



COUNCIL

17 March 2008

Agenda Status: PUBLIC

Directorate: CHIEF EXECUTIVE

Report Title	STAFF APPEALS – CHANGES TO THE CONSTITUTION
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1. Summary

This report is seeking full Council's authority to make changes to the Constitution to enable certain staff appeals against dismissal to be dealt with by Officers, namely the Head of Paid Service or his nominee.

2. Recommendations

- 2.1 Council approves Model 4 (outlined in Appendix 1) which would mean all appeals against dismissal below Head of Paid Service, Chief Officer and Statutory Officer levels would be heard and determined by the Head of Paid Service or his nominee;
- 2.3 Council delegate to the Solicitor to the Council the authority to amend the Constitution to implement 2.1 above.

3. Report Background

- 3.1 Currently, staff appeals against disciplinary matters are heard by an Officer and Member Appeals Panel, as outlined in Appendix 1.
- 3.2 Cabinet's views were sought on the various models that could be used by the Council to determine relevant appeals.
- 3.3 At its meeting on 11 February Cabinet confirmed its support for Model 4, which delegates the hearing and determination of certain appeals against dismissal to the Head of Paid Service or his nominee.
- 3.4 The reasoning for the proposed changes are contained in Appendix 1 and Council should note that no changes are proposed in relation to the Statutory Officer or Chief Officers.

4. Implications (including financial implications)

4.1 Resources and Risk

The determination of appeals by Officers trained in employment law should reduce the risk of successful legal challenges against dismissal. Further, clarifying the governance arrangements in appeal processes will reduce risk.

4.2 Legal

These are covered in the body of the report.

4.3 Other Implications

None arising directly from this report.

5. Background Papers

FJF Staff Appeals file.

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