

## **EMPLOYEES APPEALS COMMITTEE**

### **A REMIT AND POWERS**

#### **1 Appeals (Non-Teaching Staff)**

To hear and determine disciplinary, sickness absence and grievance appeals by non-teaching staff employees in terms of the Council's policies and procedures, subject to the following:-

(a) Grievances shall be restricted to the interpretation and application of council policy and council, committee and sub-committee decisions. Grievances which challenge council policy or council, committee or sub-committee decisions will be treated as disputes, and will not be referred to the Committee. (In this case the Council's Procedure for the Avoidance of Disputes will apply. The Council, or relevant Committee or Sub-Committee shall be the final arbiter of the dispute, following appropriate consideration and negotiation).

(b) Grievances which refer to areas where there is no or unclear council policy or council, committee or sub-committee decision, will be referred by the Committee to the Council or relevant Committee or Sub-Committee for decision or clarification. The Committee will decide whether to hold the appeal or grievance in abeyance in the meantime, or to deal with it without prejudice to the later decision of the Council or appropriate Committee or Sub-Committee and in the recognition that when determined or clarified council policy or council, committee or sub-committee decisions may be applied from that date regardless of the decision of the Appeals Committee.

#### **2 Appeals (Teaching Staff)**

To hear and determine disciplinary, sickness absence and grievance appeals by teaching staff in terms of the Council's policies and procedures, and other appeals where required by the terms of the terms and conditions of employment of teaching staff, subject to the following:-

(a) Grievances shall be restricted to the interpretation and application of council policy and council, committee and sub-committee decisions. Grievances, which challenge council policy or council, committee or sub-committee decisions will be treated as disputes, and will not be referred to the Committee.

(b) Grievances which refer to areas where there is no or unclear council policy or council, committee or sub-committee decision, will be referred by the Committee to the Council or relevant Committee or Sub-Committee for decision or clarification. The Committee will decide whether to hold the appeal or grievance in abeyance in the meantime, or to deal with it without prejudice to the later decision of the Council or appropriate Committee or Sub-Committee and in the recognition that when determined or clarified council policy or council, committee or sub-committee decisions may be applied from that date regardless of the decisions of the Appeals Committee.

### **B MEMBERSHIP**

- 1 A panel consisting of 8 Elected Members (5 Labour, 2 SNP, 1 Conservative) and 1 of the four appointed members under section 124 of the Local Government (Scotland) Act 1973.
- 2 The panel of members is to be appointed by full council and members are to undergo appropriate training arranged by the Clerk.

- 3 5 members of the panel are to be called to each meeting of the Committee (subject to G.2, below).
- 4 Where the Committee is convened to deal with business under its Appeals (Teaching Staff) functions, the members called by the Clerk shall include the appointed member under section 124 of the Local Government (Scotland) Act 1973 and those members of the panel who are also members of the Education Executive.
- 5 Where required or allowed by relevant legislation and guidance, all members, including substitutes and including the appointed members, require to have undergone a disclosure check to the satisfaction of the Chief Executive.

## **C QUORUM AND VOTING**

- 1 3 members.
- 2 Voting shall be conducted in accordance with Standing Order 16 and Standing Order 3, as appropriate.

## **D SUBSTITUTES**

- 1 Substitutes allowed, drawn from the panel of Members appointed by the Council.
- 2 For meetings at which the attendance of the non-elected member of the Committee is required (see B.4, above), a substitute is allowed drawn from the other three appointed members under section 124 of the Local Government (Scotland) Act 1973 (subject to B.2 and B.5 above).
- 3 Where required or allowed by relevant legislation and guidance, all members, including substitutes and including the appointed members, require to have undergone a disclosure check to the satisfaction of the Chief Executive.

## **E MEETINGS (SUBJECT TO STANDING ORDER 41)**

- 1 Scheduled meetings on one day in each calendar month, except for the month of July, in each year.
- 2 Where there is no business to be brought to a scheduled meeting, the Clerk, in consultation with the Chair, and prior to the notice calling the meeting being issued, may cancel that scheduled meeting.
- 3 Other meetings as are required to deal with business arising shall be arranged by the Clerk in consultation with the relevant Depute Chief Executive and the Chair.
- 4 Meetings shall be held as physical, hybrid or remote-access meetings, in accordance with SO41.
- 5 Where 2 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle
- 6 Where 1 metre physical distancing precautions apply in the Civic Centre, the maximum number of members entitled to be physically present for a physical or hybrid meeting shall be the Chair plus 8 more, comprising 2 SNP members, 2 Labour

members, 2 Conservative members, the Independent member and the Liberal Democrat member, as appropriate, to be seated in the outer circle

- 7 Where no physical distancing precautions apply in the Civic Centre, there are no restrictions on the number of members who may be physically present for a physical or hybrid meeting.

#### **F REPORTING ARRANGEMENTS**

- 1 Minutes to be reported to and approved at the next meeting of the Committee.
- 2 Minutes to be reported to full council.
- 3 Where the Committee as part of its decision makes recommendations to full council or a Committee, or remits any matter of policy for consideration to full council or a Committee, the relevant Depute Chief Executive shall submit a report to the appropriate body as soon as practicable.

#### **G MISCELLANEOUS**

- 1 The Committee has one meeting per month scheduled to deal with business arising, and additional or adjourned meetings can be arranged as and when required.
- 2 Members of the panel will be called to meetings on a rota system to be organised by the Clerk.