

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Staff Appeals Panel **Date:** Tuesday, 24 July 2012

Place: Committee Room 2, Civic Offices, High Street, Epping **Time:** 9.15 am – 11.45 am

Members Present: Councillors J M Whitehouse (Chairman), B Sandler (Vice-Chairman), Mrs T Cochrane, B Rolfe and J Wyatt

Other Councillors:

Apologies: Councillor Mrs R Gadsby

Officers Present: D Macnab (Acting Chief Executive) and G Lunnun (Assistant Director (Democratic Services))

10. SUBSTITUTE MEMBERS

It was reported that Councillor Wyatt was attending as a substitute for Councillor Gadsby.

11. DECLARATIONS OF INTEREST

There were no declarations of interest made pursuant to the Council's Code of Member Conduct.

12. STAFF APPEALS PANEL PROCEDURE - JOB EVALUATION APPEALS

The Panel noted an introductory statement, policies and procedures to be taken into account in relation to the appeal to be considered at this meeting.

13. EXCLUSION OF PUBLIC AND PRESS

RESOLVED:

That, in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the item of business set out below as it would involve the likely disclosure of exempt information as defined in the paragraph of Part 1 of Schedule 12A of the Act indicated and the exemption is considered to outweigh the potential public interest in disclosing the information.

Agenda Item Number	Subject	Exempt Information Paragraph Number
5	Staff Appeal No. 4 -2012/13	1

14. STAFF APPEAL NO. 4 - 2012/13

The Chairman welcomed the appellant to the meeting who was accompanied by the Director of Corporate Support Services. The Chairman also welcomed to the meeting the Assistant Director Human Resources who was presenting the case of the Staff Evaluation Appeal Panel.

The appellant advised that she would be presenting her case. The Director of Corporate Support Services advised that she was attending to give moral support to the appellant and to take notes.

Members of the Panel introduced themselves to the appellant and the Assistant Director Human Resources.

The Chairman drew attention to the policies and procedures which would be taken into account by the Panel in relation to the appeal and indicated that the Panel would deal with the appeal on a factor by factor basis. The appellant and the Assistant Director of Human Resources agreed with this approach.

(a) Introductory Statement by the Appellant

The appellant advised that the scores awarded by the Job Evaluation Appeal Panel in respect of her post demonstrated a lack of understanding of the post. She drew attention to the reference in the response submitted by the Assistant Director Human Resources to the "considered view" of the Job Evaluation Appeal Panel. She continued that the decisions of the Appeal Panel showed a lack of consistency, objectivity and equality. She asked the Panel to have particular regard to the witness statement provided by the Director of Finance and ICT including his concluding remarks.

(b) Knowledge Factor – Level Awarded by the Job Evaluation Appeal Panel - 6; Level Claimed - 7

The Case of the Appellant

The appellant drew attention to the wording of the Job Evaluation Scheme and local conventions regarding the Knowledge factor and to the requirements of the Job Description and Person Specification for the post.

She advised that the Job Evaluation Appeal Panel had found that the post did not require the detailed knowledge of wider policies and procedures expected of the posts of Assistant Director and Principal Accountant which were quoted as examples of being awarded Level 7. She said that this demonstrated a lack of understanding of the breadth and knowledge required of the post and pointed out that she reported directly to the Director of Finance and ICT which was not the case with all of the post examples quoted by the Appeal Panel.

The appellant drew attention to comments made by members of the Appeal Panel and suggested that these brought into question the Appeals Panel's ability to be consistent, objective, transparent and professional.

The appellant asked the Staff Appeals Panel to look at the conventions for Level 7 in relation to the requirement for detailed knowledge of the associated organisational policies, practices and procedures, the preparation of non-routine reports and the ways in which the required knowledge for this level could be gained. She stated that the post required a detailed working knowledge of Contract Standing Orders,

Financial Regulations and the Constitution. She added that the post was required to contribute significantly towards Best Practice, Corporate Strategy and Business Plans and Policies. She continued that the post was required to integrate purchasing across the whole authority and this necessitated an understanding of all the relevant legislation.

The appellant advised that the post was responsible for contributing to writing strategic plans as well as providing strategic advice to staff and members at all levels across the Council, not only in relation to procurement issues but also covering risk, governance, project planning and budgetary requirements.

The appellant pointed out that the post was also required to assess the implications for the Council of new legislation, consultation papers and government directives relating to procurement and value for money. The appellant asked the Panel to give proper consideration to all of the paperwork submitted in relation to this factor and in particular the statement made by the Director of Finance and ICT.

Questions from the Assistant Director Human Resources

The Assistant Director Human Resources advised that she had no questions to ask about the representations which had been made by the appellant.

Questions from Members of the Panel

In relation to a question from a member of the Panel the appellant stated that in some cases she had ownership of the advice and reports given to members and in other cases her advice was given to Directors who then advised members.

