

WEST DUNBARTONSHIRE COUNCIL

Report by Executive Director of Corporate Services

Tendering Committee: 1 December 2009

Subject: Single Tender for Independent Appeals Panel Chair

1. Purpose

- 1.1** This report seeks the authority of the Tendering Committee to invite a Single Tender for the role of Independent Appeals Panel Chair to provide advice and support to the Single Status Appeals process within West Dunbartonshire Council.

2. Background

- 2.1** Following the implementation of the Single Status Agreement on 1 March 2009 arrangements have been put in place to conduct an Appeals Process in line with SJC guidance. This is the final stage of the long running Single Status process and provides an opportunity to address appeals in a structured manner and maintain the integrity of the Scottish Councils' Job Evaluation Scheme within West Dunbartonshire Council while concluding the Single Status exercise in an open and transparent way that has the confidence of Trade Unions, employees, and Managers.
- 2.3** Following discussions between the Project Implementation Board and local Trade Unions in February this year it was agreed that in light of the local circumstances of West Dunbartonshire Council that the best way forward would be the appointment of an independent person to chair appeals hearings and oversee the Appeals Process within West Dunbartonshire Council.
- 2.4** Following the agreement to secure an Independent Panel Chair it was quickly identified that there was an extremely small pool of suitable candidates who would be supported by local trade unions to undertake this role and be recognised as being independent to West Dunbartonshire Council. In addition there was no certainty of availability of any suitable candidates within the estimated timeframe set to undertake the appeals exercise.
- 2.5** Due to the short timescales involved to train appeals panel members and to commence the Appeals Process it was agreed to approach Peter Hay, former Director of Personnel and ICT with Aberdeenshire Council

with a view to securing his services in relation to the appeals process. This position was fully supported by local trade unions and communicated to employees.

- 2.6** Peter Hay has over 10 years experience as a lead officer at national level in relation to the implementation of the Single Status agreement and has worked successfully with trade unions at local and national level enjoying a reputation for being firm, but fair, open listening and inclusive. He has a wide and in depth knowledge of Local Government and National issues affecting Local Government and was the lead officer in the successful implementation of Single Status in Aberdeenshire Council with the support and approval of Trade Unions.
- 2.7** Following the closing of the appeals submission process in June and the collation of appeals, a total of 1352 appeals have been received. This was significantly higher than expected when it was agreed that the best route for West Dunbartonshire Council was to engage an Independent panel Chair for the duration of the Appeal Process. It has now been identified that with the utilisation of one Independent Panel Chair as previously agreed the process could potentially take several years to complete, a situation that would delay the conclusion of the final part of the Single Status exercise and impact on the authority's ability to address other important organisational issues.
- 2.8** A comprehensive training programme has now been completed for appeals panel members and the input of Peter Hay has been integral to the fostering of a positive team ethic within in the group, reinforcing the authority's commitment to ensuring an open and transparent appeals process. In addition Peter Hay has reached agreement with local trades unions to train and mentor other panel members to act as Panel Chairs under his direction and supervision, a process that will be essential to the conclusion of the appeals process within a reasonable timescale.

3. Main Issues

- 3.3** To ensure the successful completion of the Appeals Processes within West Dunbartonshire Council it is essential that the independent chair be appointed who meets the following criteria:
- Has full support of local trade unions and management and is recognised as independent to WDC job population
 - Has detailed knowledge and experience of Scottish Local Government job population and of the SC JE Scheme
 - Has a detailed knowledge and understanding of the Single Status Agreement and SJC Appeals process as applied within Scottish Local Authorities

- Is currently available to meet project timescales and has the ability and credibility to source suitable candidates and train internal panel chairs from within the organisation.

3.4 While there are other external providers who can provide specialised consultancy support and project management in relation to a Job Evaluation Appeals process it is extremely unlikely that any providers would be available that meet the unique requirements of West Dunbartonshire Council. In particular any contract provider would require to possess sufficient experience and knowledge in relation to the Single Status Implementation and Appeals processes within Scottish Local Authorities and would require to be seen as truly independent by local trade unions and employees. This as stated above would be critical to the successful conclusion of the process within WDC.

3.5 In order to meet employee expectations and conclude the Appeals Process within an acceptable timescale work has already commenced following the conclusion of the formal training programme and Appeals Hearings are now being scheduled.

3.6 It is envisaged that the training of internal Panel Chairs from within the authority will considerably reduce the reliance on external consultancy support while ensuring a consistency of approach in the longer term.

3.7 The invitation of open tenders would be a resource intensive and lengthy exercise as there is not at present a list of Contractors to provide such services. In addition to this there are several important aspects of the Appeals Process that would require to be considered in relation to the success of an open tendering process. Any provider must be able to retain a positive team ethic within group and maintain a consistency of approach with the project team to ensure the continued transparency of project within WDC and to avoid unnecessary delays in the process.

4. Personnel Issues

4.1 The implementation of the Single Status Agreement has been the most challenging change management exercise to face the Council since local government reorganisation. It is essential the Appeals Process continues to be transparent and fully meet the needs of employees and trade unions. The continuation of the current arrangements which are proving to meet these aims is essential to the successful conclusion of the Appeals Process within West Dunbartonshire Council.

5. Financial Implications

- 5.1** Based on the current project implementation plan it is envisaged that the Appeals process could be concluded prior to 31 October 2010. Costs associated with providing support to the Appeals Process from 1 January – 31 March 2010 in line with project plan are estimated to be £36,000. It is fully anticipated that after 31 March 2010 the requirements for such in depth support and mentoring will considerably diminish with the introduction of Panel Chairs recruited from the current pool of trained Appeals Panel Members. A review of the implementation plan will be undertaken prior to 31 March to establish the requirement for ongoing support and the associated costs.

6. Risk Analysis

- 6.1** Failure to secure continuing support in the role of Independent Panel Chair to the process would undermine the integrity of the Appeals process within West Dunbartonshire Council.
- 6.2** As with any tendering process the invitation of a Single Tender will be open to external scrutiny. However, the Council's Standing Orders allow for such a course or action where the seeking of such a tender is in the best interests of the Council as has been detailed above.

7. Conclusions and Recommendations

- 7.1** It is recommended that the Tendering Committee supports the proposal to invite a Single Tender to provide support to the JE Appeals Process as detailed in the report.

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Date: 17/11/2009

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Appendices: None
Background Papers: None
Ward Affected: All