

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Staff Appeals Panel **Date:** Tuesday, 26 June 2012

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 10.00 am - 4.15 pm

Members Present: Councillors J M Whitehouse (Chairman), B Sandler (Vice-Chairman), Mrs T Cochrane, Mrs R Gadsby and B Rolfe

Other Councillors:

Apologies:

Officers Present: D Macnab (Acting Chief Executive) and G Lunnun (Assistant Director (Democratic Services))

1. SUBSTITUTE MEMBERS

There were no substitute members present at the meeting.

2. DECLARATIONS OF INTEREST

There were no declarations of interest made pursuant to the Council's Code of Member Conduct.

3. MINUTES

RESOLVED:

That the minutes of the meeting of the Panel held on 7 August 2009 be taken as read and signed by the Chairman as a correct record.

4. STAFF APPEALS PANEL PROCEDURES - JOB EVALUATION APPEALS

The Panel noted an introductory statement, policies and procedures to be taken into account in relation to the appeals to be considered at this meeting.

5. EXCLUSION OF PUBLIC AND PRESS

RESOLVED:

That, in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the items of business set out below as they would involve the likely disclosure of exempt information as defined in the paragraph of Part 1 of Schedule 12A of the Act indicated and the exemption is considered to outweigh the potential public interest in disclosing the information:

Agenda Item Number	Subject	Exempt Information Paragraph Number
7	Staff Appeal No. 1 - 2012/13	1
8	Staff Appeal No. 2 - 2012/13	1
9	Staff Appeal No. 3 - 2012/13	1
10	Staff Appeal No. 4 - 2012/13	1

6. STAFF APPEAL NO. 1 - 2012/13

The Chairman welcomed two of the appellants and the Assistant Director Human Resources to the meeting and introduced those present. He drew attention to the policies and procedures which would be taken into account by the Panel in relation to the appeal and indicated that the Panel would deal with the appeal on a factor by factor basis. The appellants present and the Assistant Director of Human Resources agreed with this approach. The appellants indicated that they would also be speaking on behalf of the third appellant who was currently on leave. The Panel noted that the post of Licensing Compliance Officer was a benchmark post which covered four employees, three of whom had appealed.

(a) Factor: Knowledge – Level Awarded by the Job Evaluation Appeal Panel – 3; Level Claimed - 4

The Case of the Appellants

The appellants stated that the Licensing function was in the public eye and subject to constant changes. In the last four years the provisions of the Licensing Act had changed twice with changes to conditions on licensed premises including matters relating to drinks promotions and age restrictions. The appellants advised that these changes necessitated the Licensing Compliance Officers regularly increasing their knowledge in line with changes to legislation.

The appellants drew attention to the changes made to the staffing structure in the Licensing Section following the Service being moved from the Environment and Street Scene Directorate to the Corporate Support Services Directorate. They pointed out that a tier of management had been removed and had resulted in their immediate Line Manager having increased management duties leaving them responsible for the day to day running of the office. They advised that in order to answer complex queries when their immediate Line Manager was not present necessitated them acquiring a higher level of knowledge.

The appellants acknowledged that no specific knowledge was required on appointment to the post of Licensing Compliance Officer due to the fact that no licensing qualification existed. They submitted that the knowledge factor for the post should be judged on the necessary transferable skills which the postholders had acquired from previous employments as a school leaver with no previous employment experience would not be able to undertake the duties of the post.

The appellants stated that their immediate Line Manager had been awarded Level 4 for Knowledge and it had been suggested they could not score at the same level. They disputed this drawing attention to the duties of their immediate Line Manager and to their role in dealing directly with the public.

Questions from the Assistant Director Human Resources

The Assistant Director Human Resources advised that she had no questions to ask about the representations which had been made by the appellants.

Questions from Members of the Panel

In response to questions, the appellants confirmed that the post of Licensing Compliance Officer had currently been awarded Level 3 for Knowledge and they were seeking Level 4. They stated that the post required specialist/expert knowledge in order to advise members of the public on the relevant legislation. They stated that the main purpose of their role was to ensure that licences were complied with and that in order to fulfil that function it was necessary for them to have detailed knowledge of the relevant legislation. They advised that they visited premises in order to carry out compliance checks and that it was not the case they were constantly seeking advice from a Line Manager or another Senior Officer.

The Case of the Assistant Director Human Resources on behalf of the Job Evaluation Appeal Panel

The Assistant Director Human Resources stated that Knowledge was probably the most important factor in the Job Evaluation Scheme as it had a close relationship with the factors for Mental Skills, Communication Skills, Independence and Initiative and the relevant Responsibility factor. She stated that Knowledge was the factor that set the scene for these other factors, it indicated the complexity of the problems and advice the post would be expected to deal with, it would give an indication as to the level/responsibility of decisions to be made and the appropriate level under the relevant Responsibility factor.

The Assistant Director Human Resources stated that the Person Specification for the post stated that no specialist qualification or specialist knowledge was required on appointment. The Job Evaluation Convention stated that at Level 4 on appointment, if no formal qualifications were relevant, the postholder would require a number of years experience in their "technical" or "specialist" area. It also stated that at Level 4, the post required on appointment an initial induction because a postholder would have the practical or procedural knowledge through experience or qualification.

The Assistant Director Human Resources drew attention to the statement provided by the Assistant Director (Legal) that it would not be correct to judge the knowledge required to undertake the licensing work against what was included in the Person Specification for the post. The Assistant Director Human Resources advised that in order to undertake a Job Evaluation it was important that the paperwork reflected the requirements of the substantive role. She continued that it was incumbent on postholders and managers to ensure that all the paperwork reflected the correct requirements and responsibilities of the role. She suggested that the paperwork should be amended showing the correct level of knowledge/experience required to fulfil the role and that the matter should be returned to the Job Evaluation Panel for re-evaluation.