The Case of the Assistant Director Human Resources on behalf of the Job Evaluation Appeal Panel

The Assistant Director Human Resources advised that Job Evaluation ranked jobs into a hierarchy within the Council.

She pointed out that in undertaking Job Evaluations originally it had been decided to start with Assistant Directors and to work down through establishments. She explained the position of this post in the hierarchy.

The Assistant Director Human Resources stated that the Knowledge factor measured the experience and/or qualifications required for the job. It included the breadth, diversity and range of knowledge and the depth and complexity of the understanding required. She continued that the Job Evaluation Appeal Panel had interpreted the requirement at Level 7 to have a depth and knowledge in a specialist area plus a breadth of knowledge of other policies, procedures and practices. She stated that in the main, Assistant Directors had been awarded Level 7 and that only two roles not at that level had been awarded Level 7 for the Knowledge factor.

The Assistant Director Human Resources stated that the Appeal Panel had noted all the tasks listed for the job were in relation to procurement and did not demonstrate a breadth of knowledge outside of this specialist area. She pointed out that there was no requirement in the Job Description or Person Specification that demonstrated a breadth of knowledge outside the specialist area.

She continued that the Appeal Panel had heard evidence that the post's role at reading/clearing committee reports was in the context of procurement only. Guidance regarding Health and Safety and Equalities issues in relation to

procurement were provided by other Council Officers. She also pointed out the detailed knowledge and experience of the Senior Contracts Lawyer in relation to procurement matters and to the support which the Council received from the Procurement Hub based at Braintree.

Questions from the Appellant

In response to questions, the Assistant Director Human Resources stated that the reference in the introduction to her statement to the “considered view” of the Job Evaluation Appeal Panel indicated that the Appeal Panel had discussed and considered the evidence and had made its decisions based on the evidence submitted. She stated that the hierarchy was determined by the Directorate structures which had been drawn up by Senior Management and adopted by members of the Council. In undertaking Job Evaluation, the Panel had simply replicated the hierarchy already in place.

She responded that certain factors were directly affected by the hierarchy, for instance a junior could not score higher than their immediate superior. In relation to the Knowledge factor, Level 7 had been applied at Assistant Director Level and only two other officers had been awarded that level due to the nature of their roles. The Assistant Director Human Resources pointed out that the post under appeal did report to an Assistant Director in relation to some of the duties of the post.

The Assistant Director Human Resources responded that this post had failed to score Level 7 for Knowledge because in the view of the Appeal Panel it did not need the required level of expertise outside of its specialist area. She stated that the conventions had been set out at the outset and that it was not within the powers of the Appeal Panel to amend them. She stated that in relation to the Principal Accountant post it had been considered that responsibilities for housing issues had partly met the requirement for a detailed knowledge outside of the specialist role. She reported that a job title did not determine a level for knowledge. She agreed that as far as she was aware the post under appeal was the only post on the Council’s establishment which required a specific qualification in relation to procurement.

Questions from Members of the Panel

In relation to a question from a member of the Panel, the Assistant Director Human Resources confirmed that below the level of Assistant Director only two posts across the whole Council had been awarded Level 7 for the Knowledge factor.

(c) Physical Skills Factor - Level Awarded by the Job Evaluation Appeal Panel - 2; Level Claimed - 4

The Case of the Appellant

The appellant advised that Level 4 required dexterity, coordination or sensory skills where there were either (a) considerable demands for both precision or speed, or (b) high demands for provision (limited facility to correct mistakes), in the use of those skills. She drew attention to the convention in relation to “high demand for precision”.

The appellant stated that keyboard and sensory skills of a highly accurate and time critical nature were required by the post in order to carry detailed spend analysis and benchmarking exercises, produce intelligible, concise reports on the effectiveness of the Corporate Procurement Strategy and the performance of procurement during the year, through data capture and word processing to generate an easy to use

comprehensive Corporate Contracts Register, to create easy to complete email friendly tender documentation, to interrogate budgets and spend data across the authority in order to identify key areas for savings, to produce precise presentations to suppliers at business briefing events and to publish and maintain the Corporate Contracts Register.

She submitted that a lack of high precision and efficiency regarding keyboard and sensory skills would impact negatively on the post's ability to assist the Council in achieving its corporate objectives of value for money, best practice and efficiency savings through better procurement practices. She continued that the post required specialist keyboard skills, such as data input and advanced word processing with considerable precision and speed. She pointed out that tender documentation was routinely required at relatively short notice due to the predominately reactive working practices of colleagues. Accuracy was imperative and there was limited facility to correct mistakes.

The appellant pointed out that under the Governance Transparency agenda the post was required to ensure spend data for expenditure over £500, and the Corporate Contracts Register were accurate and published to tight deadlines. She stated that the post was required to analyse budgets and conduct detailed spend analysis where accuracy was imperative.

