

REPORT TO: Policy and Resources Committee - 26 November 2007

REPORT ON: Single Status Job Evaluation Appeals Procedure

REPORT BY: Assistant Chief Executive (Management)

REPORT NO.: 609-2007

1 PURPOSE OF REPORT

- 1.1 To seek Committee approval for the attached Single Status Job Evaluation Appeals Procedure.

2 RECOMMENDATION

- 2.1 It is recommended that the Committee approves the attached procedure.

3 FINANCIAL IMPLICATIONS

- 3.1 The financial implications of Single Status were outlined in Report No 425-2007 (approved by the Policy and Resources Committee on 27 August 2007) and remain as stated.

4 MAIN TEXT

- 4.1 In accordance with the National Agreement for Scottish Local Government Employees (ie the employees covered by the Single Status Agreement), employees have an individual right of appeal against the outcome of the evaluation of their jobs under the Single Status Job Evaluation Scheme.

5 PROPOSALS

- 5.1 The attached procedure is based on the model procedure contained in the Scottish Council's Job Evaluation Scheme and will apply to all employees on grades 1 to 13.
- 5.2 The attached procedure has been the subject of full consultation with the trade unions. As a result of that consultation, a number of changes were made to the original draft procedure.
- 5.3 The trade unions expressed concerns that the original date by which appeals had to be submitted (11 January 2008) was too tight a deadline, given that the appellant had to complete his/her part of the appeal form then forward it to departmental management to complete their part of the form.
- 5.4 To address these concerns, the Assistant Chief Executive (Management) agreed to change the date by which appeals have to be submitted to 25 January 2008. A further important change is that the Assistant Chief Executive (Management) (and not the appellant) will now forward the form to departmental management for completion.

6 POLICY IMPLICATIONS

- 6.1 This report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti Poverty, Equality Impact Assessment and Risk Management. There are no major issues.

7 CONSULTATIONS

- 7.1 The Chief Executive, Depute Chief Executive (Support Services), Depute Chief Executive (Finance) and the Head of Finance have been consulted in the preparation of this report, as have the relevant trade unions (GMB, UNISON, UNITE).

8 BACKGROUND PAPERS

- 8.1 None.

J C Petrie
Assistant Chief Executive (Management)

19 November 2007

DUNDEE CITY COUNCIL

SINGLE STATUS JOB EVALUATION

APPEALS PROCEDURE

INTRODUCTION

Employees have an individual right of appeal against the outcome of the evaluation of their job under the Single Status Job Evaluation Scheme. This procedure applies to all employees covered by the Single Status Agreement on grades 1 to 13.

PURPOSE

The purpose of the appeals process is to:-

- Ensure the proper application of the factors of the Scheme to individual jobs.
- Maintain the integrity of the Scheme, and its application, as a whole.

The Council will establish local Appeals Panels to consider appeals arising out of the application of the Scheme. This will be separate from other grievance and appeals procedures within the Council.

GROUND OF APPEAL

Appeals are admissible on the following grounds:-

- Factual inaccuracy in either the inputs or 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.

The Appeals Panel will determine appeals submitted under these grounds. There is no further right of appeal. Appeals on the grounds of comparability with other jobs (either within the Council, other Councils or nationally) or appeals seeking to restore previous differentials are not admissible.

CONSTITUTION OF THE APPEALS PANEL

An Appeals Panel will comprise three persons:-

- Panel Chair - non Council employee nominated by the Chief Executive or the trade unions.
- One Panel Member (Council employee) from the trade unions (ie GMB, UNISON, UNITE).
- One Panel Member (Council employee) from management.

The trade union Panel Member will not be involved in appeals by members of their trade union or employees of their department. The management Panel Member will not be involved in appeals by employees of their department.

An Appeals Panel will be advised by a Panel Adviser (from the Personnel Department).

All Panel Chairs and Panel Members will be required to attend training on both the application of the Scheme and the operation of the job evaluation system before considering any cases. A pool of Panel Members will be trained to provide the capacity and flexibility to allow appeals to be heard.

THE APPEALS PROCESS

Appeals will be submitted on a standard proforma (attached as Appendix 1) which identifies:-

- The grounds of appeal.
- The factor level(s) being appealed against.
- The appellant's case under each of the relevant factor headings.
- Following receipt of the appeal, the Assistant Chief Executive (Management) will seek the views of departmental management in relation to the factual content of the job and the accuracy of the appellant's case. Departmental management will have 4 weeks in which to respond to this request. The Assistant Chief Executive (Management) will send the appellant a copy of the complete form, when available.

