

PERSONNEL BOARD APPEALS SUB-COMMITTEE TERMS OF REFERENCE

1. Purpose

The Personnel Board Appeals Sub-Committee has been set up by the Personnel Board to:

Disciplinary

- a) deal with all appeals against a decision of the Investigating and Disciplinary Committee which is 'action short of dismissal' in relation to disciplinary matters relating to "relevant Officers" as defined in The Local Authority (Standing Orders)(England)(Amendment) Regulations 2015 i.e. Head of Paid Service, Section 151 Officer and Monitoring Officer;

Grievance

- b) deal with an appeal from a complainant against a decision to dismiss the complainant's grievance taken by either the Receiving Officer (after receipt of an Investigation Report recommending a dismissal) or the Personnel Board Grievance Sub-Committee in relation to grievance matters relating to "relevant Officers" as defined in The Local Authority (Standing Orders)(England)(Amendment) Regulations 2015 i.e. Head of Paid Service, Section 151 Officer and Monitoring Officer;

The functions of the Appeals Sub-Committee will be in accordance with the Model Disciplinary Procedure and Guidance for Chief Executives as issued by the Joint Negotiating Committee Conditions of Service Handbook (as current at that time) and as supplemented by the Council's standard grievance or disciplinary procedures.

2. Composition of the Personnel Board Appeals Sub-Committee

The Personnel Board Appeals Sub-Committee shall consist of five Members chosen from the members or substitutes of the Personnel Board. Seats will be allocated, as and when the Committee is required to sit, in accordance with the proportionality rules.

The Members appointed to sit on the Sub-Committee must not have sat on any other body in respect of the matter under consideration or had any previous involvement in the matter.

3. Allocation of Seats on the Personnel Board Appeals Sub-Committee

The following process will be used to allocate seats on the Sub-Committee:

- 1) Democratic Services, in consultation with the Chairman of Personnel Board and HR, will agree an appropriate date and time to hold the Sub-Committee meeting;

- 2) Democratic Services will e-mail members of the Personnel Board, including substitute members, to ascertain who would be available on the agreed date and they will be given 48 hours to respond;
- 3) From the responses received the Lead Specialist HR (or their nominated representative), in the presence of a Democratic Services Officer, will by anonymised ballot randomly pick Members for the Sub-Committee in accordance with the requirements of section 2 above. A substitute member for each category outlined in section 2 above will also be picked;
- 4) Those Members chosen to sit on the Sub-Committee will then be contacted and advised of the matter that will be considered by the Sub-Committee. They will then need to provide written confirmation that they do not have a conflict of interest in relation to the matter under consideration and have not previously declared a view either for or against the matter in public.
- 5) The Monitoring Officer/Deputy Monitoring Officer will be advised of those Members who have been selected to sit on the Sub-Committee in order that they can, if necessary, raise any objections about their suitability.

4. Meetings of the Personnel Board Appeals Sub-Committee

Meetings of the Personnel Board Appeals Sub Committee will be held in private as and when required.

5. Chairman

The Chairman of the Personnel Board Appeals Sub-Committee will be appointed by the members at the relevant meeting of the Committee.

6. Quorum

The quorum of a meeting of the Personnel Board Appeals Sub-Committee will be three.

7. Public and Member Questions

No public or Member questions may be asked at Personnel Board Appeals Sub-Committee meeting.