

EAST AYRSHIRE COUNCIL

CORPORATE GOVERNANCE COMMITTEE – 15 FEBRUARY 2007

IMPLEMENTATION OF SINGLE STATUS AGREEMENT – APPEALS PROCEDURE

Report by Depute Chief Executive/Executive Director of Corporate Support

1. PURPOSE OF REPORT

- 1.1** The purpose of this report is to submit for approval an Appeals Procedure in respect of the implementation of the job evaluation element of the Single Status Agreement.

2. BACKGROUND

- 2.1** The Single Status Agreement requires Councils to put in place appropriate appeals arrangements for employees in respect of the outcome of job evaluation.
- 2.2** Discussions have taken place with the Trade Unions regarding an appeals procedure for use within East Ayrshire Council and agreement has been reached on the content of that procedure. A copy of the procedure is attached as Appendix 1 to this report.

3. FINANCIAL IMPLICATIONS

- 3.1** There are no direct financial implications arising from the implementation of the Appeals Procedure. Any financial implications arising from revised gradings as a result of successful appeals would be met from departmental budgets.

4. POLICY AND LEGAL IMPLICATIONS

- 4.1** There are no direct policy or legal implications arising from the proposals contained in this report but as the Appeals Procedure is part of the Single Status Agreement its approval will allow the Council to meet its statutory responsibilities under equal pay legislation.

5. TRADE UNION CONSULTATIONS

- 5.1** The proposed Appeals Procedure has been agreed with all relevant Trade Unions.

6. CORPORATE MANAGEMENT TEAM

- 6.1** The proposed Appeals Procedure has been agreed by the Corporate Management Team.

7. RECOMMENDATION

- 7.1** The Corporate Governance Committee is recommended to approve the Appeals Procedure attached as Appendix 1 to this report.

Elizabeth Morton
**Depute Chief Executive/
Executive Director of Corporate Support**
17 January 2007

BACKGROUND PAPERS

Nil

Anyone wishing further information should contact Martin Rose, Head of Personnel (tel: 01563 576092)

EAST AYRSHIRE COUNCIL

**JOB EVALUATION SCHEME APPEALS PROCEDURE
INITIAL PROCEDURE FOLLOWING IMPLEMENTATION
LOCAL GOVERNMENT EMPLOYEES**

1. INTRODUCTION

1.1 Employees have an individual right of appeal against the outcome of the evaluation of their job under the Councils' Job Evaluation Scheme. Appeals will be:

- received and heard within an agreed timescale
- dealt with separately and not under the organisation's normal grievance procedure
- heard on the basis of the agreed job documentation
- based on the agreed job evaluation factor plan;

Appeals may be considered in the first instance by the original job evaluation committee.

1.2 This procedure applies to appeals against the **initial evaluation of jobs as a result of the implementation of the Councils' Job Evaluation Scheme**. A separate procedure will be established at a later date to deal with requests for re-evaluation or re-grading on an on-going basis.

1.3 The purpose of the appeals process is to ensure the proper application of the factors of the Scheme to individual jobs and to maintain the integrity of the Scheme, and its application, as a whole. If a group of employees agree to lodge a collective appeal, as a principle the outcome of the appeal will apply to all employees within that job group. The same right of appeal applies to jobs evaluated using paper-based or computerised versions of the Scheme. The Appeals Panel may reject the appellant's case, or uphold their case in full or in part.

1.4 As the purpose of the appeals process is to ensure the proper application of the factors of the scheme, the Appeals Panel may also determine that there has been misapplication of the scheme in so far as the factors have been applied at a higher level than the Scottish Councils' Single Status Job Evaluation Scheme would support.

2. GROUNDS OF APPEAL

2.1 The Council has adopted the nationally agreed position in developing this procedure and therefore appeals will only be admissible where based on the following grounds:

- Factual inaccuracy in either the inputs or the outputs of the evaluation process

- Failure to apply the agreed local job evaluation procedure
 - Misapplication of the factor definitions, levels and guidance of the Scottish Councils' Single Status Job Evaluation Scheme.
- 2.2 Appeals submitted under these grounds will be determined by the local Appeals Panel.
- 2.3 Appeals on the grounds of comparability with other jobs, either within or across Councils, or appeals seeking to restore previous differentials will be inadmissible.
- 2.4 The outcome of appeals will normally rest at Council level, however appeals may be taken to the Scottish Joint Council for Local Government Employees where it can be demonstrated that East Ayrshire Council has failed to properly implement the new job evaluation scheme in accordance with the principles of the single status agreement.
- 2.5 For the duration of the initial job evaluation exercise a Scottish Appeals Panel, will be established comprising Employers and Trade Union representatives. Thereafter, there will be no general right of appeal to Scottish Council level, but it is agreed by both Sides that a mechanism will exist under the authority of the Scottish Joint Council where matters of dispute regarding an individual's rights under the Scheme, including the Job Evaluation Scheme, will be dealt with.

