

EAST HERTS COUNCIL

LOCAL JOINT PANEL –13 JUNE 2006

REPORT BY SECRETARY TO THE STAFF SIDE

9(A) APPEALS PROCESS

WARD(S) AFFECTED: None

RECOMMENDATION - that the report be referred to full Council for noting.

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1.0 Purpose/Summary of Report

1.1 The purpose of this report is to draw to the attention of members of the Panel the implications of the Council decision of 17 May to opt for a right of appeal to the Chief Executive only in grievance and dismissal cases.

2.0 Contribution to the Council's Corporate Objectives

2.1 Improve the health and sustainability of the organisation.

3.0 Background

3.1 The HR Section is currently reviewing all policies and procedures to ensure that they are up to date and comply with statutory requirements.

3.2 At the last Local Joint Panel meeting of 16 January 2006, it was recommended that 'Members of the HR Sub-Committee be consulted as to whether Members wanted to be involved in the Appeals Process and that this would be reported back to Local Joint Panel.'

4.0 Report

4.1 Attached at Appendix 'A9' (Pages 9.3 - 9.5) is a letter dated 30 May 2006 to all Councillors outlining the issues leading up to the Council decision of 17 May and the implications for a) staff, b) the collective bargaining process and c) industrial relations.

5.0 Consultation

5.1 None

6.0 Legal Implications

6.1 There are potential legal implications with regard to the imposition of a unilateral variation in employees' contracts of employment. The decision could be challenged by an employee at an Employment Tribunal.

7.0 Financial Implications

7.1 There are potential financial implications if an individual pursued a breach of contract claim.

8.0 Human Resource Implications

8.1 The decision to unilaterally vary contracts of employment affects every member of staff.

9.0 Risk Management Implications

9.1 There are none.

Background Papers None

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