Questions from the Appellants

In response to questions from the appellants, the Assistant Director Human Resources stated that Job Evaluation arranged jobs within a hierarchy within the Council. The Licensing Compliance Officers were on Grade 5 and the Person Specifications for the range of posts quoted in the introduction section of her

written statement on Grade 6 had specific references in the Person Specifications for those posts to have experience and/or professional qualifications.

Questions from Members of the Panel

In response to a question from a member of the Panel, the Assistant Director Human Resources stated that both the essential and desirable elements of a Person Specification were taken into account but the essential criteria were those that were required in order to undertake the role.

Summing-Up in relation to this Factor

The Assistant Director Human Resources stated that she had nothing to add at this stage. The appellants stated that they wished to sum up at the end of consideration of all of the factors under appeal.

(b) Interpersonal and Communication Skills - Level Awarded by the Job Evaluation Appeal Panel – 3; Level Claimed - 4

The Case of the Appellants

The appellants stated that in their jobs, communication became difficult when a licence was refused.

They stated that they had to handle highly sensitive material on a daily basis ranging from Criminal Records Bureau checks to full medicals. They pointed out the information could have a major impact on the lives of individuals and that they had to be totally conversant with the provisions of the Data Protection Act in order to ensure that such material was not disclosed inappropriately. The appellants drew attention to the exchange of such information with the Police, Benefits and another Council.

The appellants drew attention to the Job Evaluation Appeal Panel comment that Licensing Compliance Officers attended Court simply to provide Statements of Fact. The appellants stated that Statements of Fact were only accepted in a case if there was a guilty plea and that in such cases they did not have to attend Court. They pointed out that they were required to attend Court if their Statements were not accepted and a defendant pleaded not guilty. In such circumstances they were called to give evidence and would be open to cross examination. They stated that this necessitated them having a full knowledge of the relevant legislation.

The appellants advised that their main purpose was to ensure compliance with the provisions of licences. Prosecutions were a last resort and prior to that it was necessary for the Licensing Compliance Officers to exercise communication skills in persuasion and negotiation.

Attention was drawn to the comparison with Customer Services Officers and it was pointed out that whilst those officers simply logged a complaint, the Licensing Compliance Officers were required to investigate and respond to matters within tight timescales. It was submitted the Licensing Compliance Officers were not only the first line of response in taking initial enquiries but they were also the second line of response in bringing an enquiry to a satisfactory conclusion.

Questions from the Assistant Director Human Resources

The Assistant Director Human Resources advised that she had no questions to ask about the representations which had been made by the appellants.

Questions from Members of the Panel

In response to questions from members of the Panel, the appellants stated that in cases where applicants did not speak English as their first language they used their best endeavours to explain matters and if necessary could call in a translator. They also advised that in Court they could be questioned on the legitimacy of the prosecution case, on points of law and on any other matters raised.

The Case of the Assistant Director Human Resources on behalf of the Job Evaluation Appeal Panel

The Assistant Director Human Resources stated that there was a close relationship between the Knowledge and Communication factors and that the latter could not score a higher level than the former as it was necessary to have the relevant knowledge in order to be able to give appropriate advice. She drew attention to the requirements in relation to Level 4 compared to those required in relation to Level 3. She drew attention to the differences in the conventions in relation to attendance at Court. She stated the posts at Level 3 could be the Council's witness at Court not as an expert witness but in relation to matters of fact whereas at Level 4 there was an expectation that attendance at Court would be as an expert witness. The Assistant Director Human Resources pointed out that whilst the appellants had referred to being open to cross-examination at Court the paperwork did not reflect this fact. The Person Specification for the role did not require experience of cross-examination and this was specified within the Licensing Manager's role.

The Assistant Director Human Resources stated that whilst she did not dispute the sensitive nature of some of the information handled by the postholders and the necessity to exchange such information with other bodies the role did not meet the requirement of exchanging such information with a range of audiences which for example would apply to a Social Worker presenting information at a Case Conference.

The Assistant Director Human Resources stated that whilst reference had been made to the Customer Services Officers in her written statement, the Job Evaluation Appeal Panel had not benchmarked the Licensing Compliance Officers with those posts.

Questions from the Appellants

In reply to questions, the Assistant Director Human Resources stated that the Person Specification for the post simply referred to the need to give evidence in Court and that whilst it was acknowledged that sensitive information was exchanged with some other bodies it was not considered that this met the requirement of a range of audiences. She repeated that Level 4 under this factor would be awarded to a Social Worker for their role at Case Conferences.

Questions from Members of the Panel

In reply to questions from members of the Panel, the Assistant Director Human Resources confirmed that one of the limbs of Level 4 had to be met, not all or a mixture. In relation to exercising developed skills in limb (c) of Level 4, the Assistant

Director Human Resources stated that it was necessary to look at the knowledge required in order to distinguish that from requirements at Level 3. She also distinguished between the requirements in Levels 3 and 4 in relation to using languages other than English and pointed out there was nothing in the Person Specification for the Licensing Compliance Officers requiring the ability to use one or more languages other than English to exchange complicated information with individuals, or to identify and respond to the needs of clients, in that language.

Summing-Up in relation to this Factor

Both parties stated that they did not wish to sum-up in relation to this factor.

(c) Mental Skills - Level Awarded by the Job Evaluation Appeal Panel – 3; Level Claimed - 4**The Case of the Appellants**

The appellants stated that the paperwork submitted demonstrated that they acted in an expert advisory role when attending enforcement events. They stated that the Environment Team were reliant on their knowledge when deciding breaches of the Act. The appellants stated that as part of their regular daily role they communicated, persuaded, and negotiated with many and varied parties to ensure that compliance with legislation was met. They also had to be able to deal with circumstances when such provisions were not met.

They emphasised that they did not work under constant supervision and had to attend premises on their own without support to guide them on issues. They drew attention to their attendance at Loughton Pub Watch meetings when they were expected to answer questions rather than say that they would need to refer matters to a manager.

Questions from the Assistant Director Human Resources

The Assistant Director Human Resources advised that she had no questions to ask about the representations which had been made by the appellants.

