

REVIEW & APPEALS PANEL

TERMS OF REFERENCE

Membership

A Review Panel will consist of 3 members which are usually appointed at the Annual Council Meeting. The chair will be appointed at the same meeting.

To be Quorate no less than three members need to be present.

The Review Panel members should be totally impartial and should not be members of a Committee dealing with an ongoing complaint. If this is the case they will be asked not to serve on the Panel and if the Panel is not Quorate an alternative member will be sought.

Aims

To provide a mechanism for dealing with complaints and appeals in a fair, consistent and timely manner

Objectives

The purpose of the Review Panel is to examine all the written and oral evidence presented by relevant parties before making a decision.

Meetings

The Clerk will call meetings of the Review Panel as and when necessary. Members will be asked to attend meetings in accordance with Schedule 12, Para 10(2) of the Local Government Act 1972.

Documentation

Minutes of all meetings will be recorded and recommendations referred to Council and the relevant Committee where appropriate. However, due to their nature these minutes will usually be Exempt.

Accountability

The Review Panel has delegated powers to act on behalf of the full council in accordance with these terms of reference and any decision(s) made by the Review Panel will be final.

Formal Complaints and Appeals

The Review Panel will consider where a decision or action has taken place, it has been reviewed by the Clerk (or members of the team) and there remains an outstanding issue that cannot be resolved. In particular it will consider whether the complaint has been dealt with fully and correctly, in part, not at all or incorrectly. It will not usually reconsider the facts, simply ensure that policy and procedure has been followed.

Complaints or those wishing to have a decision reviewed should be made aware of the Review Panel and be consulted on the date and time of the meeting to enable them to attend if they express a wish to do so.

Where the complaint or appeal refers to personal or confidential information consideration will be given to the exclusion of the public and press when the meeting is held.

Procedure for the meeting

Chairman to introduce everyone and the procedure for the meeting.
Move to exclude the public and press if needed.

The person will be invited to outline their case and the grounds for Complaint or Appeal.

The Clerk and/or the Chair of the relevant Committee will explain the Councils policy, the factors that were considered (and those that were dismissed) and the basis for the decision.

Panel members can ask questions of both parties

Clerk/Committee Chair and/or complainant will be offered the opportunity of the last word (in this order) and will then leave the meeting.

The Review Panel will then deliberate. Should they need further advice on the Councils policy or procedure or the impact of the decision they can seek advice from the Clerk.

Decision will be confirmed in writing within seven working days together with details of any action to be taken.

Where the decision requires a change to the Councils policy this will be referred to Council and the Chair of the Committee will be advised of the proposed changes.

Decisions that exceed £500 in value will need to be formally approved by the Council.

The letter will normally be prepared by the Clerk and signed by the Chair of the Panel.

Resolution

The aim in dealing with all complaints or appeals is to reach a resolution whether it is the resolution they were originally seeking or not. Where a complaint or an appeal is found upheld the Panel will be asked to identify an appropriate remedy, learning points and a recommendation to Council that incorporates both.

Disciplinary And Grievance Appeals - refer to the Councils disciplinary policy.

An employee has a right of appeal under the Councils disciplinary and grievance policy.

An employee who wishes to appeal against a disciplinary or a grievance decision should inform the Chair of Human Resource Working Group unless stated otherwise in the Disciplinary outcome letter. This should be in writing and giving reasons for the appeal.

An Appeal may be raised if:

The employee thinks the finding or penalty is unfair
New evidence has come to light
The employee thinks that the procedure was not applied properly

Where possible the Appeal will be heard by a separate panel of elected members who have not been involved in the original disciplinary or grievance hearing to ensure impartiality. The employee will have the right to be accompanied by an advocate at the Review Panel. The outcome of the appeal and reasons for it will be advised to the employee as soon as possible after the meeting and be confirmed in writing.

At the Review Panel any disciplinary penalty imposed will be reviewed but it cannot be increased. The decision taken at the Appeal hearing will be final.

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Approved