

Formal response by the East Sussex Area Branch of UNISON to the Governance Committee's report – Employment Appeal Panel – Member Appeal Hearings.

Unison is grateful for the opportunity to present our views to Members in relation to Member involvement in Appeal Hearings.

Whilst we recognise the need to make some changes to the terms of reference in light of legislative change, we formally object to the proposal to remove the Member involvement level within the County Council's Disciplinary and Grievance procedure for the following reasons:-

1. It would appear to be unfair to amend the process because it is used rarely – that is surely because the procedure has been effective at the earlier levels and UNISON believes that this is as is should be.
2. Considering the proposal in front of this Governance Committee it is unclear to Unison that if a Chief Officer has made a decision at the second level (which often happens with dismissal cases) how would it be possible for an Assistant Director from another department be able to overturn a decision by a Chief Officer? Also Chief Officers are colleagues and of course work closely together - how independent could they truly be in possibly overturning another Chief Officers decision?
3. There are often topics discussed and decisions made by Members, that need some training or explanation or legislative updates and we can see no difference in the need to offer this to Councillors as and when required so for instance if an appeal hearing were needed then prior to that there should be an update briefing which could be timetabled in, if necessary.
4. Just because finance is not now an issue when holding Employment Tribunals anyone seeking a decision by a tribunal still has to have followed all internal procedures before they can seek the involvement of a tribunal and therefore we feel that this has very little relevance to the decision before you.
5. We feel that it is a very strange reason to say that Member involvement should be stopped because they are difficult to arrange – we would respectfully suggest that an appeal hearing meeting of one day be timetabled into the Councillors calendar for every other month (and can be born in mind when Officers are arranging the stage 2 grievance or our members can be advised of the likely date and we too could keep them available in our diaries?

6. Councillors are the employer and ultimately accountable and could be called to answer on behalf of the Authority at an Employment Tribunal and therefore should not be remote or indeed removed from the process
7. We believe that our unison members will at least feel that there is some independence in the decision and therefore they have been dealt with fairly (regardless of whether they are successful in the outcome)

Finally Unison would wish you as the Employer to have the ultimate say in what are, in effect, your Policies and therefore we ask that you do not agree to the change proposed.

East Sussex Area Branch of UNISON (ESAB)
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