3. THE APPEALS PANEL

- 3.1 The Council has established an Appeals Panel to determine appeals as defined in para 2.1 above. All members of the Panel will be required to attend specific training on both the application of the Scheme and the operation of the computerised job evaluation system, before considering any cases.
- 3.2 The Appeals Panel shall be comprised of three members as follows:
- a Panel Chairperson, who will require to be objective, and should not therefore be involved in either a Management or Trade Union capacity at any other stage of the evaluation process for the appeal being considered.
 - a member from the management side (drawn from Head of Service level or above),
 - a member from the trade union side (drawn from a pool of three TU nominated Appeals Panel members, one nominated by each of the locally recognised unions, Unison, GMB, TGWU for this purpose) .
- 3.3 It is a fundamental principle of this procedure that the source of each appeal will be determined to ensure that no conflict of interest is created by either the management or trade union representative considering an appeal from an employee/s in their employing department or trade union.

- 3.4 A representative from Personnel Services shall co-ordinate and administer the Appeals Panel work and attend meetings of the Appeals Panel in an advisory capacity.

4. **TIMESCALES**

- 4.1 Appeals must be lodged within one calendar month of the date of written notification to the individual of their job evaluation outcome or one calendar month from the date of implementation of the Job Evaluation scheme, whichever is later. Personnel Services will acknowledge receipt of appeals in writing, normally within 10 working days of receipt.
- 4.2 The Council will endeavour to determine the outcome of all appeals against initial assimilation to their new grading and pay structures within 4 calendar months.

5. **THE APPEALS PROCESS**

- 5.1 A diagram providing an overview of the whole appeals process is attached at Appendix 1.
- 5.2 Individual appeals should be submitted on a standard proforma (copy attached at Appendix 2) which details:
- the grounds of appeal
 - the factor level(s) being appealed against
 - the appellant's case under the relevant factor heading(s)
 - the views of the relevant line manager, and/or the next line of management as appropriate, in relation to the **factual** content of the job and the **accuracy** of the appellant's case
 - whether the appellant wishes to make representations to the Appeals Panel in person or whether they wish their appeal to be determined solely on the basis of their written submission.
- 5.3 Appellants may attach supporting documentation in respect of their case. To assist in preparation of their case appellants should be provided with copies of:
- the local appeals procedure
 - the job overview document which was used in the evaluation process;
 - the factor levels assessed for their job under each of the factor headings; and;
 - appellants should have access to the definitions and guidance notes of the Scottish Councils' Single Status Job Evaluation Scheme.
- 5.4 Appellants must be informed that they may seek the assistance of their Trades Union representative or work colleagues in the preparation and presentation of their appeal case.

5.5 The Appeals Panel will be provided with any relevant background documents by the job evaluation Project Team.

6. THE OPERATION OF THE APPEALS PANEL

6.1 Appeals may be determined solely on the basis of the written submission however, appellants may make representations to the Appeals Panel in person, if they so choose.

6.2 All written appeal submissions will be given initial consideration by the Panel, with support from Personnel Services, without the presence of the appellant or their line manager, in order to:

- determine whether there are admissible grounds for the appeal
- identify any appeals requiring investigation or further information
- identify any non job evaluation issues outwith the remit of the Panel, for referral back to the Head of Personnel.

6.3 Individual appellants will be informed of the outcome of this initial consideration within 10 working days from the date of acknowledgement of receipt of the appeal and notified of the date set for their hearing, if appropriate. Appellants may be accompanied to the hearing by a colleague or their Trade Union representative, if they so choose. The appellant's immediate line manager, or next line of management, will also be required to attend the hearing, as appropriate.

6.4 Where appeals are not admissible under the Scottish Councils Job Evaluation Scheme, appellants will receive written notification stating the reason(s) why the appeal was inadmissible.

6.5 Where appellants consider that the reason(s) why the appeal was inadmissible are flawed under the Scottish Councils Job Evaluation Scheme, a request for review may be lodged with Personnel Services. The review will be heard by the Head of Personnel in conjunction with a representative of a recognised Trade Union. The reviewed decision will be final.

7. THE APPEAL HEARING

7.1 The hearing and the deliberations of the Panel will be chaired by the nominated Chairperson, and supported by a member of the Job Evaluation Project Team in an advisory capacity.