Questions from Members of the Panel

In response to a question regarding skills over the medium term, the appellants stated that they might witness a breach on a particular day but that evidence would need to be built up over several months in order to ensure that the Council was in a strong position to take formal steps. Also, in undertaking reviews and making representations with regard to premises licences this could span several months. The appellants stated that they undertook compliance visits on their own initiative and they managed their own diaries.

The Case of the Assistant Director Human Resources on behalf of the Job Evaluation Appeal Panel

The Assistant Director Human Resources advised that the Mental Skills factor measured a post's requirements for problem solving, and development of plans and/or strategies. She continued that the factor had a close relationship with the Knowledge factor as the knowledge required would impact on the complexity of the problems the role would be expected to deal with. She referred to the Person Specification for the post which stated that no specialist qualification or specialist

knowledge was required on appointment. She stated that a post could not score higher in the Mental Skills factor than it did in the Knowledge factor.

The Assistant Director Human Resources reported that Level 3 required the post to have analytical and judgemental skills to solve varied problems or develop solutions/plans over the short term. This level was met as demonstrated by the Additional Information sheet for the post provided to the original Job Evaluation Panel and the Appeal Panel whereby plans of up to one month were required. However, it did not meet the criteria at Level 4 whereby the requirement was over the medium term. She claimed that the "up to a month" timescale indicated by the Additional Information sheet would also suggest the nature of the investigations were not complex or difficult but were varied. She stated that answering questions and giving advice came within communication skills which were not measured under this factor and that pursuing breaches of legislation were not be defined as problem solving. She suggested that the examples given by the appellants in support their case were not measured under this factor.

Questions from the Appellants

There were no questions from the appellants on the case of the Assistant Director Human Resources.

Questions from Members of the Panel

There were no questions from members of the Panel on the case of the Assistant Director Human Resources.

Summing-Up in relation to this Factor

Both parties stated that they did not wish to sum-up in relation to this factor.

(d) Responsibility for People - Level Awarded by the Job Evaluation Appeal Panel – 3; Level Claimed - 4

The Case of the Appellants

The appellants stated that the decisions they made impacted on the wellbeing of others and that they were dealing directly with people's livelihoods. They stated that these decisions had a huge impact on the wellbeing of people. They stated that the Job Evaluation Appeal Panel appeared to have been under the misapprehension that the Senior Licensing Officer only attracted a score of 3 for this factor and therefore the posts of Licensing Compliance Officers could not attract a score of 4. They asked the Staff Appeals Panel to consider that the Senior Officer's post had been re-graded to take into account the high managerial level that was required following the last restructure.

Questions from the Assistant Director Human Resources

The Assistant Director Human Resources advised that she had no questions to ask about the representations which had been made by the appellants.

Questions from Members of the Panel

In response to a question from a member of the Panel, the appellants acknowledged that the decisions taken in respect of people's livelihoods were taken by the Licensing Sub-Committees. They also stated that in their view their role involved

high direct impact on the wellbeing of individual, or groups of people through enforcing regulations.

The Case of the Assistant Director Human Resources on behalf of the Job Evaluation Appeal Panel

The Assistant Director Human Resources advised that the Responsibility for People factor measured the responsibility of the job holder for individual, or groups of, people other than employees supervised or managed by the job holder. She drew attention to the differences in the requirements of levels 3 and 4 and pointed out that enforcing regulations on Level 4 related to the ability to take direct action e.g. powers of an Environmental Health Officer to close down food premises.

Questions from the Appellants

There were no questions from the appellants on the case of the Assistant Director Human Resources.

Questions from Members of the Panel

In response to questions from members of the Panel, the Assistant Director Human Resources referred to the conflicting evidence regarding the level given to the Senior Licensing Officer. She stated that the most up to date Job Evaluation paperwork from May 2010 scored this post at Level 3 in relation to Responsibility for People. She also stated that as jobs evolved the paperwork in respect of jobs should reflect changes and that such changes could be dealt with under the Job Evaluation Maintenance Policy.

Summing-Up in relation to this Factor

Both parties stated that they did not wish to sum-up in relation to this factor.

(e) Overall Summing-Up

The Assistant Director Human Resources stated that both the original Job Evaluation Panel and the Job Evaluation Appeal Panel had evaluated the post on the paperwork which had been provided. She said they had not reflected on representations now being made which were not supported in the paperwork for the posts.

The appellants thanked the Panel for having the opportunity to present their case. They emphasised that no licensing qualification existing and that appointment to the post reflected transferable skills which they brought to the position. They emphasised the role they had played in attending Court. They challenged the statements they did not exchange sensitive information with a range of audiences. They challenged the comparison between the Customer Services Officers and stated that Licensing Compliance Officers were both the first and last line of contact. They gave an example of a recent application which in their view showed that their mental skills were used over the medium term. They accepted that there were aspects of their job which were not included on the Job Specification and suggested that they had demonstrated the true role of the post which should enable a re-evaluation to be made rather than the matter being re-submitted to an Evaluation Panel.

(f) Deliberations of the Panel

The appellants and the Assistant Director Human Resources withdrew from the meeting. The Panel discussed the information which had been provided by the appellants and the Assistant Director Human Resources on behalf of the Job Evaluation Appeal Panel in writing and orally including their statements, the relevant policies and procedures, the Job Description, Person Specification, Limits of Authority and additional information for the post of Licensing Compliance Officer. The Panel discussed the information which had been presented to them on a factor by factor basis.

(g) Decisions**(i) Knowledge Factor**

The Panel noted that the Person Specification did not require any specialist qualifications or knowledge on appointment to the post. The Panel further noted that there was no qualification for this type of post and that the Person Specification stated that after one year there was an expectation of a postholder being able to perform all the tasks required by the Job Description.

The Panel further noted that the local conventions applied to Level 4 stated that on appointment, postholders were expected to require only a short induction period (one month) and that the level of experience must demonstrate a commensurate breadth and depth in competence.