The appellant stated that in considering this factor in relation to the post, the Appeal Panel had again demonstrated a lack of understanding of the role, and had applied an inconsistent approach in applying this factor to posts across the Council. She drew attention to the direct input of data required by the post as opposed to the checking of data inputted by other posts. She pointed out that some data might originate from the Council's financial systems but it was not in a format that was compatible with the Council's Spend Analysis software and that the post was required to make substantial alterations before such data could be used. She also pointed out the requirement of the post to redact data under the Data Protection legislation.

The appellant stated that the Appeal Panel had questioned the percentage of time spent interrogating data. She pointed out that there was no mention in the local convention as to how often these types of activity were required merely that when they were there was a significant and important demand. She also stated that during the Job Evaluation Appeal, one of the Joint Chairs had stated that in hindsight Level 3 appeared appropriate for this post but this had been disregarded.

The appellant requested that the Panel award Level 4 but in the event that they felt unable to award that level they should award Level 3.

Questions from the Assistant Director Human Resources

The Assistant Director Human Resources advised that she had no questions to ask about the representations which had been made by the appellant.

Questions from Members of the Panel

In relation to questions from members of the Panel, the appellant stated that the postholder had to be a touch typist in order to produce documents to tight timescales. She continued that in terms of speed it was necessary for the postholder to manage their time but that due to the nature of the organisation it was often necessary to produce documents at the last minute.

The Case the of Assistant Director Human Resources on behalf of the Job Evaluation Appeal Panel

The Assistant Director Human Resources advised that this factor covered hand eye coordination, coordination of limbs, manual and finger dexterity and sensory coordination. She stated that posts that would be expected to score highly on this factor were trained/qualified typists, craftworkers using hand/power tools and equipment and those posts required to work on "live" databases.

She advised that the Job Evaluation Panel had received evidence that the majority of the information received by this post had been input by Legal or Finance Officers and it had been concluded that there was little input carried out by the post. It had also been advised that 50% of the post's time was spent on checking information for accuracy.

In relation to the comments about consideration of a Level 3, she stated that the Appeal Panel had not disregarded these comments but in considering them had taken account of the requirement of this factor to measure the doing part of the role, covering hand-eye coordination.

The Assistant Director Human Resources referred to the statement provided by the Director of Finance and ICT which had set out an example of completing an ITT. She stated that the requirements of that were not disputed by the Job Evaluation Appeal Panel but that the Physical Skills factor measured activity. She continued that the checking for accuracy of words, requirements, terms would be covered by the Mental Demands factor or the appropriate Responsibility factor. In addition analysing would be taken into account under Mental Demands not Physical Skills.

She pointed out that the convention stated the outcomes of the physical skill including the consequences of error should not be taken into account under this factor. She pointed out that specialist word processor operators had been awarded Level 4 for this skill and that the Person Specification for the post under appeal did not identify the requirement for specialist keyboard skills.

Questions from the Appellant

In response to questions from the appellant, the Assistant Director Human Resources gave as an example of a post required to work on "live" databases, Council Tax Officers who were required to spend a significant amount of time inputting live data into the Council Tax system. She stated that the Job Evaluation in relation to the Principal Accountant post had been undertaken some 12/13 years ago and it was difficult therefore to recall the conclusions reached in respect of that post. However, to the best of her knowledge the level awarded to that post under Physical Skills reflected the significant amount of time spent working on spreadsheets. She responded that the factor took account of the main attributes of the role. To achieve Level 4 there was a requirement to demonstrate specific skills whilst at Level 3 a significant amount of time had to be spent each day in exercising these skills. She responded that the conventions had been written in a general way and were not intended to be too prescriptive. She acknowledged that in recognition of the time that Job Evaluation had been in place there might be a case for updating some of the conventions. She stated that she could not comment on the suggestion that the conclusions of the Appeal Panel were based on feelings rather than evidence. She did not accept that the Appeal Panel had a better understanding of what an Accountant did as opposed to the Procurement Officer.

Questions from Members of the Panel

There were no questions from members of the Panel.

(d) Responsibility for People Factor – Level Awarded by the Job Evaluation Appeal Panel: 1 – Level Claimed: 4

The Case of the Appellant

The appellant pointed out that Level 4 for this factor required that a post involved high direct impact on the wellbeing of individuals or groups of people through either (a) an assessment of the needs and implementation of appropriate programmes of care or welfare for those who were reliant on the jobholder; or (b) enforcing regulations which had a high direct impact on the health, safety or wellbeing of people. She drew attention to the convention which stated that this factor measured the responsibility of the post for individual, or groups of people other than employees supervised or managed by the jobholder.

The appellant drew the attention of the Panel to the requirements of the Levels 1, 2, 3 and 4 of this factor.

She stated that the post was required to assess and make recommendations on the most appropriate procurement route to follow, how to approach the correct supplier base, and when and where the EU Procurement Directives applied. She continued that the post issued corporate advice to Members, Directors and staff on procurement related issues. She submitted that this requirement had an immediate and direct impact on the local suppliers and their employees.

