

ITEM

ITEM

Personnel Panel – 29 April 2008

SINGLE STATUS UPDATE – APPEALS PROCESS

Report of the Strategic Director (Operations) and Deputy Monitoring Officer

Statutory Powers: Local Government Act 1972 (as amended) and Local Government Act 2000.

Financial Implications: Within the medium term financial strategy £1.05m has been allocated to off-set the cost of implementing single status over three years.

Purpose: To update Members on the progress of Single Status negotiations and to seek further approval of an updated Appeals Process as part of Job Evaluation.

Recommendation :

That Personnel Panel RESOLVES to:

- (a) note the progress made by the Single Table to date; and**
- (b) agree to the use of the updated Appeals Process as set out in Appendix 1.**

Background

1. As an employment issue Personnel Panel has provided direction and received progress reports from a 'Single Table' negotiating body established to work towards a local negotiated Collective Agreement for single status. The Single Table consists of local and regional representatives from three trade union bodies (T&G, GMB and Unison) and management representatives.
2. Since the last update to Members (Min. PP.3/07) good progress has been made in relation to the job evaluation element of the single status project with full support of trade union bodies.
3. In addition Members will also recall that a draft Appeals Process was tabled at Personnel Panel on 6 September and approved subject to trade union consultation. Further research and discussion about the Appeals Process has now taken place with the trade unions as part of the Single Table and also with the Senior Management Team. As a result of this further consultation an updated Appeals Process is now presented to Members for final approval.

Progress to Date

4. The job evaluation process has been following the flow chart that was agreed by Members and is working well. Job Evaluation Panels have been reconstituted and 307 discrete posts within SHDC and Tone Leisure have been job evaluated and duly monitored. The rank order of posts based on job evaluation is now being developed into a new pay and grading structure facilitated through Pay Modeller software. Once this pay modelling is complete proposals will be put to the Single Table Meeting for consideration and Members will be updated accordingly. Job scores will be used to determine the best fit of pay and grading structure for the Council ensuring that equal value jobs receive equal value of remuneration.
5. The trade unions have indicated that their national officers will require sight of the full Collective Agreement including the proposed draft Pay & Grade Structure, proposed Statement of Particulars and the final draft employment policies prior to concluding local negotiations on the full package. This is to ensure both the process and outcome is transparent and legally compliant.
6. Personnel and Legal staff have been working hard to update policies and new contractual terms for inclusion in the Collective Agreement ready for its presentation for legal scrutiny on behalf of the trade unions. Once this has been achieved, Members will need to consider the timing of draft notification letters to staff before the trade unions formally ballot their membership on the full single status package. Thereafter the Council will be in a position to ratify approval of the Collective Agreement.
7. It is anticipated that the preparation of the full Collective Agreement package and legal scrutiny of it as requested by the trade unions will inevitably delay notification to staff until Autumn 2008. However, as Members are acutely aware, it is imperative that the Council achieves the successful implementation of single status which relies upon ensuring the final package is fit for purpose, legally compliant and acceptable to the local trade union membership. Those seated at the Single Table have recognised and agreed this approach.

Appeals Process

8. In the context of job evaluation, the Appeals Process would take effect where staff are unhappy with their result, once job evaluation has been completed, the new pay & grade structure agreed and staff notified of their position in terms of job score and effective pay/grade.
9. Having re-considered the issue jointly with the trade unions at the Single Table, further work has been done to assess the level of risk and consequence regarding the draft Appeals Process as it stood. Members will recall that the earlier draft process allowed for two outcomes on appeal i.e. (i) an appeal is upheld and job scores are adjusted upwards; or (ii) an appeal is not upheld and the job score remains the same. The process has now been amended further in consultation with the trade unions and a third outcome of an appeal has been included in the process. This enables a job score to be adjusted downwards on appeal if the appeal is not upheld (Paragraph 16c).

10. This means that where an appeal has not been upheld and the Appeals Panel considers that the factor scores are too high, the Appeals Panel's score will be substituted for the score determined by the JE panel and the information will be recorded on the Council's central job evaluation database (Paragraph 19). Consequently the job score will be reduced and any pay protection arrangements that apply will continue as from the Notification Date in accordance with provisions of the Council's Single Status Collective Agreement.
11. The effect of an appeal by a post holder in a generic post has also been added to the updated Appeals Process for clarity. Where an appeal is submitted by an employee holding a generic post, the outcome of the appeal will apply to all employees in that employment group irrespective of whether they themselves have appealed and this will be communicated to the post holders accordingly (Paragraph 20). The Head of Human Resources will inform the other holders of the same generic post that an appeal has been lodged (Paragraph 11).
12. In the context of the Collective Agreement, Members will note that the Appeals Process will continue to be available where new or restructured jobs are evaluated after the implementation of Single Status.
13. Members are asked to approve the use of the final version of the Appeals Process as set out in Appendix 1 which has been developed in consultation with trade union bodies at the Single Table.

Strategic Risk Assessment

Opportunity	
To fulfil our obligation in respect of the National Agreement for Single Status.	
Risk	Mitigation
Failure to conclude the equal pay review and thereby expose the authority to external intervention and exposure to equal pay claims.	The Council is carrying out a full equal pay review which will ensure equal pay for equal value jobs and thereby limit equal pay claims.
Staff uncertainty and lack of transparency in the Job Evaluation Process.	CMT and the Single Table will continue to undertake communication with all staff through team meetings, drop-in sessions and intranet information to ensure staff are aware of the progress in job evaluation and monitoring exercises and how these will be carried out. The Appeals Process and Guidance for Staff will also be explained.

