

CABINET MEETING –6th JUNE, 2012

EXECUTIVE SUMMARY SHEET – PART I

Title of Report:

Reports of the meeting of the Personnel Committee, Part I held on 26th April 2012

Author(s):

Head of Law and Governance

Purpose of Report:

Presents the reports of the meeting of Personnel Committee, Part I

Description of Decision:

The Cabinet is requested to:-

- (i) note the reports of the meetings held on 24th April 2012, and
- (ii) approve the new grievance procedure, proposed by the Director of Human Resources and Organisational Development, in principle subject to further consultation regarding member involvement.

Suggested reason(s) for Decisions:

It is proposed that the Council adopts the attached proposed grievance procedure as it meets the requirements of the ACAS Code of Practice and streamlines the process. In addition it fits with the Council's values, by retaining the appropriate levels of decision making at a senior level within the Organisation, to ensure fair and positive employee relations are maintained.

In summary the proposed procedure consists of the following stages:

- Informal Stage - It is proposed that the role of the manager in the new procedure should be focused upon resolving the grievance informally wherever possible. The availability of mediation is also highlighted in this section to encourage the informal resolution of issues.
- Formal Stage 1 (The Grievance Hearing) - It is also proposed that Stage 1 of the formal procedure is heard by the Head of Service, or someone nominated by them, alongside a representative from Human Resources and Organisational Development (HR&OD).
- Formal Stage 2 (The Grievance Appeal) - It is proposed that Stage 2 of the formal procedure (the Appeal) is heard by the relevant Chief Officer,

alongside a representative from HR&OD. The decision at Stage 2 will be final.

The proposed procedure does not include set timescales for responding. Instead it mirrors the language of the ACAS Code of Practice in that responses must be provided by managers without unreasonable delay. The requirement for issues to be dealt with in a timely manner remains an important principle when managing grievance cases.

It is also proposed that a similar process for dealing with collective grievances should be introduced. A collective grievance is a grievance raised on behalf of a number of employees and is fairly common. Currently there is no specific procedure for dealing with such issues other than the collective disputes procedure which is often inappropriate for the majority of cases.

The revised ACAS code has removed the requirement to have a procedure for dealing with grievances from ex-employees. The Council's revised procedure does not, therefore, include a process for this. It is proposed that a representative from HR&OD, alongside the relevant Head of Service will consider how the Council will respond to any grievance received in these circumstances on a case by case basis

Alternative options to be considered and recommended to be rejected:

Alternative options were considered. One option would be to retain the current procedure; however, this option would not address the current problems being experienced. Other amendments to the current process were considered but it was decided that these would not deliver the improvements required. In addition the procedure proposed meets the requirements of the ACAS Code of Practice.

Is this a "Key Decisions" as defined in the Constitution?

No

Is it included in the Forward Plan?

No

Relevant Scrutiny Committee:

Management Scrutiny Committee

At a meeting of the PERSONNEL COMMITTEE held in the CIVIC CENTRE on THURSDAY 26 APRIL 2012 at 5.30 p.m.

Present:-

Councillor Errington in the Chair

Councillors S. Watson, P. Watson, A. Wilson and Wood.

Part I

Apologies for Absence

Apologies for absence were submitted to the meeting on behalf of Councillors Gofton, Speding, D. Trueman and H. Trueman.

Declarations of Interest

There were no declarations of interest.

Report of the Meeting of the Personnel Committee, Part I

The report of the meeting of the Personnel Committee held on 22 March 2012 Part I (copy circulated) was submitted and consideration given thereto.

(For copy report – see original minutes).

1. RESOLVED that the report of the meeting be noted, confirmed and signed as a correct record.

Grievance Procedure

The Director of Human Resources & Organisational Development submitted a report to propose a new grievance procedure for Sunderland City Council.

Members were reminded that ACAS had revised its Code of Practice on disciplinary and grievance procedures and employers were expected to comply with the principles set out in the Code.

Members acknowledged that the current procedure mandates had very short timescales for managers to respond and arrange meetings when a grievance was submitted. These timetables were difficult to adhere to, which could lead to further problems.

With 4 formal stages, the current procedure was lengthy, resource intensive and did not support a timely resolution of issues or complaints.

It was therefore proposed that the Council adopted the proposed grievance procedure (attached to the report) as it met the requirements of the ACAS Code of Practice and streamlined the process by reducing from 4 stages to 2 stages.

The proposed procedure did not include timescales for responding however it must be without unreasonable delay. It was also proposed that a similar process for dealing with collective grievances be introduced and the requirement to have a procedure for dealing with grievances from ex-employees be removed.

Members gave consideration to the comments received from the Unions relating to the Grievance Appeal and proposed that these be heard by a representative from HR&OD in consultation with a Cabinet Member as opposed to a Chief Officer. This would retain member involvement in the process.

2. RESOLVED that the new grievance procedure, proposed by the Director of Human Resources and Organisational Development, be agreed in principle subject to further consultation regarding member involvement.

Local Government (Access to Information) (Variation Order) 2006

At the instance of the Chairman, it was:-

3. RESOLVED that in accordance with Section 100(A)4 of the Local Government Act 1972, the public be excluded during consideration of the remaining business as it is considered to involve a likely disclosure of exempt information relating to an individual or information which is likely to reveal the identity of an individual or information relating to any consultations or negotiations, or contemplated consultations or negotiations in connection with any labour relations matters arising between the Authority and its employees (Local Government Act 1972, Schedule 12A, Part I, Paragraphs 1, 2 and 4).

(Signed) D. ERRINGTON,
Chairman.

Note:-

The above minutes comprise only those relating to items during which the meeting was open to the public.

Additional minutes in respect of other items are included in Part II.