The appellant stated that the post was required to ensure that substantial cashable and non-cashable gains were made through the use of appropriate Framework Agreements and more astute procurement practices. She continued the post was required to deal directly and proactively with both internal and external enquiries from staff, current suppliers, prospective suppliers and government agencies regarding procurement practices, policies and strategies. The post was also required to make recommendations to the Director of Finance and ICT on the Council's future approach to procurement, and the development of a comprehensive procurement strategy and policy. She continued that the post managed the existing supplier relationships, including liaison and negotiation with current and potential suppliers. She said the post dealt with queries from prospective suppliers who had bid but who had failed to win Council business. She continued that the post dealt with existing suppliers that had lost Council business as a direct result of the postholder's recommendation to implement the use of Framework Agreements in order to achieve better value for money. Also the post provided strategic support, guidance and advice on all Council procurement exercises, ensuring that value for money was achieved and corporate standards adhered to thereby mitigating risks to the Council as a whole as well as reducing the opportunity for members and Audit to pass judgement on the working practices of individual officers in relation to their adherence to Contract Standing Orders and Financial Regulations.

The appellant stated that the post was responsible for the management and development of the IDEA Marketplace Corporate Training and for the development and delivery of appropriate Procurement Training for all staff with procurement responsibilities.

The appellant stated that the post had a significant responsibility for developing and implementing policies/strategies which had an impact on the people of the district.

Savings made through the implementation of smarter procurement practices went towards improving services to the community and/or reducing costs to the taxpayer. The post was also required to contribute to the wellbeing of suppliers by speaking to those that had lost Council business and advising them as to how they could put themselves in a better position to win Local Government contracts.

The appellant stated that the post provided daily specialist procurement advice and the impact of this advice was the reduction of risk to the Council. She stated that the post provided regular presentations to the Local Business Community on how to do business with the Council.

The appellant stated that as the Corporate Contract Compliance Officer, enforcing regulations had a high direct impact on the wellbeing of members and the employees of the Council. If there was a failure to comply with E.U/U.K. Procurement Regulations this could result in legal action in the High Court where the postholder would be expected to give evidence. Whilst this was not specifically stated in the Job Description for the job it was explicit.

The appellant stated that the Appeal's Panel comment that the post did not have responsibility for the initiating prosecutions or enforcing Statutory Regulations not only demonstrated a lack of understanding regarding the responsibilities of the post but also raised concerns regarding the extent of some of the examples given in support of the local convention and the degree to which they had become overly prescriptive. She stated that the post was responsible for ensuring compliance with and enforcing the UK Statutory Instruments governing U.K and E.U. Public Procurement and did have formal responsibility for initiating prosecutions against those failing to comply with the relevant statutory regulations. She submitted that it appeared that the Appeal Panel had interpreted "enforcing" as being limited to only those posts that attended Court. She pointed out that this was not implicit in the conventions.

Questions from the Assistant Director Human Resources

The Assistant Director Human Resources advised that she had no questions to ask about the representations which had been made by the appellant .

Questions from Members of the Panel

In response to questions from members of the Panel, the appellant stated that she regarded "people" as including local businesses and suppliers. She pointed out that suppliers did employ people and this therefore included taxpayers. She responded that the post had an obligation to report infringements in relation to procurement processes and pointed out that if the postholder was doing the job well matters would not reach that stage. However, if an officer decided to ignore advice there would be a requirement to issue a report.

The Case of the Assistant Director Human Resources on behalf of the Job Evaluation Appeal Panel

The Assistant Director Human Resources advised that this factor measured the post's responsibility for people with regard to the nature and extent of the direct impact on the wellbeing on individuals or groups. She continued that there were two elements to this factor, firstly to recognise roles which worked directly with clients, residents and service users, and secondly where the role had responsibility for implementing or enforcing Statutory Regulations.

She submitted that people in the context of this factor were recipients of services provided by the Council or the direct beneficiaries of its activities, for example residents of Council homes, users of libraries and leisure facilities, recipients of benefits or other payments which the Council was responsible for.

The Assistant Director Human Resources explained that roles expected to score highly on this factor in terms of working directly with clients would be Social/Care Workers and that at this Council the highest level of 3 had been awarded to Housing Scheme Managers.

She pointed out a distinction between roles that were responsible for implementing regulations and those that enforced regulations. She stated the higher test of enforcement were those roles which had the authority to take immediate action e.g. Noise Enforcement Officers who had the authority to confiscate music equipment and Environmental Health Officers who had the authority to close a restaurant for food hygiene reasons. She also quoted those roles that were responsible for taking cases to Court and would be required to cross-examine witnesses for example Senior Council Tax Officer, Area Housing Manager, and Senior Legal Executive. She submitted that those implementing regulations would usually recommend that legal proceedings were initiated and would not have the same level of responsibility as those mentioned for Level 4.