RESOLVED:

(1) That the current Person Specification does not meet the criteria for Level 4;

(2) That, from the information provided by the appellants and taking account of the statement of the Assistant Director (Legal), it would not be correct to judge the knowledge required to undertake the role against what is included in the Person Specification; accordingly, there would be merit in revising this core document to reflect the actual situation; and the appellants should consult their Manager regarding a revision of the paperwork and submission to another Job Evaluation Panel.

(ii) Interpersonal and Communication Skills Factor

The Panel noted the officers attended Court to give evidence and could be subjected to cross-examination. The Panel also noted the role of the post in relation to handling sensitive personal information.

In relation to attendance at Court, the local convention referred to acting as an expert witness. In the view of the Panel, from the information provided, the officers might be subjected to cross-examination on matters of fact but did not appear to give an "expert" opinion.

In relation to the handling of sensitive information the Panel acknowledged the exchange of such information with some other bodies. In the view of the Panel, this factor was not about the administrative exchange of documents but more about officers routinely dealing with and making decisions about the use and disclosure of sensitive personal information in the context of discussions and interaction with a

range of audiences. The Panel did not consider that the role necessitated the exchange of such information with a “range of audiences” expected under Level 4.

RESOLVED:

That Level 3 is the correct level for the post.

(iii) Mental Skills Factor

The Panel noted the relationship between this factor and the Knowledge factor and that it was not possible for a job holder to score a higher level for Mental Skills than for Knowledge. Also, the Panel noted that Level 4 required the post to have relevant skills over the medium term (defined as over one month and up to 6 months) and that it was clear from the Additional Information sheet for this post that the postholder was expected to formulate plans, policies/strategies over a period of only one month (defined as short term and applicable to Level 3).

REVOLVED:

That Level 3 is the correct level for the post.

(iv) Responsibility for People Factor

The Panel reflected on the conflicting evidence about the score for this factor of the Senior Licensing Officer. The appellants had claimed that this had been revised to Level 4 whilst the Assistant Director Human Resources had advised the level for that post was Level 3. The Panel noted that a postholder could not score higher than their supervisor but in exceptional circumstances could score the same level. The Panel noted that whilst Level 3 related to implementing regulations, Level 4 related to enforcing regulations. In the light of the information provided, the Panel concluded that the role of the post was to implement and not to enforce.

RESOLVED:

That irrespective of the position relating to the Senior Licensing Officer, Level 3 is the correct level for the post.

7. STAFF APPEAL NO. 2 - 2012/13

The Chairman welcomed the appellant and the Assistant Director Human Resources to the meeting. He drew attention to the policies and procedures which would be taken into account by the Panel in relation to the appeal and indicated that the Panel would deal with the appeal on a factor by factor basis. The appellant and the Assistant Director of Human Resources agreed with this approach.

(a) Mental Skills Factor – Level Awarded by the Job Evaluation Appeal Panel – 3; Level Claimed - 4

The Case of the Appellant

The appellant advised that the job revolved around quarterly rent runs which took up to three months to plan and prepare in order to generate the commercial property invoices. The runs were produced from a specialist commercial property management system called GVA. She reported the preparation of those runs

included analysing complex information, problem solving and creative thinking to manipulate the system to produce the correct result.

The appellant stated that she had also worked closely with ICT to create Crystal reports. The development of those reports had taken several months of analysing and investigating data to be able to produce the correct reporting fields. She stated that one of the tasks she had performed was the changing of the payment terms of the service charges which were a combination of advanced and arrears charges for January half yearly runs. The appellant stated that she was currently involved in the process of replacing/updating the existing system so that it would also function as the Chartered Surveyors' daily case management system.

The appellant submitted that the post required the analytical and judgemental or creative and development skills to analyse and interpret complex information as required at Level 4 rather than such skills to solve varied problems or plans over the short-term as required under Level 3. She emphasised that her involvement with the property system had necessitated the analysis of varied and complex information since last May and what would take considerable more time to finish. She also pointed out that once the new system had been implemented it would be her responsibility to run it and to undertake further upgrades as and when they were due.

The appellant stated that she supervised the Estates Team and the back-up postholder regarding their usage of the information system. She stated that she was solely responsible for managing the specific property system to general £4,000,000 income for the Council.

Questions from the Assistant Director Human Resources

The Assistant Director Human Resources stated that she had no questions to ask about the representations which had been made by the appellant.

Questions from Members of the Panel

In response to a question from a member of the Panel, the appellant stated that she had included as examples emails from the past members of staff rather than existing ones as she had not wished to create issues with current staff.

The Case of the Assistant Director Human Resources on behalf of the Job Evaluation Appeal Panel

The Assistant Director Human Resources stated that the Mental Skills factor measured the requirements of a post for problem solving, development of plans and/or strategies. Problem solving took into account the requirements to collate and analyse facts to solve problems and planning was defined in the conventions as the establishment of goals, policies and procedures for a social or economic unit. She advised the Panel not to confuse the "planning" used as an example in the appeal evidence with processes. She submitted that the data inputting tasks associated with the quarterly rent runs were processes, not plans as defined by this factor.

The Assistant Director Human Resources stated that the conventions at Level 4 stated that the mental skills required at this level were to analyse and interpret complex information. She stated that the Job Description for the post did not provide examples of where the post met this requirement. She stated that the information provided related to rent amounts which were provided to the post by the Estates Surveyors/Valuers which on some occasions needed to be manually calculated where part period payments were required. She pointed out that calculation queries

were raised with the IT System's Support Desk who then provided the formulas for calculating the rents for whole/part periods. She suggested that the formulas to be applied were not dissimilar to that which were applied to part year annual leave entitlements.

In relation to the project of assessing the functionality of the new Estates IT System and its implementation she stated that the Job Evaluation Appeal Panel had considered this to be a one-off piece of work requiring an ex-gratia or honoraria payment.

The Assistant Director Human Resources emphasised that the evaluation process was not about the qualities of a postholder or the lack of ability of other officers.

