

Report to the Cabinet

Report reference: C-019-2012/13
Date of meeting: 10 September
2012



Portfolio: Support Services
Subject: Job Evaluation
Responsible Officer: Paula Maginnis (01992 564536).
Democratic Services Officer: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

- (1) That the amendments to the Job Evaluation Maintenance Policy and associated documents, as recommended by the Joint Consultative Committee and set out in the Appendices of the report, be agreed;**
- (2) That the Terms of Reference for the Staff Appeals Panel be referred to the Constitution & Member Services Scrutiny Standing Panel for amendment; and**
- (3) That the Chairman of the Constitution & Member Services Scrutiny Panel be requested to extend invitations to the trade unions and the Chairman of the Staff Appeals Panel to attend the meeting of the Scrutiny Panel when the Terms of Reference for the Staff Appeals Panel is considered.**

Executive Summary:

Job Evaluation was implemented by the Council in 2003 as part of the nationally agreed Single Status Agreement.

The Job Evaluation Maintenance Policy and associated documents were amended in January 2012 which were agreed by Management Board and the Joint Consultative Committee. Since 2003 the Policy has stated that the employee has the right of appeal to an officer/trade union Appeal Panel and that the decision of the Appeals Panel is final within the Council.

The Job Evaluation Maintenance Policy (including the appeals procedure) was discussed by the Joint Consultative Committee at its meeting on 3 February 2004. That Committee made recommendations to the Cabinet regarding the Scheme which were adopted at the Cabinet meeting on 15 March 2004. The Job Evaluation Scheme as adopted precludes any right of internal appeal outside the arrangements made in the policy.

However, the Council's Constitution continued to include re-grading matters within the Terms of Reference for the member Staff Appeals Panel. Four posts, involving 7 members of staff (1 post was a benchmark post which covered 4 employees) appealed under these terms. Those appeals have now been heard and concluded.

Concerns have been raised by Unison's Regional Officer on the implementation of the Policy, specifically the Appeals Procedure. As a result both Unison and GMB representatives have

withdrawn their support from the Job Evaluation process until matters are clarified.

The Staff Appeals Panel has indicated to the Acting Chief Executive that it does not wish to consider job evaluation matters. If it is decided to reflect their wishes the Constitution will need to be amended accordingly which will be a matter for consideration by the Constitution and Members Services Scrutiny Standing Panel.

The Council recently obtained legal advice regarding its redundancy procedure and in relation to Chief Officers and the Constitution. It has asked for further advice in this area and Management Board decided that they would request legal advice on the Terms of Reference for the Staff Appeals Panel regarding Job Evaluation at the same time.

Reasons for Proposed Decision:

The Policy clarifies the Job Evaluation Maintenance Policy and associated documents and reflects the Council's current structure.

The Terms of Reference for the Staff Appeals Panel is at odds with the Council's Policy. Agreement is required as to how the Job Evaluation Maintenance Policy - Appeals Procedure will operate in the future.

Other Options for Action:

The Cabinet could decide not to agree the amendments to Policy or substitute it with another approach.

Report:

1. The Job Evaluation Maintenance Policy and the Job Evaluation Appeals Procedure were introduced in 2003 following the implementation of the national Job Evaluation Scheme as part of the Single Status Agreement. Implementation of the Job Evaluation process is subject to a Collective Agreement that was agreed by management, the trade unions and Members.
2. In 2004, a Job Evaluation Maintenance Policy was discussed by the Joint Consultative Committee, which submitted recommendations to the Cabinet on 15 March 2004 for the adoption of the Scheme (including appeal arrangements). This policy was adopted.
3. No changes were sought for the Terms of Reference of the Staff Appeals Panel, which has since 1974 included responsibility for hearing staff appeals about re-grading. That responsibility has continued to be shown under the Panels' Terms of Reference.
4. Due to organisational changes the Job Evaluation Maintenance Policy became out of date and at JCC in January 2012 a number of amendments to this document, the Job Evaluation Maintenance Proforma and Additional Information Sheet were agreed. Since 2003 the Policy has stated that the employee has the right of appeal to an officer/trade union Appeal Panel and that the decision of the Appeals Panel is final.
5. It recently came to light that the Council's Constitution continued to include re-grading matters within the Terms of Reference for the member Staff Appeals Panel. Four posts, involving 7 members of staff (1 post was a benchmark post which covered 4 employees) appealed under these terms. Those appeals have been heard and concluded.
6. In response, concerns were raised by Unison's Regional Officer on the

implementation of the Policy and specifically the Appeals Procedure. As a result both Unison and GMB representatives have withdrawn their support from the Job Evaluation process until matters are clarified.

