members and the Council's representatives.

The appellant and the appellant's representative answered questions and clarified various points within the grievance.

The Chairman thanked the appellant and the appellant's representative for their input and invited the Council's representatives to submit their case.

The Council's representatives outlined their understanding of the grievance and explained how the agreed job matching process had been reached and how it had been put into practice across the whole service. They also clarified the grievance procedure that had been followed and explained how each job match had been considered by an independent officer.

The Chairman invited questions to be put to the Council's representatives by the appellant and Members.

The Council's representatives answered questions and clarified various points within the grievance. They confirmed that letters had been issued to all staff within the new shared service which included a variation of contract. The appellant's letter and another member of staff's letter had not been issued and neither would receive a confirmation of their position in the new structure until the grievance had been completed.

The Chairman asked both parties to sum up.

The Chairman thanked all parties for their input. All parties left the room while the Panel considered their decision.

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

RESOLVED – The Panel felt that enough concerns had been raised during the hearing and it asked management and the Trade Union representative to re-visit the job matching of the appellant's post with a view to reaching a mutually acceptable agreement. If this could not be achieved within 20 working days the status quo would exist. The Chairman of the Panel required a report from the Committee Services Section on the outcome. This decision would not set a precedent for any other case.

(The meeting ended at 4:30pm)