Questions from the Appellant

The appellant advised that she had no questions to ask in respect of the case of the Assistant Director Human Resources.

Questions from Members of the Panel

In response to questions from members of the Panel, the Assistant Director Human Resources reiterated that the post received information from other officers and that in order to input some of it into the system formulas were required. She also replied that the paperwork in respect of post did not show a requirement to analyse and interpret complex information.

Summing-Up in relation to this Factor

The appellant acknowledged that formulas were required and stated that it was unfair to suggest that other postholders did not have the necessary knowledge of the information system. She said that it was not their role to be IT specialised and that it was her role. She stated that the Council's ICT Section only provided technical support and not whether the system produced the required information.

The Assistant Director Human Resources stated that she had nothing to add at this stage.

(b) Supervision Factor - Level Awarded by the Job Evaluation Appeal Panel – 1; Level Claimed – 2

The Case of the Appellant

The appellant stated that she managed the Council's computerised commercial property management system, GVA, that held commercial property lease details and generated invoices. She stated that the system was complex and crucial to producing income for the Council. As a result, Internal Audit had highlighted the need for a back-up person with the necessary knowledge and understanding of the system. The postholder advised that she had trained and now supervised the back-up person. She also stated that she had trained the Chartered Surveyors and supervised them regarding their usage of the system including their access levels. The postholder stated that in addition she had provided training to another colleague in the Directorate on the processing of some of the Estate Management non GVA related invoices. She said she continued to provide further guidance to this postholder but did not co-ordinate their work nor check their work.

The postholder stated that in her view the Job Evaluation Appeal Panel had totally ignored her involvement in the instruction of the back-up postholder, co-ordination of their work and the extensive training that she had provided and continued to provide.

Questions from the Assistant Director Human Resources

The Assistant Director Human Resources stated that she had no questions to ask about the representations which had been made by the appellant.

Questions from Members of the Panel

The appellant advised she had no set time when she supervised the back-up postholder but estimated that she spent approximately half a day a week doing so.

The Case of the Assistant Director Human Resources on behalf of the Job Evaluation Appeal Panel

The Assistant Director Human Resources advised that as part of an Internal Audit report it had been identified that the Council should provide cover for this post to enable rent runs to take place in the absence of the postholder. She referred to the employee currently providing this cover and pointed out the required tasks were not included in that employee's Job Description and that the work was being undertaken by them working additional hours. She advised that if this cover was not available the tasks would be carried out by the appellant as part of their regular duties. She further advised that the work undertaken by the back-up postholder was carried out weekly to ensure that their knowledge of the processes and system were kept up to date for when cover was required.

In summary, therefore, she submitted that the tasks carried out by the back-up postholder were part of the regular duties of the appellant. If the back-up postholder left or decided that they could no longer provide the cover the appellant would continue with the tasks until other cover arrangements could be found.

The Assistant Director Human Resources pointed out that Level 1 of the Supervision factor stated that the work may involve the demonstration of one's own duties and advice and guidance to new employees or others. Accordingly, she submitted that this level was the correct level for the post.

Questions from the Appellant

The Assistant Director Human Resources advised that in the view of the Job Evaluation Appeal Panel the appellant did not supervise the back-up postholder but simply showed, advised and guided that employee so that cover could be provided in the appellant's absence.

Questions from Members of the Panel

The Assistant Director Human Resources reiterated that the tasks being covered were those allocated to the appellant and did not involve direct responsibility for the supervision of another employee.

Summing-Up in relation to this Factor

The appellant stated that the Job Description for the post included having direct responsibility for supervising and training the back-up postholder for the system and software updates. She advised that Level 1 of this factor made no reference to

training and she had undertaken extensive training of the back-up postholder. She pointed out that if the back-up postholder left she would need to train another officer to act as the back-up person.

The Assistant Director Human Resources stated that she had nothing to add at this stage.

(c) Responsibility for Physical Resources - Level Awarded by the Job Evaluation Appeal Panel – 3; Level Claimed – 4

The appellant stated that Level 4 required the adaptation, development or design of significant information systems and that she met this requirement as her role involved adapting and developing the Estate's current system. She advised that it was also her role to oversee the project for updating or replacing the current system so that it could be used in a wider, more efficient way. She submitted that this work would increase her System Administration role to a different level and that procedures and working practices would need to be integrated into the new system.

The postholder submitted that she had made a significant contribution to this project by sourcing alternative systems, briefing, arranging and attending demonstrations, working with the current system providers with a view to making improvements to the current system so that it could be adapted to meet the Council's needs.

The appellant stated that the Job Evaluation Appeal Panel had acknowledged that her post had responsibility for the development of the existing system but this had not been reflected in the Physical Resources factor score. She also advised that the Job Evaluation Scheme did not prevent a postholder from scoring the same level as an IT postholder.

In relation to the suggestion of the Appeal Panel that her IT responsibilities should be recognised in other ways she said that the Panel had misunderstood the position as no account had been taken of the need for upgrades to the system as well as maintaining the system. She stated that the upgrading work had commenced approximately one year ago and there would be a need for another year's work before it was completed. She submitted that whilst she received technical support from ICT officers she did not receive systems support. She drew attention to the statement submitted by the Assistant Director of Finance and ICT.

Questions from the Assistant Director Human Resources

The Assistant Director Human Resources stated that she had no questions to ask about the representations which had been made by the appellant.

Questions from Members of the Panel

In response to a question, the appellant stated the fact that ICT officers supported more than one system whilst she was responsible for only one system was not relevant. She stated that Level 4 required the adaptation, development or design of significant information systems and that significant information systems were defined as a system used across a division of a service.