Appellants may attach supporting documentation in respect of their case. To assist in the preparation of their case, appellants will have access to:-

- The appeals procedure (ie this document).
- Their completed original job evaluation questionnaire (if completed) and job overview.
- The factor levels assessed for their job under each of the factor headings.
- The Single Status Job Evaluation Scheme.

Appellants will be informed that they should seek the assistance of their trade union in the preparation and presentation of their appeal case. Appellants will be responsible for making these arrangements.

The Assistant Chief Executive (Management) will ensure that all relevant documentation is submitted to the Appeals Panel.

TIMESCALES

Appeals must be sent to the Assistant Chief Executive (Management), Personnel Department, 8 City Square, and be received by noon on Friday 25 January 2008. Receipt of appeals will be acknowledged in writing by Friday 22 February 2008. The Council will endeavour to determine the outcome of all 'red circle' appeals by Friday 27 June 2008, and all other appeals by Friday 28 November 2008. However, this will depend on the number of appeals.

OPERATION OF THE APPEALS PANEL

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 wish.

All written appeal submissions will be considered initially by the Assistant Chief Executive (Management), in order to:-

- Determine whether there are admissible grounds for the appeal (if not, the Assistant Chief Executive (Management) will advise the employee in writing).
- Identify appeals requiring further investigation or further information.
- Identify any non-job evaluation issues outwith the remit of the Appeals Panel.

Appellants will be informed of the outcome of these processes and notified, where appropriate, of the date set for their hearing. Appellants may be accompanied to the hearing by a trade union representative or a work colleague, if they so choose. Departmental management will also attend the hearing to comment on appellants' job content.

THE CONDUCT OF THE PANEL

The hearing and the deliberations of the Panel will be chaired by a Panel Chair who will be supported by a Panel Adviser (from the Personnel Department).

The Panel Chair will:-

- Introduce the members of the Panel and the Panel Adviser to the appellant, any trade union representative/work colleague, and departmental management.
- Ensure that those attending understand the procedure which is to be followed during the hearing.
- Ensure that those addressing the Panel restrict their arguments to relevant issues related to the admissible grounds for their appeal.
- Ensure that time limits are adhered to.
- Close the hearing and ensure that the appellant understands how and when they will be notified of the decision.
- Refer any matters arising outwith the remit of the Panel to the Assistant Chief Executive (Management) via the Panel Adviser.

The appellant, or their trade union representative/work colleague, will present their case, after which the members of the Panel and the Panel Adviser may question them. The Panel Chair will advise appellants to use their time to emphasise the key relevant points in their case. Each presentation and question session will last no more than 20 minutes.

Departmental management may also be questioned by Members of the Panel and the Panel Adviser and asked to confirm the accuracy of information provided by the appellant in response to the Panel's and Panel Adviser's questions.

The appellant, or their trade union representative/work colleague, will then be provided with an opportunity to briefly summarise the key points of their case. No new evidence will be admissible at this stage.

The appellant and any trade union representative/work colleague will then be asked to withdraw to allow the Panel and the Panel Adviser to discuss the appeal.

Having considered the written submission and the evidence of the appellant and departmental management, the Panel will decide whether the appellant's case:-

- Is well founded in fact and supported by agreed evidence.
- Is not well founded.

Where the Panel considers that the appeal is not well founded, the appeal will be rejected. Unsuccessful appellants will be advised of this outcome in writing within one month of the hearing by the Assistant Chief Executive (Management). There is no further right of appeal.

Where the Panel considers that the appeal is well founded, the agreed evidence presented by the appellant will be referred to the Assistant Chief Executive (Management) for action. The Assistant Chief Executive (Management) will review the outcomes of all appeal results to ensure that the Scheme has been applied consistently and that there are no anomalous results. Inconsistent and anomalous results will be referred back to the relevant Appeals Panel, with an accompanying report by the Assistant Chief Executive (Management), for re-consideration before results are notified to individual jobholders.

Appellants should note that it is possible for an Appeals Panel to decide that their appeal is well founded in fact but that this has no effect on their grade (for example, where amended factor levels do not justify a different grade).