7.2 The Panel Chair will:

- introduce the members of the Panel to the appellant, their representative, and line manager
- ensure those attending understand the procedure which is to be followed during the hearing
- ensure time limits are adhered to and remind appellants and their representatives that the Panel members will have read the written

- submission in advance, and advise appellants to use their allocated time to emphasise key points in their case.
- close the hearing and ensure the appellant understands how and when they will be notified of the result
 - refer any matters arising outwith the remit of the Panel to the Head of Personnel via the Panel Adviser.
- 7.3 The appellant, or their Trades Union representative, will **normally** have 10 minutes to present their case, after which they may be questioned by members of the Panel.
- 7.4 The line manager may also be questioned by members of the Panel, and asked to confirm the accuracy of information provided by the appellant in response to the Panel's questions. The appellant, or their representative will then be provided with an opportunity to briefly summarise the key points of their case, no new evidence should be brought forward at this time. The parties will then be asked to withdraw to allow the Panel to deliberate in private.
- 7.5 Having considered the written submission and heard the evidence of the appellant and the line manager, the Panel deliberate as to whether the appellant's case:
- was well founded in fact and supported by agreed evidence
 - was not well founded
- 7.6 Where the Panel consider the appeal was not well founded and there are no admissible grounds of appeal, the appeal is rejected and the appellant will have no further opportunity to make representations to the Job Evaluation Appeals Panel.
- 7.7 Where the Panel consider the case to be well founded in fact, the agreed supporting evidence presented by the appellant will be referred to Personnel Services for review in the context of the whole evaluation of the full job facts.
- 7.8 Where there is a disagreement between the appellant and the appropriate line manager in relation to a matter of accuracy, the facts will need to be verified with the line manager's manager, or the Head of Section/Department, as appropriate, before the Panel can complete their deliberations. This responsibility will form part of the remit of the Panel Adviser.
- 7.9 Panels will operate on the basis of discussion and consensus agreement, and may seek additional information to assist them in reaching a decision. If necessary, the Panel will re-convene (without the attendance of the appellant, their representative or line manager) to deliberate on cases once clarifying information has been provided by Personnel Services. There will be no voting. If the Panel 'fail to agree' the initial assessment of the job stands.
- 7.10 The Head of Personnel should review the outcomes of all appeals results to ensure that members of the Appeals Panel have applied the Scheme

consistently and that there are no anomalous results. Inconsistent and anomalous results should be referred back to the Appeals Panel with an accompanying report by Personnel Services for re-consideration before **any** results are notified to individual jobholders.

- 7.11 If, as a result of a decision taken by the Appeals Panel, employees other than the appellant could be affected, the Head of Personnel will consider amending the Job Evaluation outcome for all. In practice, before the result of the appeal is translated to a group of employees, a sample of the group will be evaluated for consistency.
- 7.12 As the purpose of the appeals process is to ensure the proper application of the factors of the scheme, the Appeals panel will determine whether there has been a misapplication of the factor definitions, levels and guidance of the Scottish Councils' Single Status Job Evaluation Scheme.

8. NOTIFICATION OF RESULTS

- 8.1 The Appeals Panel may reject the appellant's case, or uphold their case in full or in part. As the purpose of the appeals process is to ensure the proper application of the factors of the scheme, the Appeals Panel may also determine that there has been misapplication of the scheme in so far as the factors have been applied at a higher level than the Scottish Councils' Single Status Job Evaluation Scheme would support.
- 8.2 Appellants will be notified of their individual result by standard letter, including details of any revisions to their factor levels, job overview, and where appropriate, any resultant change in grading and associated pay. The Appeals Panel will be committed to confirming their decision at the earliest. In any event, the Appellant will be notified of the Panel's decision within 14 days of the Appeal meeting.
- 8.3 The effective date of any change in grading and pay as a result of an appeal against the initial assimilation of a job to new structures will be the effective date of implementation for that job, in accordance with locally agreed implementation programmes.

EAST AYRSHIRE COUNCILS' JOB EVALUATION SCHEME

OVERVIEW OF THE APPEALS PROCESS

STEPS IN THE PROCESS

ACTION REQUIRED

Employee notified of individual job evaluation outcome

- If satisfied – no further action required
- Not satisfied – request copies of appeals procedure, standard proforma, JE Scheme definitions and guidance.



