

Somerset County Council
HR Policy Committee
– 21 January 2020

Member Appeals Procedure Update

Cabinet Member: Cllr Mandy Chilcott, Deputy Leader and Cabinet Member for Resources

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<i>Please complete sign off boxes below prior to submission to Community Governance</i>			
	Seen by:	Name	Date
Report Sign off	Legal	Honor Clarke	08/01/20
	Corporate Finance	Sheila Collins	08/01/20
	Human Resources	Chris Squire	08/01/20
	Cabinet Member	Mandy Chilcott	
	Monitoring Officer	Scott Wooldridge	08/01/20
	Summary:	The Report sets out proposed amendments to the Member Appeals Procedure. The amendments are generally minor and mainly relate to clarity of responsibility. The only significant change relates to the re-ordering of the procedure from the management representative putting their response to the grounds first to the employee or their representative setting out their grounds for appeal first.	
Recommendations:	The HR Policy Committee is asked to : 1. Accept the amendments in their entirety		
Reasons for Recommendations:	To ensure that the Council meets its legal obligations whilst providing a fair and equitable opportunity for an appellant to have their grounds for appeal heard by a panel of Councillors. Also, for the purposes of providing clarity on roles and responsibilities to parties to the process.		
Links to Priorities and Impact on Service Plans:	Appropriate procedures for staff are fundamental to the delivery of the Council's objectives and services as set out in the County Plan.		
Financial, Legal and HR Implications:	The revised Member Appeal Procedure meets the requirements of the Local Government Act 1972. Any other consequences come from decisions taken by the Council in accordance with the Appeals process. This is likely to		

	be indirectly as a result of appeals being dismissed and action taken through external channels such as Employment Tribunal.
Equalities Implications:	The Council's duty under Section 149 of the Equality Act 2010 is to have "due regard" to the matters set out in relation to equalities when considering and making decisions. There are no direct equality impacts associated with agreeing the Appeals Policy itself. There are also no direct impacts on sustainability, health and safety, community safety or privacy aspects as a result of the recommendations
Risk Assessment:	Failure to comply with the Local Government Act could lead to a legal challenge to the Council and therefore it is important that the procedure reflects the Act, other relevant legislation and statutory guidance. The Council is required to have regard to statutory guidance and either comply with it fully or put in place appropriate alternative provisions.
Scrutiny comments / recommendation (if any):	None

1. Background

- 1.1.** The Member Appeals Procedure has been in use for a number of years in its current form. Adaptations have been made over the years by agreement. The opportunity has been taken to update the procedure to reflect the current situation.
- 1.2.** The changes reflect the duties carried out by the different parties involved. In particular, the move to ensure that the letter to the appellant setting out the outcome of the Hearing is clearer and that there is a note of the meeting.

2. Options Considered

- 2.1.** No alternative options were considered in relation to the amendments to the Member Appeals Procedure.

3. Consultations undertaken

- 3.1.** The proposed amendments will be shared with the Green Book Union meeting which will take place on 15 January 2020. It is not anticipated that there will be any objections to the changes.

4. Implications

- 4.1.** The recommendations are intended to ensure that the Member Appeals

Procedure offers an equitable opportunity for an appellant to have their case heard by a more independent panel.

- 4.2. The procedure means that there is now a more robust set of papers in the form of an outcome letter and notes from the meeting. This ensures that the Appellant has a clearer understanding of the decision-making process.

5. Background papers

- 5.1 Appendix 1 - a draft copy of the amended Member Appeals Procedure.

Note: For sight of individual background papers please contact the report author.