The Assistant Director Human Resources submitted that as set out in the conventions, suppliers and employees did not meet the definitions set out under this factor.

Questions from the Appellant

In response to questions, the Assistant Director Human Resources accepted that Job Evaluation was open to interpretation. In response to questions about the definition of people she repeated that in the context of this factor, people were regarded as the recipients of services provided by the Council or the direct beneficiaries of its activities. She did not accept that suppliers came within this definition.

In relation to an example of a post falling within the convention described under Level 2, the Assistant Director Human Resources referred to a Human Resources Assistant providing a service to the public e.g. sending out recruitment packs. In response to a further question she confirmed that Level 3 had been the highest awarded under this factor to Housing Scheme Managers. In response to a question as to why she was not acknowledging the Level 4 which had been awarded to Post CLG/05 under this factor, the Assistant Director Human Resources advised that whilst that post had been given a Level 4, the Job Evaluation Appeal Panel on receiving further information about the duties of that post had downgraded that score to Level 1. She continued that at an earlier Staff Appeals Panel meeting when consideration had been given to an appeal in respect of post CLG/05 she had conceded that as it would be unusual for a manager to receive less than a subordinate a Level 2 would be more appropriate. In the light of those steps which had been taken in relation to post CLG/05 the Assistant Director Human Resources accepted that it was inevitable mistakes would be made under Job Evaluation as it was not a scientific process. She advised where errors were made these were recognised and steps were taken to correct them. She confirmed that post CEV/05 had received a Level 2 under this factor in acknowledgement of the provision of a complaints/advisory service to the public. In that case the postholder was providing a service to people who were beneficiaries of a Council Service i.e. Valuation and the Council as their landlord. In response to a further question she stated that the

appellant had been awarded Employee of the Year in 2009/10 in recognition of the work of the postholder, not the post.

Questions from Members of the Panel

In response to members of the Panel, the Assistant Director Human Resources confirmed that the Appeal Panel did not regard suppliers as users of a service under the convention. She again referred to the example of a Social Worker scoring highly under this factor and emphasised the need for a close/personal relationship to meet the definition of people. She stated that providing advice and guidance to businesses and suppliers was not the same relationship as that between a Social Worker and their client.

(e) Working Conditions Factor – Level Awarded by the Job Evaluation Appeal Panel - 1 ; Level Claimed: Level - 2

The appellant advised that this factor measured exposure to disagreeable, unpleasant, uncomfortable or hazardous working conditions arising from the environment or from the work with people. She drew the attention of the Panel to the requirements of Levels 1 and 2.

The appellant stated that the post was exposed to an amount of disagreeable and unpleasant people related behaviour at least once a day in the form of disgruntled suppliers who were either not successful in winning bids or had lost business through the Council moving across to a Framework Agreement that offered the authority greater value for money. She stated the post also suffered verbal abuse from members of the public especially if an issue was contentious. In addition the post was subjected to challenges from other staff as a result of suggestions relating to changes in historic business practices and the need to comply fully with Contract Standing Orders, Financial Regulations and E.U. Procurement Directives.

The appellant stated that the Job Evaluation Appeal Panel decision in relation to this matter again demonstrated a lack of understanding surrounding the importance and impact of the decisions taken by the post regarding the best procurement route to take, and a naivety of the conduct of the supplier community.

The appellant stated that whilst evidence given at the Job Evaluation Appeal Panel had stated that exposure to abusive behaviour was not judged considerable but was at least once a week, evidence had also stated that due to the nature of the procurement exercise, the abusive behaviour could be averaged out to at least once a day.

Questions from the Assistant Director Human Resources

The Assistant Director Human Resources advised that she had no questions to ask about the representations which had been made by the appellant .

Questions from Members of Panel

Members of the Panel stated that they had no questions to ask.

The Case of the Assistant Director Human Resources on behalf of the Job Evaluation Appeal Panel

The Assistant Director Human Resources advised that this factor measured exposure to disagreeable, unpleasant, uncomfortable or hazardous working conditions arising from the environment or from work with people. She stated that the emphasis was on the degree of unpleasantness or discomfort caused.

She continued that the Job Evaluation Appeal Panel had considered the nature of the contact and the type of person to make that contact. It had concluded that the contact with the public was likely to be with businessmen and businesswomen who were likely to be disappointed or disgruntled if not awarded work. The Appeal Panel had further concluded that this contact would be more likely to be challenging rather than verbally abusive to the post. She contrasted the level awarded to this post with that of Level 2 which had been awarded to Benefits and Council Tax Assistants who were exposed to members of the public on a daily basis.