The Case of the Assistant Director Human Resources on behalf of the Job Evaluation Appeal Panel

The Assistant Director Human Resources advised that this factor measured the direct responsibility of the post for physical resources which included manual or

computerised information, data and records, equipment, tools, supplies, plant and machinery. She pointed out that the conventions advised that at Level 3 the job involved considerable direct responsibility for handling and processing of considerable amounts of manual or computerised information where care, accuracy, confidentiality and scrutiny were important. At Level 4 a job would involve high direct responsibility for the adaptation, development or design of significant information systems. She pointed out that Level 4 had been awarded to ICT specialist roles who had responsibilities for a number of corporate and/or directorate systems.

She drew attention to the requirements of the Person Specification for the appellant's post and submitted that this did not demonstrate the level of experience, knowledge or skills that would be awarded at Level 4 under this factor.

She invited the Panel to take into account the dilution factor in relation to the appellant's role having regard to the involvement of specialist ICT staff.

She advised that the Job Evaluation Appeal Panel's view had been that the postholder's responsibilities with regard to the current IT project should be recognised by way of an ex gratia or honoraria payment in order to reflect the temporary nature of the work. She pointed out that whilst the appellant would have a view on the decisions to be made those decisions would be made by other officers.

Questions from the Appellant

The appellant advised she had no questions to ask.

Questions from Members of the Panel

The Assistant Director Human Resources stated that Paragraph 12 of the appellant's Job Description (responsible for the development and adaptation of the Council's computerised property management system) had been recognised by the award of Level 3 under this factor. She also differentiated between the roles of a systems administrator and ICT technicians. She stated that in relation to the current IT project the Panel should note that ICT were providing technical expertise and advice and that as part of the new system's functionality, on-going help desk support would be provided by ICT.

Summing-Up in relation to this Factor

The appellant submitted that the Panel should concentrate on the role that she was performing and should not take account of the comparison of her post with ICT officers. She emphasised the requirements of the Job Description and the role she was playing with regard to the current IT project.

The Assistant Director Human Resources stated that she had nothing to add at this stage.

(d) Overall Summing-Up

Both parties advised that they did not wish to make any further representations.

(e) Deliberations of the Panel

The appellant and the Assistant Director Human Resources withdrew from the meeting. The Panel discussed the information which had been provided by the appellant and the Assistant Director Human Resources on behalf of the

Job Evaluation Appeal Panel in writing and orally including their statements, the relevant policies and procedures, the Job Description, Person Specification, Limits of Authority and additional information for the post of Estates Management Administrator. The Panel discussed the information which had been presented to them on a factor by factor basis.

(g) Decisions

(i) Mental Skills Factor

The Panel discussed the role of this post in relation to the quarterly rent runs, the creation of Crystal reports, changing the payment terms of service charges and the replacing/updating of the IT system.

The Panel noted that the local conventions at Level 4 gave an example of investigative work to solve more challenging problems by means of questioning, searching for or examining complicated information, analysing that information with the findings ordered into a structure which lead to the development of solutions. The Panel further noted the Person Specification for the post did not require specialist knowledge to analyse and interpret complex information.

The Panel further noted that the information relating to rent amounts was provided by others and on occasions had to be manually calculated by the appellant where part period payments were required. The Panel took account of the fact that calculation queries were raised with the system's IT support desk who provided the formulas for calculating the periods. In the view of the Panel this element of the role was a process to apply formula and did meet the requirements of Level 4.

In relation to the work associated with a new system. the Panel considered that this was a one-off piece of work which was more appropriately recognised by way of an honoraria payment. The Panel noted the reference by the appellant to the on-going elements but did not consider this to be of such a nature to warrant a permanent change.

RESOLVED:

That on balance Level 3 is the correct level for this post

(ii) Responsibility for Supervision Factor

The Panel noted the role of the post in training others, particularly the back-up person for the commercial property management system.

The Panel further noted that Level 2 required some direct responsibility for the regular training of other employees. Account was taken of the Appeal Panel's view that the factor measured direct responsibility of the post of supervision. The Panel noted that the local convention stated that a postholder might be in a direct supervisory position or might instead have an advice/guidance role with staff.

RESOLVED:

That the post meets the requirements at Level 2 of this factor.

(iii) Responsibility for Physical Resources

The Panel took account of the work of the postholder in relation to the Estates Management System and the requirements relating to Level 3 and 4. In particular, at Level 4 the requirement to have a high direct responsibility for the adaptation, development or design of significant information systems.

The Panel took account of the requirements of the Job Specification in relation to ICT and the assistance given to the appellant by ICT staff in relation to the Estates Management system.

The Panel noted the appellant's responsibility in relation to the project of assessing the functionality of a new Estates IT system and its implementation and the role of ICT staff. In view of the nature of this one-off piece of work the Panel concluded an ex gratia or honoraria payment should be considered in recognition of the temporary nature of the work.

RESOLVED:

- (1) That Level 3 is the correct level for this post; and
- (2) That the appellant's Manager consider an alternative method of recognising the appellant's responsibilities with regard to the current IT project within Estates and Valuations.

8. STAFF APPEAL NO. 3 - 2012/13

The appellant attended the meeting supported by the Director of Finance and ICT.

The Chairman welcomed the appellant, the Director of Finance and ICT and the Assistant Director Human Resources to the meeting. He introduced those present to the appellant and he drew attention to the policies and procedures which would be taken into account by the Panel in relation to the appeal and indicated that the Panel would deal with the appeal on a factor by factor basis. The appellant and the Assistant Director of Human Resources agreed with this approach.

The appellant sought an assurance that the decisions of the Panel would be based on the post and not the postholder. She stated that in her view the Job Evaluation Appeal Panel had based their decisions on her as an individual and not on the post. She submitted that the Appeal Panel had taken no account of her 18 year's experience and the training she had undertaken.

She drew attention to the statement of the Assistant Director Human Resources in which examples had been given of posts at Grade 9 (a grade above that of the appellant). The appellant pointed out that some of those posts had additional reporting lines to herself and that some of those posts did not have management responsibilities.

Finally in opening the appellant asked the Panel to have particular regard to the statements which had been made in support of her case by the Director of Corporate Support Services, the Assistant Director Legal and the Assistant Director ICT.

