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20 June 2018

Dear Member,

Governance Committee - Monday, 25 June 2018

Please find enclosed the following document for consideration at the meeting of the Governance Committee on Monday, 25 June 2018 which was unavailable when the agenda was published.

Agenda No	Item
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8.	Staff Appeals Panel - proposals for change (Pages 3 - 6)
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The attached update to paragraph 4.2 of the report covers comments from UNISON and the Fire Brigades Union on the proposals.

Yours sincerely

Tony Kershaw
Director of Law and Assurance

To all members of the Governance Committee

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Governance Committee

25 June 2018

Staff Appeals Panel – proposals for change

Report by Director of Law and Assurance and the Director of Human Resources and Organisational Change

Update to paragraph 4.2 of the report

- 4.2 UNISON and FBU have made their views known to members who sit on Staff Appeals Panels. These are enclosed in the Appendix.
- 4.2.1 Both unions believe that reinstatements are only recently increasing in number due to the inadequacies of HR processes, which are linked to the previous outsourcing of this key strategic function.
- 4.2.2 Both unions do not believe there is a case for any change to the existing arrangements. UNISON and FBU wish the Staff Appeals Panel to remain wholly member-led so it can remain principally an arena where natural justice considerations are given to a case. Both unions believe that the Head of Paid Service role will bring to the panel a desire to set natural justice considerations against other factors, and that natural justice will no longer be a primary consideration. This focus is what members bring to Staff Appeals Panel, is valuable and should be retained unfettered by the Head of Paid Service role.
- 4.2.3 It is the Head of Paid Service's duty to ensure there is an appeals panel, but there is not statutory direction or requirement for the Head or Paid Service or their nominee/s to sit on that panel. There is a mixed approach to appeals panels across the country and even within West Sussex. Despite the table shown at paragraph 4.6 there are many examples of councils with exclusively member-led appeals panels, including within districts and boroughs in our own county.
- 4.2.4 The Appeals Panel has historically performed a very effective service for the county. There is no reason for change other than a desire to extend officer control into this area of decision-making. Therefore, our unions support the retention of the status quo and would encourage members to reinstate this option. This is not currently an option within the papers, so the unions would view Option 3 as the most desirable of those options remaining.

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Dear Councillor

Staff Appeals Panel

We are taking the unusual step of writing to you jointly because we share concerns about the possibility for changes to be made to Staff Appeals Panel that would have undesirable consequences for both staff and West Sussex County Council.

We understand that you, in your role as a Councillor who serves on the Panel, are due to meet with WSCC management to discuss how the Staff Appeals Panel might change in the future, and what the role of Councillors should be within that process.

Both our trade unions believe that the Staff Appeals Panel provides a crucial and beneficial role to WSCC. We believe that the Panel should remain unchanged for the most part – with elected Councillors continuing to fulfil this essential function for staff. We believe the benefits of the current approach are these:

- A lay point of view is included, bringing to bear wider experiences and knowledge, which really helps to test the reasonableness of the case and process used under discussion;
- This helps protect the principle of voluntarism in public life, as councillors' input is unpaid;
- Any replacement of the councillors' role by the Executive Leadership Team would leave the ELT with less time in the working week to deal with the many challenges the authority faces and to manage high-class public services;
- Without councillors, the widespread staff perception is that the Executive Leadership Team would be able to use the Appeals Panel to keep 'dirty laundry' under wraps. There will be less staff faith in the process. Staff do have faith in councillors, your independence, and the responsibility you take in this regard;
- The Staff Appeals Panel as a councillor-led panel has existed in this way for a very long time at West Sussex. It plays a legitimate and useful role, and helps in a significant way to protect the organisation's reputation and purse by reinstating staff before matters are escalated to external tribunal or the press.

Our unions do not have any issue with proposals to reduce the number of councillors involved over time, for example from 18 to 14 or 12, and for a more detailed programme of training to be developed. We do however feel it is of the utmost importance that the Staff Appeals Panel continues to be wholly councillor-led.

We are happy to discuss this further if it will be of help.

Dan Sartin
Branch Secretary
UNISON West Sussex

Joe Weir
Regional Secretary
Fire Brigades Union

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