Questions from the Appellant

In response to questions from the appellant, the Assistant Director Human Resources stated that in making comments businessmen and businesswomen would be conscious of the need to try to get work from the Council in the future and that this would moderate their approach to the advice/guidance being given by the post. She said that she made this observation as a matter of general knowledge. She stated that the Panel did not consider it was better informed that the Director of Finance and ICT but that on the evidence submitted an assessment had been made against the criteria of the scheme. She confirmed that members of the Job Evaluation Appeal Panel had not attended business events, had not had direct dealings with the Federation of Small Businesses and had not dealt with unhappy suppliers. She denied that the Job Evaluation Appeal Panel decision had been based on assumptions rather than evidence.

Questions from Members of the Panel

The Chairman stated that he wished to ask the appellant a further question before members of the Panel put questions to the Assistant Director Human Resources.

He sought examples of the approaches the post received from suppliers. The appellant stated that the E.U. Procurement Directive had been amended a few years ago and had provided more rights of challenge to decisions made. She stated that suppliers were now more willing to lodge a challenge if they felt that the correct processes had not been followed. She said that the post was subjected to disagreeable and unpleasant people related behaviour through telephone calls and meetings. She said that to date she had been successful in preventing any challenges progressing and that unlike some other councils this authority had not found it necessary to make payments to suppliers in order to stop a challenge from proceeding. In response to a further question she stated that it was not pleasant to be in a small room with several suppliers who felt that the Council had acted wrongly and had prevented them from obtaining work. She confirmed that the behaviour whilst being aggressive did not extend to personal threats.

In response to questions from members of the Panel the Assistant Director Human Resources explained the exposure to disagreeable and unpleasant people related behaviour suffered by Council Tax, Benefits and Housing Staff. She contrasted their roles with that of the appellant.

(f) Overall Summing-Up**(i) Assistant Director Human Resources**

The Assistant Director Human Resources stated that the Appeal Panel had been influenced by the Council's hierarchy in relation to the Knowledge factor. The Appeal Panel had assessed the roles on the depth of knowledge of a post's own specialist area plus a breadth of knowledge of procedures/policies/legislation outside of their specialist area. Applying this approach to the post under appeal resulted in an award of Level 6.

In relation to the Physical Skills factor she repeated that specialist word processing operators had been awarded Level 4 for this skill and that the Person Specification for the post under appeal did not identify the requirement for specialist people skills. She stated that the Appeal Panel noted that 50% of the time of the post was spent checking information which was not measured under this factor.

In relation to the Responsibility for People factor, the Assistant Director Human Resources emphasised that people in the context of this factor were the recipients of services provided by the Council or the direct beneficiaries of these activities. She stated the Appeal Panel did not regard suppliers as falling within this definition.

Finally, in relation to the Working Conditions factor, the Assistant Director Human Resources submitted that the post was subject to challenging rather than abusive behaviour and that this was not suffered at least once a day.

(ii) The Appellant

In closing the appellant referred to the submissions of the Assistant Director Human Resources that Job Evaluation was a way of producing a hierarchy of jobs on which to base a grading structure. She stated that the examples provided in order to substantiate the Job Evaluation Appeal Panel's decision not to award the post anything higher than a Level 6 for Knowledge raised concerns since all of the posts referred to at Grade 9 reported to either an Assistant Director, or lower; indeed even those given as examples of Grade 10 posts reported to an Assistant Director. She emphasised that the post under appeal reported directly to the Director of Finance and ICT and this appeared to have been overlooked by the Appeal Panel.

She continued that the post could not refer to their Line Manager (the Director of Finance and ICT) for procurement related expertise and she contrasted this with the advice available to the Principal Accountant post and the Senior Lawyer post. She continued that there was no other officer at the Council who could act as the Council's expert on procurement related matters.

The appellant stated that the Assistant Director Human Resources had misinterpreted the criteria for Levels 7 and 8 in the Knowledge factor. She stated that Level 8 required detailed knowledge of wider policies for that and other related specialist areas whilst Level 7 required a detailed knowledge of the associated organisational policies, practices and procedures. She continued that the post required a breadth of knowledge outside of the specialist area and quoted examples contained within the Job Description and Person Specification. She contrasted this with the Job Description and Person Specification for the post of Principal Accountant.

In relation to the comment that the Job Evaluation Appeal Panel had heard evidence about the post's role in reading/clearing committee reports in the context of

procurement only she assumed that there had been a misunderstanding of what had been said as this was not the case. She stated that she had made it very clear to the Job Evaluation Appeal Panel that not only did she comment on reports from the procurement prospective but did so also in a corporate context on risk, corporate governance, sustainability, and data protection.

