

STAFFING POLICY COMMITTEE

27 June 2007

**REVISED GRIEVANCE PROCEDURE –
AMENDMENTS TO CONSTITUTION**

Purpose of Report

1. To agree changes to the terms of reference of the Senior Officers Employment Sub-Committee and the Grievance Appeals Sub-Committee and to recommend amendments to the Constitution to enable a revised Grievance Procedure to be implemented which complies with current statutory requirements.

Background

2. The Employment Act 2002 introduced a requirement for all grievances to be dealt with by way of a formal 3-step procedure. In limited circumstances a 2-step procedure can be used. Whilst the County Council's Grievance Procedure meets this requirement in relation to the majority of staff, there is no 3-step procedure for dealing with grievances raised by Chief Officers or by the Chief Executive. Furthermore the current procedure allows a Chief Officer to raise a grievance formally by writing to the Chairman of the Regulatory Committee. This is clearly incorrect as the Chairman alone has no power to determine a grievance and the decision falls outside the terms of reference of the Regulatory Committee. The Grievance Procedure has therefore been revised and a copy of the draft revised procedure is attached as Appendix 1.
3. The draft revised procedure will be submitted to the Standards Committee on 4 July 2007 in respect of the suggested changes to the Constitution and to the Joint Consultative Committee for its agreement before implementation.

Main Considerations for the Council

4. The formal 3-step procedure requires that at step 1, the grievance is raised in writing with the employer and at step 2, a meeting takes place to consider the grievance with a written decision to be provided within 5 working days. Step 3 provides a right of appeal. The Employment Act 2002 allows the formal procedure to be reduced to two steps in certain limited circumstances, with there being no requirement for a step 2 meeting and no step 3 right of appeal.
5. In order to allow for a 3-step procedure for dealing with grievances raised by Chief Officers and the Chief Executive, it is proposed that in future such grievances will be lodged with and heard by the Senior Officers Employment Sub-Committee at steps 1 and 2; the step 3 appeal will still go to the Grievance Appeals Sub Committee. The Senior Officers Employment Sub-Committee is currently only authorised to dismiss and take disciplinary action against the Head of the Council's Paid Service and statutory Chief Officers, among others but not to hear grievances. The terms of reference therefore need to be amended to

reflect this change. A copy of the amended terms of reference is attached as Appendix 2.

6. For the determination of grievances, it is not a requirement for a member of the Cabinet to form one of the sub-committee members, either at steps 1 and 2 or at the appeal stage.
7. It is also proposed that if an appeal is lodged by the Chief Executive or a Chief Officer against the decision of the Senior Officers Employment Sub-Committee, the appeal will be heard by the Grievance Appeals Sub Committee. The terms of reference for this sub-committee only require minor amendments. These are (i) a reference to Stage 2 of the Council's Grievance Procedure rather than Stage 4; and (ii) a further paragraph has been added to the terms of reference to make it clear that any member who sits on the Senior Officers Employment Sub-Committee to determine a grievance will not be appointed to the Grievance Appeals Sub-Committee which hears the appeal against that decision. A copy of the amended paragraph 2.2.3 is attached as Appendix 2.

Environmental Impact of the proposal

8. None

Risk Assessment

9. There is a risk that if the Chief Executive or a Chief Officer were to raise a grievance under the current arrangements, the County Council would be unable to comply with the statutory requirements for determining the grievance.

Financial Implications

10. There are no financial implications but costs may be incurred in training members on the new statutory requirements and the application of the revised Grievance Procedure.

Reason for Recommendation

11. To comply with the County Council's duty to provide a statutory 3-step procedure for the determination of grievances for all staff.

Recommendation

12. The Committee is asked to approve the changes to the terms of reference of the Staffing Policy Committee and its Sub-Committees as set out at Appendix 2 attached and to recommend that the County Council agrees to the consequential amendments to the Constitution.

STEPHEN GERRARD
ASSISTANT DIRECTOR – CORPORATE SERVICES

Report authors:

David Thorne, Senior HR Adviser
Barbara Mills, Deputy Head of Legal Services

The following unpublished documents have been relied on in the preparation of this Report:

None