Completion of standard appeal proforma by appellant and line manager by closing date

- Appellant needs to:
- Identify grounds of appeal
 - Provide supporting evidence
 - Indicate if he/she wishes to attend a hearing and/or be represented



Acknowledgement of appeal submission received



Initial scrutiny by the Appeal Panel with support from Personnel Services, to determine whether there are sufficient grounds

- Appellants notified:
- appeal rejected on insufficient grounds
 - hearing date – if requested
 - Review by Head of Personnel and Trade Union if requested



Appeal hearing

- Appellant or representative present case
 - Appropriate line manager attends to answer questions



Panel deliberate on evidence, appeals found to be:

- not well founded – appeal fails
- well founded and supported – appeal upheld

- Further information sought, and verified, if necessary
- Failure to reach consensus – original evaluation stands



Evidence from successful appeals input to computerised JE system

- Panel advised by Personnel Services
- Evaluation reviewed by Personnel Services



Appeal results reviewed for consistency

- Anomalous results referred back to Appeals Panel for re-consideration



Appellant notified of individual Appeal result.

- New grading and/or pay applied, and back-dated to effective date of implementation, if appropriate.

JOB EVALUATION SCHEME

APPEAL AGAINST INITIAL EVALUATION AND ASSIMILATION

PART 1 – APPELLANT’S DETAILS

*Individuals wishing to appeal against the evaluation of their job, must use this form to make their written submission. This form should be completed by both the appellant and their line manager, and returned to the Job Evaluation Project Team **within one calendar month of the date of written notification to the individual of their job evaluation outcome.***

Individual jobholders are advised to read the appeals procedure before completing this form. Appellants should familiarise themselves with the factor definitions and guidance of the Scottish Councils’ Job Evaluation Scheme, and to review the documentation used to evaluate their job before setting out the details of their case. Copies of relevant documentation will be made available by the Council’s Job Evaluation Project Team. Individuals may also seek the assistance of their Trades Union representative.

	CONTACT INFORMATION	
	APPELLANT	LINE MANAGER
NAME:		
JOB TITLE:		
WORK LOCATION:		
CONTACT TELEPHONE No:		
Reference No: (Official Use Only)		

Please indicate on which of the following grounds you are basing your appeal (no other grounds are admissible):

		Please tick as appropriate:
i	Factual inaccuracy in the evaluation process (Complete Part 2 of the form)	
ii	Failure to properly apply the agreed local procedure (Complete Part 2 of the form)	
iii	Misapplication of the Job Evaluation Scheme (Complete Part 3 of the Form)	

Please use Part 2 and/or 3 of the proforma to set out the details of your appeal submission. Please photocopy these pages if you need more space.

PART 2 – GROUNDS OF APPEAL (i) or (ii)

Please use this page to set out the details of your appeal, if you are appealing under the grounds of 'factual inaccuracy' and/or 'failure to properly apply procedure'.

APPELLANT'S COMMENTS:

LINE MANAGER'S COMMENTS:

Please copy this page if you need more space.

PART 3 – GROUNDS OF APPEAL (iii) – MISAPPLICATION OF THE FACTOR DEFINITIONS, LEVELS AND GUIDANCE OF THE SCHEME

Please use this table to indicate under which factor definition, level and/or guidance you are making your appeal, and use the boxes below to set out the details of your appeal under each factor heading.

FACTOR HEADING		LEVEL ASSESSED	LEVEL BEING SOUGHT
1	Working Environment		
2	Physical Co-ordination		
3	Physical Effort		
4	Mental Skills		
5	Concentration		
6	Communication Skills		
7	Dealing with Relationships		
8	Responsibility for Employees		
9	Responsibility for Service to Others		
10	Responsibility for Financial Resources		
11	Responsibility for Physical & Info Resources		
12	Initiative and Independence		
13	Knowledge		

Please ensure that comments are provided by both the appellant and the line manager in respect of each factor being appealed:

FACTOR HEADING:
APPELLANT'S COMMENTS
LINE MANAGER'S COMMENTS:

Please ensure that comments are provided by both the appellant and the line manager in respect of each factor being appealed:

FACTOR HEADING:
APPELLANT'S COMMENTS:
LINE MANAGER'S COMMENTS:

FACTOR HEADING:
APPELLANT'S COMMENTS:
LINE MANAGER'S COMMENTS:

Please copy this page if you need more space.

PART 4 – ADDITIONAL APPELLANT INFORMATION

Please ensure that you complete this section before returning the Appeals Pro-forma.

The Appeal Panel will initially consider the grounds of your appeal to determine whether it is admissible. If it is admissible, a Hearing will be arranged to consider your appeal.

If a Hearing is arranged, do you wish to attend in person to make representations?

YES

NO

If yes, do you intend to have a representative present?

YES Name of Representative _____
Trade Union _____

NO

Signature of Appellant: _____

Date: _____

OFFICE USE ONLY

Date of Receipt _____

Date of Acknowledgement _____