Failure to ensure adequate resources to implement single status.	Subject to affordability the Council will determine the level of resources available and how they wish to be applied.
Failure to retain key staff.	A Market Supplement Policy has been prepared which will go some way to assisting the Council retain key staff in the face of market forces. An improved benefits package will also enable the Council to retain staff by virtue of new employment policies to enable career breaks, flexi-time, and supported leave etc.
Disruption of services due to loss of goodwill with staff.	The Council will use its best endeavours to ensure staff are adequately prepared for the implementation of single status and that further communication, advice and support is provided during the roll out of the project. Notwithstanding these measures this will clearly be a difficult time for the Council's workforce.

Conclusion

14. Whilst the Council has obligations to move to single status as a good employer within the public sector it also has responsibilities to modernise and improve access to services for its customers. In undertaking such a thorough review the Council will be better placed to deliver the Government's modernisation agenda and to improve the flexibility of services for its users.

Delyth Jenkins Evans
Deputy Monitoring Officer

Paula Brooks
Strategic Director (Operations)

Personnel Panel
29 April 2009

JOB EVALUATION APPEALS PROCESS

Introduction

1. This Appeals Process has been jointly agreed between South Hams District Council and the recognised Trade Unions, UNISON, TGWU, and GMB. The process has been established to deal specifically with personal appeals by employees, following a review of their job as a result of the Job Evaluation Scheme.
2. This process will form part of the Collective Agreement.

The Right of Appeal

3. Subject to meeting the required criteria set out below, employees have the right of appeal against the Job Evaluation score for their job.
4. Employees have 28 calendar days from receiving their letter confirming their new pay and grade to lodge an appeal. In respect of the Single Status project only, this timescale will be extended to 56 days.

Grounds of Appeal

5. A right of appeal exists where the employee is of the opinion that the evaluation result does not properly or fully reflect their job, i.e. that an aspect or aspects of the job have been undervalued in respect of one or more factor levels within the scheme. There is no right of appeal against the awarded grade and/or incremental point.

Submitting an Appeal

6. The grounds for appeal must be submitted in writing to the Head of Human Resources. The appeal will be acknowledged within 5 working days and will be considered by the Appeals Panel as soon as practically possible. The Panel will, for each disputed factor level, have the option of confirming, increasing, or decreasing the original factor level.
7. Employees are only permitted one appeal.
8. The employee should give details of the factor levels claimed and the reasons why they are claiming it. A specimen form is attached. The employee may refer to:
 - i. The Job Description and Job Evaluation questionnaire supplied for the evaluation of their post;
 - ii. The Organisational Structure Chart.

9. Information that will not be accepted will include:-
- i. Job responsibilities or events that have been added since the date of the evaluation;
 - ii. References to individuals, personalities and performance / ability.

Additional information not submitted with the original papers may be accepted only at the discretion of the Appeals Panel and must be relevant to the factor(s) being appealed against.

10. The appellant's Line Manager will receive a copy of the appeal and documents submitted with it for their comments. Any comments will be shared with the appellant and submitted to the Appeals Panel.
11. Where an appeal is submitted by an employee holding a generic post, the Head of Human Resources will inform the other holders of the same generic post that an appeal has been lodged.

Appeals panel

12. Appeals will be considered by a panel comprising
- (a) two Management and two Trade Union representatives who were not on the original panel and are wherever possible suitably trained and working in departments not affected by the appeal; and
 - (b) one independent trained evaluator appointed by the Council.

Advice and support to the Appeals Panel will be supplied by a Technical Advisor who will have no decision-making role.

13. The Appeals Panel will examine the areas raised in the application and assess whether the appellant's contentions can be supported.
14. Appeals will be considered on the basis of all the original documentary evidence submitted with the employee's appeal, plus any additional supporting documentation relevant to the disputed factors.

Outcomes

15. Employees will receive notification of when their appeal is to be heard. However the decision of the Appeals panel in the 2007/8 JE project will not be communicated to staff until after the completion of the entire Appeals process when all staff will be given results of their appeal on the same date ("the Appeal Outcome Date").
16. The appeal process can produce three possible outcomes. These are:-
- (a) The appeal upheld and factor score(s) adjusted upwards;

- (b) The appeal not upheld and factor score(s) remain unchanged;
 - (c) The appeal not upheld and factor scores adjusted downwards.
17. Where an appeal is upheld and results in the factor scores being adjusted upwards the information will be recorded on the Council's central job evaluation database. The job score will be increased as from the Notification Date in accordance with provisions of the Council's Single Status Collective Agreement.
 18. Where an appeal has not been upheld and the job score will remain unchanged, any pay protection arrangements that apply will continue as from the Notification Date in accordance with provisions of the Council's Single Status Collective Agreement.
 19. Where an appeal has not been upheld and the Appeals Panel considers that the factor scores are too high, the Appeals Panel's score will be substituted for the score determined by the JE panel and the information will be recorded on the Council's central job evaluation database. The job score will be reduced and any pay protection arrangements that apply will continue as from the Notification Date in accordance with provisions of the Council's Single Status Collective Agreement.
 20. Where an employee in a generic post appeals (i.e. Refuse Collector, Benefit Assessor etc) the appeal outcome shall apply to all employees in that employment group irrespective of whether they themselves have appealed.
 21. The decision reached by the Appeals Panel will be final and there is no further right of Appeal.