The Chairman confirmed that the Panel would evaluate the post and not the postholder and that account would be taken of all the submitted documents including the Job Description and the Person Specification.

(a) Mental Skills Factor – Level Awarded by the Job Evaluation Appeal Panel – 4; Level Claimed - 5

The Case of the Appellant

The appellant pointed out that the Job Evaluation Scheme provided that it was not possible to score a higher lever for Mental Skills than a post scored for Knowledge. She pointed out that as she was claiming Level 5 for Mental Skills and had been awarded Level 6 for Knowledge this was not an issue.

The appellant advised that the Job Evaluation Appeal Panel had accepted that her post dealt with complex information but, due to the specialist nature of the work, had not believed that it met the varied element required for Level 5. In addition the Panel had made reference to the Additional Information sheet for the post which indicated medium-term planning was required.

The appellant submitted that the Appeal Panel had only looked at part of her Job Description, that part which related to contracts. She advised that her contract work fell into distinct areas such as procurement, the contracts and contract law, each of which could be further sub-divided into works, services and goods. The appellant stated that the procurement element related to how the contracts were let. The rules governing procurement in general were those contained in Local Government law and for the higher value contracts the EU Procurement Regulations. The contracts themselves could be standard industry forms which in some cases did not have standard Council amendments that the appellant had drafted or ad hoc contracts such as the Service Contracts. Contract law was required firstly when drafting the document as it was necessary to understand what the Council was acquiring but also the need to have an exit strategy.

The appellant stated that when instructed, colleagues often did not know what type of contract they required. Accordingly it was necessary for her to check the most advantageous way of dealing with their requirements. She pointed out that sometimes more than one contract was required for each project and that it was essential that such contracts did not conflict in any way. Also, due to the complexity of EU Regulations many contracts were first referred to her many months before they were let so that she could advise and assist on different aspects throughout the whole process.

The appellant pointed out that the medium-term planning requirement was met as the whole process from tendering to final drafting of the contracts could take many months.

The appellant advised that in addition to her contract work her Person Specification required knowledge of IT systems and this was reinforced in the Job Description for the post. She drew attention to the work which she had undertaken in relation to developing a new IT system for the Legal Section. She advised that when new upgrades were required to the Legal Section's Case Management System or new systems were being introduced it was her responsibility to prepare the financial case, liaise with ICT and arrange initial training for staff, all of which needed to be planned and implemented over six months.

The appellant stated that she was solely responsible for the Land Registry system in the Legal Section and that her management responsibilities related to a Legal Assistant and a Clerical Assistant.

The appellant suggested that the post required a Mental Skills factor score above 4 in order to apply a knowledge factor score of 6.

Questions from the Assistant Director Human Resources

The Assistant Director Human Resources advised that she had no questions to ask about the representations which had been made by the appellant.

Questions from Members of the Panel

Members of the Panel indicated that they had no questions to ask.

The Case of the Assistant Director Human Resources on behalf of the Job Evaluation Appeal Panel

The Assistant Director Human Resources reported that over the years this post had been evaluated and scores had increased in recognition of changes made to the role. She pointed out that Job Evaluation ranked jobs into a hierarchy within the Council. She stated that in referring to other posts on grades 8 and 9 in her introductory written statement she had not been making a distinction about reporting levels but simply attempting to give an outline of the level of those roles.

She advised that the Mental Skills factor measured a post's requirements for problem solving, development of plans and/or strategies. Level 4 required the post to analyse and interpret complex information and solve difficult problems or develop solutions or plans over the medium-term. She submitted that the complete definition was met by the post. However, the evidence provided by the postholder to both the original Job Evaluation Panel and the Job Evaluation Appeal Panel referred to planning over the medium-term i.e. one to six months and as a result only a Level 4 could be given to the post under the Mental Skills factor.

The Assistant Director Human Resources pointed out that at Level 5 the post would be required to deal with varied and complex information. Varied meant that the information sources were differing from one another, of different sorts or kinds, or a number of discreet sources. She submitted that contract law was not varied, that the responsibilities of the post in relation to IT systems administration was not varied or complex and that the representations made about supervision were covered under the Supervision factor and not the Mental Skills factor.

Questions from the Appellant

In response to questions from the appellant, the Assistant Director Human Resources stated that she could not comment on scores awarded to the post of Trainee Legal Officer as she had not brought the relevant paperwork to the meeting. She acknowledged the differences between structures with several levels in the hierarchy from those where postholders reported direct to an Assistant Director. She stated that the scores for this post in relation to Knowledge and Mental Skills were based on the paperwork which had been provided by the postholder and that the paperwork did not reflect complex decision making or advice. She confirmed that the Job Evaluation Appeal Panel had taken account of all the documents put before it.

Summing-Up in relation to this Factor

Both parties advised that they did not wish to add anything at this stage.

(b) Initiative and Independence Factor - Level Awarded by the Job Evaluation Appeal Panel – 4; Level Claimed - 6

The appellant stated that the convention at Level 4 stated that the post worked within recognised procedures, responding independently to unanticipated problems and situations and that the job holder generally had access to a supervisor/manager for advice/guidance on serious problems. The appellant advised that the Assistant Director Legal only became involved in contract work when she was on leave or if there were timing issues in relation to contract work. She stated that as the Assistant Director Legal had other responsibilities she had little time to deal with contract work. She pointed out that when the Assistant Director Legal was on leave there was no one else in the Legal Section from which to seek advice on contracts and that the Director of Corporate Support Services had on occasions consulted the appellant on contract issues. She advised the complexity and variety of her work could not be covered by internal legal policies, she said that she often started with a precedent but would need to tailor it in order to fit the purpose required by the client. She pointed out the services contract which was widely used as a precedent had been prepared by her. She stated it was simply not just a case she only inputted data into gaps in standard forms.

