

---

**Manchester City Council  
Report for Resolution**

**Report to:** Constitutional and Nomination Committee – 9 October 2013  
**Subject:** The Employee Appeals Committee  
**Report of:** Assistant Chief Executive (People)

---

**Purpose of report**

The purpose of this report is to obtain approval from the Committee on the changes recommended for the Employee Appeals Committee to facilitate speedy resolution of dismissal appeals.

**Recommendations**

The Committee is asked to make recommendations to Council in relation to

1. Revising the arrangements for Membership of the Employee Appeals Committee as specified in Para 2.1 of this report.
  2. Revise the appointment of Members to Chair each Employee Appeals Committee as specified in Para 2.1.4 of this report.
  3. Revising the arrangements for Opposition representation on the each Employee Appeals Committee as set out in Para 3.1.
- 

**Wards affected:**

All

**Financial consequences for revenue budget:**

None

**Financial consequences for capital budget:**

None

**Implications for:**

Equal Opportunities  
No

Risk Management  
No

Legal Considerations  
See report

**Contact officers**

Name: Sharon Kemp  
Position: Assistant Chief Executive (People)  
Telephone: 0161 234 7966  
e-mail: s.kemp@manchester.gov.uk

Name: Pat Fetherstone  
Position: Head of HROD Service Delivery  
Telephone: 0161 234 1847  
e-mail: p.fetherstone@manchester.gov.uk

Name: Mallicka Mandal  
Position: Employee Relations Manager  
Telephone: 0161 219 6365  
e-mail: m.mandal@manchester.gov.uk

### **Background documents**

1. Report of the City Solicitor to the Constitutional and Nomination Committee dated 14 May 2013 on the Membership of Committees 2012/13 and Appointment of Chairs of Committees.
2. Council's Constitution
3. Sections 15-17 of the Local Government and Housing Act 1989.

## 1. **Background and Context**

- 1.1 The ACAS Code of Practice on Disciplinary and Grievance Procedures 2009, established a legal framework for the resolution of employment disputes in the workplace. The ACAS Code of Practice states:

“Where an employee feels that disciplinary action taken against them is wrong or unjust they should appeal against the decision. Appeals should be heard without unreasonable delay and ideally at an agreed time and place.”

- 1.2 The Council’s Constitution states that the function of the Employee Appeals Committee (EAC) is “to determine appeals against dismissal” as set out in Part 3 Section C page 26 of 29.
- 1.3 Under the Council’s agreed disciplinary procedure, all employees who have been dismissed have two levels of potential appeal. The first appeal is to the Head of Service/Strategic Director (or their nominated representative) and is a full re-hearing of the case. If this appeal is disallowed then the employee has a further right of appeal to the Employee Appeals Committee.
- 1.4 At the meeting of the Constitutional and Nomination Committee on 14 May 2013 it was recommended to Council that the formulaic arrangement as set out in the report should be 3 Members. In practice the EAC can be described as constituting:
- Executive Member for Finance & Human Resources (or Assistant Member)
  - Executive Member of the Appellant’s employing department (or Assistant Member)
  - One Opposition Member
- 1.5 During the period April 2012 – September 2013, the Employee Appeals Committee considered seven appeals against dismissal. There are further 4 appeals lodged with the EAC. Additionally, there are currently 10 suspensions for potential gross misconduct in place. It is likely that if a major proportion of these cases result in dismissal and are appealed, the burden on EAC will be increasing in the coming months.
- 1.6 Given the Formulaic Membership each EAC appeal requires specific Members to be present. This is both an excessive burden given their current workload and also results in delays due to availability.

## 2 **Proposed New Arrangements**

- 2.1 In order to facilitate speedy resolution of second stage appeals at EAC it is recommended that the current arrangements be amended such that EAC comprises:

- 2.1.1 Executive Member with a relevant portfolio (i.e. Executive Member for the service in which the employee was working or the Executive Member with a portfolio relevant to the specific subject area of the appeal) or an appropriate Assistant Executive Member.
- 2.1.2 One Member drawn from the Council's Executive Members or their Assistant Executive Member, or an Elected Member drawn from a prescribed 'pool'; the nominated Members are included at Appendix 1.
- 2.1.3 An Opposition Member or their nominated substitute.
- 2.1.4 Each EAC to be chaired by an Executive Member decided by mutual agreement of the Members present on the panel.
- 2.1.5 At least 3 Members needed for EAC to be quorate.
- 2.2 The above arrangement has the following advantages:
  - 2.2.1 Enables a service perspective to be retained on each dismissal appeal presented before the committee
  - 2.2.2 There is greater flexibility in panel membership which enables appeals to heard in a timely manner
  - 2.2.3 There is also a wider spread of workload in managing appeals as no one specific Member is required for every Committee.
  - 2.2.4 Provides a more independent Committee by widening the pool of relevant knowledge and expertise available on the panel.

### **3 Opposition Representation on EAC**

- 3.1 Since currently the "pool" of EAC only contains 1 Opposition Member it is recommended that the Opposition Member designates a substitute from the Liberal Democrats. The Opposition Member is Councillor Di Mauro and her named substitute has been nominated as Councillor Chamberlain who will attend on her behalf when she is unable to do so.

**Appendix 1**

**Nominated Members also available to serve on the  
Employee Appeals Committee**

Cllr Bernard Stone  
Cllr Chris Paul  
Cllr. Daniel Gillard  
Cllr Mary Murphy  
Cllr Glynn Evans  
Cllr Julie Reid  
Cllr Matt Strong  
Cllr Bridie Adams  
Cllr Tracey Rawlins  
Cllr Carl Ollerhead  
Cllr Nasrin Ali  
Cllr Carl Austin  
Cllr Carmine Grimshaw  
Cllr Mary Watson