

## **EMPLOYEES' CONSULTATIVE FORUM: 16/01/17**

### **EMPLOYEES' SIDE REPORT ON: - APPEALS PROCESS WHEN DEALING WITH COMPLAINTS RELATING TO CORPORATE DIRECTORS - NATURAL JUSTICE A BASIC FUNDAMENTAL RIGHT**

#### **SUMMARY AND DECISION REQUESTED**

The matter that Harrow Unison wishes to bring to this forums attention is the lack of transparency and natural justice that is evident within the Council's internal Contractual Grievance Procedure concerning complaints relating to Corporate Directors.

Harrow Unison would request that all appeals of this nature are heard by a Panel of Elected Members.

#### **CHRONOLOGY:**

<b>DATE</b>	<b>ACTION</b>	<b>OUTCOME</b>
15/11/16	Matter raised at CJC attended by Louise Cole, Frances Mills, Samantha Reilly, Gary Martin, Darren Butterfield, Varsha Patel, Pamela Belgrave	Failure to engage

#### **REPORT**

Unison ECF report concentrates on the contractual grievance procedure and its failure to provide a robust and fair escalation to an appropriate panel. We directly refer to the most senior level of the organisation Corporate Director level, which identifies a serious deficiency with the appeals part of the procedure, which sadly for a public organisation fails to strictly adhere to the fundamental rights enshrined and protected in article 6 of the Human Rights Act 1998.

Unison has raised this very situation at a CJC, sadly this failed to achieve the required consultation actually there was no further discussion on this matter, and the reason for the submission tonight.

The contractual procedure is based on escalation to a more senior person, which fails dismally when a complaint is levied by employees against a Corporate Director, the escalation would direct this matter to the CEO. However Unison are realists in this matter and fully understand the busy schedule of the CEO and is acceptable to an appointed person by the CEO to hear stage 2 the formal hearing. However Unison is not acceptable to the appeal stage being reheard by the same level of person, this identifies the serious deficiency within the council employment procedures.

This can be construed as protectionism of a level where responsibly to act fairly must be exemplar, however this appears on the basis of previous complaints at this level to be the opposite, supporting Unisons aforementioned statement of protectionism.

Unison has always endeavoured to resolve matters internally throughout its employment dealings with Harrow Council, which has now led to a situation of loss of trust at this level to act fairly. This is supported by a complaint levied against a Corporate Director and the appeal conducted in the most antediluvian manner excluding our member from the hearing and denying the member a legal right of representation, we ask the forum if this is acceptable in today's modern workplace?

Unison request for resolution is simple and effective, any appeal hearing at a Corporate Director level is heard by a panel of elected members, and this mirrors the dismissal appeal and is a sensible way for resolution tonight. This then ensures the employer fully adheres to the principles of natural justice a term which placed the duty on the employer to act fairly, Unison requests support of this resolution for the employer to act fairly in its employment dealings with all council employees

It is evident that there is a deficiency in the procedure which was highlighted by the CEO at a staff meeting where he identified staff had resorted to publishing their complaint on the iharrow web site. A robust procedure would see an end to this type of reaction from employees.

We must ensure that all employees are held to account throughout the employment practices of Harrow Council and cannot be excluded by reason of a senior level within the organisation whether it is by accident or design.

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