

## Review of Appeal Committee Arrangements

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### City of Edinburgh Council

26 June 2003

#### Purpose of report

1. To refer to the Council proposals to rationalise the Appeal Committee arrangements for Council employees.

#### Details

2. On 17 June 2003, the Executive considered the attached report by the Director of Corporate Services detailing proposals for rationalising the Appeal Committee arrangements for Council employees.
3. Details of the proposed changes had been provided to the local Trade Unions through the Teachers Side Secretary and the Employees Side Secretary.

#### Motion

4. To recommend that the Council:
  - 1) discontinue the Personnel Appeals (Teachers) Committee and transfer its delegated function to the existing Personnel Appeals Committee.
  - 2) appoint nine members to serve on the Personnel Appeals Committee and its Convener.
  - 3) amend Standing Orders accordingly.
  - moved by Councillor Russell, seconded by Councillor Anderson

#### Amendment

5. To recommend that the Council maintains the current position in terms of the Appeal Committee arrangements for teachers and other staff.
  - moved by George Rubiensi, seconded by Margaret Bryce-Stafford

#### Voting

6. The motion was approved by 17 votes to 4.

## Recommendation

7. That the Council approves the Executive's recommendations contained in Paragraph 4 above.

**Donald Anderson**  
Leader

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<b>Appendices</b>	Appendix 1 – report no. E/38/03-04/CS by the Director of Corporate Services
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<b>Wards affected</b>	None
<b>Background Papers</b>	None

h:cmtserv/common/lesley/executive/reports/170603/Appeal Committee

## **Review of Appeal Committee Arrangements**

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### **Executive of the Council**

**17 June 2003**

#### **1. Purpose of report**

- 1.1 The purpose of this report is to provide the Executive of the Council with proposals for rationalising the Appeal Committee arrangements for Council employees.

#### **2. Main report**

- 2.1 At its meeting on 22 May 2003 the Council agreed:-

“To instruct the Director of Corporate Services to review the need to continue with two separate Appeal Committee arrangements for Council employees and report to the Executive on 17 June 2003 with proposals for rationalising the position. To defer appointments to the existing Appeal Committees meantime.”

- 2.2 At present Standing Order 41 provides for the following Appeal Committees to discharge the functions of the Council:

- a) Personnel Appeals Committee – 9 members; and
- b) Personnel Appeals (Teacher) Committee – 6 members and 1 teacher representative.

- 2.3 The functions delegated to these Appeals Committees are set out in Schedule 1 to Standing Orders and can be summarised at present as follows:

- a) Personnel Appeals Committee – to hear and decide against formally raised employee grievances, disputes and appeals relating to certain disciplinary decisions; and
- b) Personnel Appeals (Teachers) Committee – to hear and decide against formally raised grievances and appeals from teaching staff in regard to the application and interpretation of the terms of the Scottish Scheme covering salaries and conditions of service.

- 2.4 The procedure at meetings of both existing Appeal Committees is similar and the level of business can be reported as follows:
- a) Personnel Appeals Committee – 49 cases heard in the last two years with a further five hearings now being scheduled; and
  - b) Personnel Appeals (Teacher) Committee – 12 cases heard in the last two years with no further hearings ready to be scheduled.
- 2.5 The Appeal Committees form the final internal appeal stage in relation to Council employee matters. Consequently, decisions taken represent the final position of the Council as an employer and will feature in any subsequent external challenge mounted by an employee or their trade union (eg a claim to an Employment Tribunal). It should be noted that there presently exists an anomaly within the Personnel Appeals (Teacher) Committee where a teacher's representative is presently a voting member on this Employer's Side appeal forum.
- 2.6 At present HR advice and support is provided to the Personnel Appeals Committee by the Director of Corporate Services and to the Personnel Appeals (Teacher) Committee by the Director of Education. However, in the case of the Personnel Appeals (Teacher) Committee, the Director of Education is also required to present the management case at all hearings.

### **3. Conclusions**

- 3.1 It is considered that a single Personnel Appeal Committee, with the combined delegated functions of the existing Appeal Committees, could effectively operate as the final internal appeal stage covering all Council employee groups.
- 3.2 The position could be rationalised with the minimum of change by discontinuing the Personnel Appeals (Teacher) Committee and transferring its business to the existing Personnel Appeals Committee.
- 3.3 Rationalising the position in this manner would:
- a) remove the unnecessary operation of separate internal appeal arrangements covering different employee groups within the Council and reduce the number of Council Committees;
  - b) end the inclusion of a teacher representative on the internal Employer's Side appeal forum;
  - c) enable the Director of Corporate Services to provide HR advice and support to the Personnel Appeal Committee at all hearings; and
  - d) require Standing Orders to be adjusted accordingly.

3.4 Details of the proposed changes have been provided to the local Trade Unions through the Teachers Side Secretary and the Employees Side Secretary.

#### 4. Recommendations

4.1 The Executive of the Council is recommended to:

- a) note the content of this report; and
- b) recommend to Council (i) to discontinue the Personnel Appeals (Teacher) Committee and to transfer its delegated function to the existing Personnel Appeals Committee, (ii) to appoint nine members to serve on the Personnel Appeals Committee and its Convener, and (iii) to amend Standing Orders accordingly.

  
**Jim Inch**  
 Director of Corporate Services

04/06/23

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<b>Appendices</b>	N/A
<b>Contact/tel</b>	George Piechniczek, Employee Relations Manager – 469 3064
<b>Wards affected</b>	N/A
<b>Background Papers</b>	N/A