The appellant stated that she disagreed with the Assistant Director Human Resources on guidance regarding Health and Safety and Equalities in relation to procurement work provided by the Council's Safety Officer and the Performance Improvement Officer (Equalities). She stated that whilst the Job Description for the post did not refer to the requirement for a detailed knowledge and experience of contract law this was implicit as anyone with a professional procurement qualification would have a detailed knowledge of and experience in that area. She stated there was no requirement for the post to be an expert in contract law or for the Senior Contracts Lawyer to be an expert in procurement matters. In relation to the Procurement Hub she stated that this operated at an operational level not a strategic level and that their work was allocated to them by the post. She said that the Hub did not contribute towards policy and did not have detailed knowledge of the Council's Contract Standing Orders and/or Financial Regulations. She continued that the Hub assisted the post on an operation level by placing OJEU Notices, receiving tenders and carrying out preliminary evaluation of bids. She suggested the expertise brought in by the Hub was comparable to that provided by PWC for the accountants and Counsel for the lawyers.

The appellant stated that the Assistant Director Human Resources had made reference to the fact that the Job Evaluation Appeal Panel had concluded that there was little impact carried out by the post under the Physical Skills factor. She asked the Panel to note that the local convention made no reference to input. She also stated that this comment ignored the other word processing requirements of the post and had only selectively looked at certain aspects of the Spend Analysis and Corporate Contracts Register. She stated that despite the Principal Accountant post being awarded a Level 3 under this factor there was no evidence in either the Job Description or Person Specification for that post that substantiated the Job Evaluation Appeal Panel's comment that considerable precision was required in relation to work on spreadsheets. She submitted that there was also no evidence to demonstrate that the Principal Accountants inputted data and certainly no evidence that they did more or less than the post under appeal. She asked the Panel to find that this view was unsubstantiated.

The appellant stated that the post needed to be able to interrogate and manipulate budgets in order to conduct detailed spend analysis where accuracy was imperative in order to provide accurate advice to members. She drew attention to the Person Specification for the post which related to proven experience of carrying out detailed spend analysis and benchmarking exercises and understanding of knowledge of spend analysis software and data input requirements. She asked the Panel to find that in relation to the production of reports, strategies, procedures etc the data was not provided in electronic format by others. She stated that in order to undertake this work the post required dexterity, coordination and sensory skills where there was a high demand for provision.

The appellant stated that she found it disconcerting that the Assistant Director Human Resources did not consider suppliers and their employees to meet the definition of people set out under the Responsibility for People factor. She submitted that the Council had a considerable responsibility to its local business community and that failure to support small and medium enterprises could result in considerable economic hardship for the district. She submitted that there had been a number of

inconsistencies within the statement of the Assistant Director Human Resources for this factor as clearly Level 3 was not the highest level awarded under the scheme.

The appellant drew the attention of the Panel to the fact that the score originally awarded to the post for Responsibility for People had been queried under partial benchmarking against Post CLG/05. She stated that Post CLG/05 shared commonality with Post FAP/01 with regards to enforcing regulations which had a high and direct impact on the health, safety or wellbeing of people. She continued that post CLG/05 had been awarded Level 4 for this factor by both the Evaluation Panel in March 2008 and the Evaluation Panel in August 2011. Both Job Evaluation score sheets had commented that post CLG/05 had a high direct impact on the wellbeing of people through enforcement of regulations. She pointed out that whilst the Job Evaluation Appeal Panel had downgraded this factor for Post CLG/05 to 1 and then back up to 2 the Staff Appeals Panel had rightly reinstated the original score of 4 at their meeting the previous month.

The appellant stated that both the Job Evaluation Panel and the Job Evaluation Appeal Panel had illustrated their naivety by drawing the conclusion that businessmen and businesswomen were more likely to be challenging than aggressive in their behaviour. She stated that given the current economic climate and the competition to win business, along with suppliers being more easily able to make a legal challenge against the Council for incorrect procurement processes they were not afraid to become aggressive when they believed they have been unjustly treated. She continued that a lot of small businesses were not necessarily run by professional business people and that when something threatened their ability to make a living they became aggressive.

The appellant acknowledged that the Council's Job Evaluation Appeals Statement Proforma stated that evidence could not be included that was not available to the Job Evaluation Panel. She pointed out however that the inclusion of background information in her Job Evaluation Appeal Statement had not be evidenced but had been included merely as a means as demonstrating to the Appeal Panel that the Job Evaluation Panel undoubtedly failed to understand fully the role of the post.

The appellant thanked the Panel for taking the time to hear her appeal and asked that they took into consideration all the evidence presented and awarded the correct levels for the factors raised.

(g) Chairman's Concluding Remarks

The Chairman apologised to the appellant for the delay in hearing this appeal. He expressed concern about the references made by the appellant to abuse from other staff and urged her to take up such cases through the appropriate channels.

The Chairman asked the parties to leave the meeting whilst the Panel deliberated on the matters which had been raised. The parties left the meeting.

(h) Deliberations and Decisions

(i) Knowledge Factor

The Panel noted the requirements of the post in relation to procurement and the requirements outside of this area. The Panel also noted the requirements and responsibilities of other posts within the Council and the Procurement Hub in relation to procurement matters.

