

Appointment of the Grievance Committee and Grievance Appeals Committee for Statutory Officers

Council	14 October 2021
Report Author	Estelle Culligan Director of Law and Democracy and Deputy Monitoring Officer
Portfolio Holder	Cllr Ash Ashbee, Leader of the Council
Status	For Decision
Classification:	Unrestricted
Key Decision	No
Previously Considered by	General Purposes Committee - 30/9/20 and 25/8/21

Executive Summary:

This report recommends the appointment of two additional committees of Council: A Grievance Committee and a Grievance Appeals Committee.

Recommendation(s):

Council is requested to:

1. To appoint a Grievance Committee and approve its terms of reference
2. To appoint a Grievance Appeals Committee and approve its terms of reference
3. To nominate and appoint 5 councillors to sit on the Grievance Committee as per proportionality.
4. To nominate and appoint 3 councillors to sit on the Grievance Appeals Committee as per proportionality.
5. To approve the changes to the Constitution to include these additional Committees

Corporate Implications

Financial and Value for Money

Depending on the circumstances, a Grievance Committee might need to be supported by an external legal adviser, if the Receiving Officer decides that is necessary. In such instances, it would be necessary to seek appropriate budget approval to fund the appointment of legal advice.

The appointment of a Grievance Committee promotes and protects equality among senior and other officers in terms of management of grievances, and as such mitigates financial risks associated with possible challenges to the procedures for managing such grievances.

There are no other direct financial implications arising from the recommendations contained within this report.

Legal

The appointment of these committees is in accordance with the Joint Negotiating Committee for Chief Executives' model Grievance Committee guidance and is in accordance with the Council's recently adopted Grievance Policy for Statutory Officers.

Corporate

Adoption of these processes gives clarity to all parties in the event of a grievance involving statutory officers. Having a clear policy and appropriate procedures also provides protection to the Statutory Officers.

Equality Act 2010 & Public Sector Equality Duty

This report relates to the following aim of the equality duty: -

- To eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act.
- To advance equality of opportunity between people who share a protected characteristic and people who do not share it
- To foster good relations between people who share a protected characteristic and people who do not share it.

Appointment of these committees promotes and protects equality among senior and other officers in terms of management of grievances by putting in place clear procedures for managing such grievances.

1.0 Introduction and Background

- 1.1 On 30 September 2020, the Monitoring Officer presented a report for information to the General Purposes Committee (GPC) outlining the proposed Policy on Grievances for Statutory officers ("the Policy"). GPC had requested that a policy be written that closely reflects the Joint Negotiating Committee (JNC) model grievance procedures for Chief Executives.
- 1.2 Following further comments from GPC, the Policy was finalised by East Kent HR (EKHR).

2.0 The Current Situation

- 2.1 The Policy was adopted by General Purposes Committee at its meeting on 25 August 2021, see minute 151:
link: <https://democracy.thanet.gov.uk/ieListDocuments.aspx?CId=327&MIId=6013>
- 2.2 Under the Policy, the Council must appoint a Grievance Committee and a Grievance Appeals Committee to deal with the formal stages of grievances brought against and

by Statutory Officers of the Council. These committees are not sub-committees of the General Purposes Committee.

2.3 Council is now asked to formally appoint the two committees as follows:

2.4 Grievance Committee

- 5 councillors to be appointed by the Council.
- Must be politically balanced, at the time of writing the proportionality would be two Conservatives, two Labour and one Thanet Independent.
- Councillors must not be members of the Investigations and Disciplinary sub-committee (IDSC) or IDSC Appeals sub-committee.
- Terms of Reference - To hear grievances raised by and against statutory officers at the formal stage, to make recommendations and to reach a conclusion.

2.5 Grievance Appeals Committee

- 3 councillors to be appointed by the Council to include a member of the Executive
- Must be politically balanced, at the time of writing the proportionality would be one Conservative, one Labour and one Thanet Independent.
- Councillors must not be members of the Grievance Committee
- Councillors must not be members of the Investigations and Disciplinary sub-committee (IDSC) or IDSC Appeals sub-committee.
- Terms of Reference - To hear appeals against decisions of the Grievance Committee, to make recommendations and to reach a conclusion.

2.6 The Policy applies to statutory officers whose terms and conditions of employment incorporate the JNC terms and conditions.

Contact Officer: Estelle Culligan Director of Law and Democracy and Deputy Monitoring Officer

Reporting to: Madeline Homer, Chief Executive

Annex

TDC Grievance Policy for Statutory Officers

Corporate Consultation

Finance: Chris Blundell, Director of Finance

Legal: Estelle Culligan Director of Law and Democracy and Deputy Monitoring Officer