7. Therefore the policies, guidelines, procedures and proformas relating to job evaluation have been reviewed further by the Job Evaluation Panel and the proposed amendments and clarifications have been identified in bold/italics.

8. The documents subject to proposed amendments are as follows;

- | | |
|--|------------|
| ▪ Job Evaluation Maintenance Policy | Appendix 1 |
| ▪ Job Evaluation Maintenance Policy – Guidelines | Appendix 2 |
| ▪ Guidelines for writing Job Descriptions and | |
| ▪ Person Specifications | Appendix 3 |
| ▪ Job Evaluation Proforma | Appendix 4 |
| ▪ Person Specification Proforma | Appendix 5 |
| ▪ Job Evaluation – Appeals Procedure | Appendix 6 |

9. The Job Description and Limits of Authority Proformas, Additional Information Sheet and Job Evaluation Appeal Statement Proforma have not been included as no amendments have been proposed to these documents.

10. The Staff Appeals Panel has indicated that it does not wish to consider job evaluation matters in the future. The opinion of the Unison Regional Organiser is that job evaluation appeals should not be submitted to a member Appeals Panel. Any amendment to the Terms of Reference for the Staff Appeals Panel will be a matter for consideration by the Constitution and Members Services Scrutiny Standing Panel.

11. The Council recently obtained legal advice regarding its redundancy procedure and in relation to Chief Officers and the Constitution. It has asked for further advice in this area and Management Board decided that they would request legal advice on the Terms of Reference for the Staff Appeals Panel regarding Job Evaluation at the same time.

12. Counsel's opinion can be summarised as follows:

- (a) the original job evaluation scheme precludes any appeal to the Staff Appeals Panel;
- (b) job evaluation reviews which were not part of the original process can be referred to the Staff Appeals panel;
- (c) notwithstanding (b) above, the Staff Appeals Panel is not an appropriate forum to hear such appeals since Members are not trained in or hold expertise in the Job Evaluation process, and a second avenue of appeal against job evaluation decisions is not required.

13. The full Counsel's opinion will be made available to and considered by the Constitution and Member Services Standing Scrutiny Panel.

14. The proposed timetable for obtaining agreement on amendments to the Policy and the Constitution by members will be:

- | | |
|---|--------------------|
| (i) Cabinet (for formal referral) | 10 September 2012; |
| (ii) Constitution and Member Services Scrutiny Standing Panel | 25 September 2012; |

- (iii) Overview and Scrutiny Committee 16 October 2012; and
(iv) Council (for decision) 1 November 2012.

15. The Joint Consultative Committee recommended that both the trade unions and the Chairman of the Staff Appeals Panel are invited to Constitution and Member Services Scrutiny Standing Panel and the Overview and Scrutiny Panel to discuss the item.

16. The local Unison Branch Secretary has informed that Council that until all matters of concern regarding the Job Evaluation Policy are resolved they will continue to withdraw their support from the process.

17. The Joint Consultative Committee is recommending that a review of the Staff Appeal's Panel Terms of Reference should be undertaken by the Constitution and Member Services Scrutiny Standing Panel (SSP). It should be borne in mind that the SSP's responsibilities extend only as far as the wording in the Constitution. It is for the Cabinet to determine its policy on job evaluation and to conduct employer/employee discussions through the Joint Consultative Committee. The Cabinet should therefore determine how it wishes the right of appeal under the Job Evaluation Maintenance Policy to be framed in the future and to ask the SSP to look at the Constitution to determine how it should change. It is not for the SSP to debate the policy itself.

Resource Implications:

No resources are required.

Legal and Governance Implications:

Legal advice is currently being sought.

Safer, Cleaner and Greener Implications:

Not applicable.

Consultation Undertaken:

No public consultation has taken place, however the Joint Consultative Committee were consulted on the policy and proposed changes to the Constitution.

Background Papers:

Joint Consultative Committee Report - Job Evaluation Maintenance Policy – 26 July 2012.

Impact Assessments:

Risk Management

Counsel has been asked to comment not only on the legal aspects but to assess the benefits and risks of retaining/removing the right of appeal to the Staff Appeals Panel from a decision of the Job Evaluation Appeals Panel.

Equality and Diversity

Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications?

No

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken? No

What equality implications were identified through the Equality Impact Assessment process?
N/A.

How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?
N/A.