The Panel was mindful that Job Evaluation produced a hierarchy of jobs within the Council and that below the level of Assistant Director only two posts within the Council had been awarded Level 7 for the Knowledge factor.

The Panel acknowledged the split in duties of the post whereby in relation to procurement issues the post reported direct to the Director of Finance and ICT and in relation to administration the Line Manager was an Assistant Director.

The Panel accepted that the post required advanced theoretical, practical and procedural knowledge in relation to procurement required at Level 6. However, having regard to the position of the post and Directorate structure and to the knowledge required in relation to matters other than procurement the Panel concluded that the post did not meet the Level 7 requirements.

RESOLVED:

That Level 6 is the correct level for the post.

(ii) Physical Skills Factor

The Panel noted the requirements of Levels 2, 3 and 4. The Panel also noted that the posts expected to score highly on this factor included specialist word processor operators and workers using power tools and equipment. The Panel noted that speed related to speed with which the physical skills were exercised and not to the speed of the outcome and that the consequences of error were not taking into account under this factor.

The Panel recognised the requirements of the post in relation to precision and speed. The Panel took account of the differences between inputting information, checking information for accuracy and analysing information, acknowledging that checking and analysing were covered by other factors.

The Panel took account of the amount of time required by the job in relation to keyboard and sensory skills.

The Panel accepted that the post required some precision in the use of a keyboard as required at Level 2. However, the Panel having regard to the requirements of the post in relation to inputting data and to the timescales for undertaking this role did not accept that the requirements of either Level 3 or Level 4 were met.

RESOLVED:

That Level 2 is the correct level for the post.

(iii) Responsibility for People Factor

The Panel noted the requirements of Levels 1, 2, 3, and 4.

The Panel noted that this factor measured the responsibility of the jobholder for individual, or groups of people (members of the public, service users and recipients, clients) other than employees supervised or managed by the job holder.

The Panel also noted that roles likely to score highly on this factor would be Social/Care Workers and that at the Council the highest level awarded had been Level 3 to Housing Scheme Managers. The Panel took account of the distinction between roles that were responsible for implementing regulations and those that

enforced regulations in Levels 3 and 4. The Panel considered the requirements of the post and concluded the post did not meet levels 3 or 4.

The Panel considered the conflicting representations about whether the suppliers came within the meaning of "people". The Panel concluded that suppliers, potential suppliers and local business people should be recognised within the term "individual or groups of people".

RESOLVED:

That Level 2 is the appropriate level for the post.

(iv) Working Conditions Factor

The Panel noted that this factor measured the degree of exposure to disagreeable, unpleasant, uncomfortable or hazardous working conditions arising from the environment or from work with people.

The Panel noted the role of the post in relation to discussions with suppliers unsuccessful in winning bids or who had lost business with the Council. Account was also taken of the nature of the responses the postholder received from some other officers and members of the public in relation to advice about procurement issues.

The Panel noted that Level 2 required exposure to disagreeable or unpleasant people related behaviour at least once a day. The Panel did not accept that this post met that requirement.

RESOLVED:

That Level 1 is the correct level for the post.

15. JOB EVALUATION MAINTENANCE APPEALS PROCEDURE

The Acting Chief Executive reported that the Job Evaluation Maintenance Policy and the Job Evaluation Appeals Procedure had been introduced in 2003 following the implementation of the National Job Evaluation Scheme as part of the Single Status Agreement. At this Council, the Job Evaluation process had been subject to a collective agreement that had been agreed by Management, the Trade Unions and Members.

The Acting Chief Executive advised the Panel that due to organisational changes, the Job Evaluation Maintenance Policy had become out of date and at the Joint Consultative Committee in January 2012 a number of amendments to the document, the Job Evaluation Maintenance Proforma and the additional information sheet had been agreed. Subsequent to these changes, concerns had been raised by Unison's Regional Officer on implementation of the policy and specifically the Appeals Procedure. As a result both Unison and GMB representatives had withdrawn their support from the Job Evaluation process until matters had been clarified.

The Panel noted that the issue of concern to the Trade Unions was the ability to appeal to a member body which was not recognised in the National Scheme where there was an expectation that appeals would be undertaken by officers and trade union representatives.

In order to resolve the current position the Acting Chief Executive advised that he proposed to submit a further report to members through the Joint Consultative Committee.

RESOLVED:

- (1) That this Panel is satisfied with the work undertaken by the Job Evaluation and Job Evaluation Appeal Panels, accepting that whilst some errors or omissions may occasionally occur steps have been taken to resolve such matters;
- (2) That this Panel supports the removal of the second appeal in relation to Job Evaluation to this Panel on the basis that there is already a right of appeal within the scheme and it is difficult for members to determine appeals of such a technical nature; and
- (3) That in the view of this Panel, members of Management Board should not attend Job Evaluation Panels or Job Evaluation Appeal Panels in support of appellants.

CHAIRMAN