Where there is a disagreement between the appellant and departmental management in relation to accuracy of information, the facts will be verified before the Panel can complete their deliberations. This is the responsibility of the Panel Adviser. The Panel Chair may re-convene the hearing, in the presence of all parties if required, to hear any additional evidence produced by this verification process.

Panels will operate on the basis of discussion and consensus, and may seek additional information to assist them in reaching a decision. If necessary, the Panel may re-convene (without the attendance of the appellant, their representative or departmental management, but with the Panel Adviser present) to deliberate on cases once clarifying information has been provided to the Panel. There will be no voting on any appeal. If the Panel fails to agree, the original assessment of the job will stand.

The role of the Panel Adviser is to provide procedural, factual and other advice to the Panel, and to provide advice on the Scheme and its application. The Panel Adviser will not participate in the decisions of the Panel.

NOTIFICATION OF RESULTS

The Appeals Panel may reject an appeal, uphold an appeal in full, or uphold an appeal in part.

The Assistant Chief Executive (Management) will notify appellants by letter of their individual result, including details of any revisions to factor levels, job overviews and, where appropriate, any resultant change in grading and pay. Successful 'red circle' appellants will be advised on a common date within one month of all 'red circle' appeals being concluded, and all other successful applicants will be advised on a common date within one month of all other appeals being concluded. As/...

As indicated, earlier, the Council will endeavour to determine the outcome of all 'red circle' appeals by Friday 27 June 2008 and all other appeals by Friday 28 November 2008. However, this timescale depends on the number of appeals received.

The effective date of any change in grading and pay as a result of a successful appeal against the original evaluation of a job will be the locally agreed implementation date for the Council's new pay and grading structure, ie 1 April 2008.

Date of receipt: (Official use only)		Appeal reference number: (Official use only)	
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DUNDEE CITY COUNCIL
SINGLE STATUS JOB EVALUATION
APPEAL AGAINST EVALUATION

Employees wishing to appeal against the evaluation of their job must ensure that this form is **completed, signed and returned** to the Assistant Chief Executive (Management), Personnel Department, 8 City Square, **by noon on Friday 25 January 2008**. Please note that the Assistant Chief Executive (Management) will obtain the comments from your departmental management. Appellants who are trade union members are strongly advised to seek the assistance of their trade union before completing this form. Appellants are also strongly advised to read the Council's Single Status Job Evaluation Appeals Procedure before completing this form. Appellants should familiarise themselves with the factor definitions and guidance of the Scottish Councils' Job Evaluation Scheme before setting out the details of their case.

Part 1 - Your details

Full name:		Pay number:	
Department:		Section:	
Job title:		Telephone Number:	
Current grade:		New grade:	
Trade Union:			
Home Address:			
Address to which you want correspondence sent (<i>if different from home address</i>):			

Name and Details of Departmental Manager completing this form (for official use only)

Name:	
Job title:	
Location:	
Telephone number:	

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 (Please complete Part 2 of the Form)	
ii	Failure to properly apply the agreed local procedure (Please complete Part 2 of the Form)	
iii	Misapplication of the Job Evaluation Scheme (Please complete Part 3 of the Form)	

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

Part 2 - Grounds of appeal (i) (factual inaccuracy in the appeals process) and/or (ii) (failure to properly apply the agreed local procedure)

Please remember to sign and date the form - failure to do so could delay your appeal

Appellant's comments:

Departmental Manager's comments (for official use only):

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 remember to sign and date the form - failure to do so could delay your appeal

Please use this table to indicate under which factor heading and 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 Coordination		
3	Physical Effort		
4	Mental Skills		
5	Concentration		
6	Communication Skills		
7	Dealing with relationships		
8	Responsibility for Employees		
9	Responsibility for Services to Others		
10	Responsibility for Finance		
11	Responsibility for Physical & Info Resources		
12	Initiative and Independence		
13	Knowledge		

Please ensure that comments are provided by both yourself and your departmental manager in respect of each factor being appealed. You may also provide other documentation in support of your appeal.

Factor heading:
Appellant's comments:
Departmental Manager's comments (for official use only):

Factor heading:
Appellant's comments:
Departmental Manager's comments (for official use only):

Factor heading:			
Appellant's comments:			
Departmental Manager's comments (for official use only):			
Appellant's signature:		Date:	
Departmental Manager's signature:		Date:	

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