The appellant stated that in her view the Job Evaluation Appeal Panel had not taken account of the other types of work included within her Job Description. She stated she prepared training and guides to help officers within the Section to use the IT systems which were not the subject of any precedent. She stated that it was necessary for her to use her own initiative in the best interests of Legal Services in relation to IT issues as neither the Director of Corporate Support Services nor the Assistant Director Legal had the required level of IT expertise. She pointed out that in order for Legal Services to retain the Lexcel Accreditation it was necessary to have a Case Management system in place to enable auditors to access files easily.

In relation to management responsibilities she pointed out that she managed the Legal Administration Team which comprised two members of staff. She said in relation to that Team she was responsible for the recruitment, monitoring, allocation of work and performance development reviews. In addition she was responsible for staff recruitment, training through Employability or Back to Work Schemes when individuals were required to assist with work in the Section.

The appellant pointed out that she was a card holder for one of the Council's credit cards and had to carry out reconciliations. The extent of this duty had increased as more on-line payments were being demanded.

The appellant stated that in her view the Job Evaluation Appeals Panel had not recognised the IT aspects of the post.

Questions from the Assistant Director Human Resources

The Assistant Director Human Resources advised she had no questions to ask about the representations which had been made by the appellant.

Questions from Members of the Panel

In relation to questions from members of the Panel, the appellant gave examples of the broad level of activity of the post. She referred to the different types of contract and to the work she undertook in relation to IT which was not simply the setting up of accounts. She also referred to work undertaken in relation to Section 50 licences for highways equipment and CCTV and Housing Possession cases.

The Case of the Assistant Director Human Resources on behalf of the Job Evaluation Appeal Panel

The Assistant Director Human Resources advised that the Job Evaluation Appeal Panel would have taken account of all of the paperwork submitted. She stated that the Appeal Panel had taken account of the fact that the local convention stated that a broad range of activity meant exercising discretionary initiative over an extensive range of different and possible unrelated tasks which made up the overall activity. In addition the Appeal Panel had heard that posts awarded a Level 6 under this factor would be Spending Control Officers as they had the authority to allocate resources as required. She pointed out that this post was not a Spending Control Officer. The Assistant Director Human Resources pointed out that the Additional Information sheet for the post in relation to frequent decisions made by the post did not meet the requirements for a Level 6 under this factor.

In relation to Housing Possession cases she submitted that it was the Housing Directorate which made decisions for Legal Services to implement.

In relation to management responsibilities she submitted that the post's responsibilities were diluted having regard to the role of the Assistant Director (Legal).

The Assistant Director Human Resources advised that having regard to all the relevant factors the Job Evaluation Appeal Panel had concluded that Level 4 reflected the requirements of the post.

Questions from the Appellant

In response to questions, the Assistant Director Human Resources did not dispute that the postholder dealt with matters directly when required. She confirmed that the Appeal Panel had not considered that it had a better knowledge of the IT requirements for the post than the Assistant Director ICT. In relation to management responsibilities she referred to the Job Description for the post. She acknowledged that at Level 6 the convention stated that posts at this level were likely to be Spending Control Officers but there was no requirement for such a designation. She pointed out that at Level 5 permission would be required to alter the resources or policies for which the postholder was responsible.

Questions from Members of the Panel

The Assistant Director Human Resources distinguished between giving advice and making decisions under this factor.

Summing-Up in relation to this Factor

Both parties advised that they did not wish to add anything at this stage.

(c) Physical Resources Factor - Level Awarded by the Job Evaluation Appeal Panel – 3; Level Claimed - 4**The Case of the Appellant**

The appellant stated that the Job Evaluation Appeal Panel's decision had been misguided. She pointed out that most IT systems were installed and fully supported by ICT or were hosted by outside bodies such as the Land Registry. However, in the Legal Section she was responsible for the software for the IT systems. She stated that Timebase was a Case Management System in which cases were logged, documents filed etc. It transferred work so that lawyers only undertook legal work and it carried out time recording which assisted in allocating the cost of work to particular files which was of benefit in claiming court costs and generally. She pointed out that such a system needed to be managed and new updates installed and the officers using it needed to be trained and updated. She pointed out that she was responsible for all of this work including ensuring that sufficient money was placed in the budget.

The appellant stated that as Manager of the Legal Administration Team she was responsible for the safe keeping of the Council's Title Deeds, contracts and other legal documents and stated that she was also responsible for ensuring that the Land Terrier was kept up to date.

The appellant drew attention to the Witness Statements attached to her case and submitted that the Appeal Panel should have looked at the level of work involved and not the value of the work.

Questions from the Assistant Director Human Resources

The Assistant Director Human Resources advised she had no questions to ask about the representations which had been made by the appellant.

Questions from Members of the Panel

There were no questions from members of the Panel.

The Case of the Assistant Director Human Resources on behalf of the Job Evaluation Appeal Panel

The Assistant Director Human Resources advised that this factor measured the direct responsibility of the post for Physical Resources which included manual or computerised information, data and records, equipment, tools, supplies, plant and machinery. She pointed out that the conventions advised that at Level 3 the job involved considerable direct responsibility for handling and processing of considerable amounts of manual and computerised information where care, accuracy, confidentiality and security were important. She stated that considerable direct responsibility meant that the responsibility was a major feature of the post.

She pointed out at Level 4 the job would involve high direct responsibility for the adaptation, development or design of significant information systems. She stated that Level 4 had been awarded to ICT specialist roles and that the Appeal Panel had not considered that the level of responsibility for the appellant's post was the same as that of specialist IT posts.

She drew attention to the essential requirements of the Personal Specification for the appellant's post.

Questions from the Appellant

In response to questions, the Assistant Director Human Resources confirmed that Level 4 was not restricted to ICT posts. She advised she did not have information to hand regarding the scoring of Council Tax posts for this factor. She again confirmed the Appeal Panel would have taken account of all of the submitted documents and emphasised that it was incumbent on staff and their managers to ensure that the paperwork reflected the correct position.

Questions from the Appellant

There were no questions from the appellant.

Questions from Members of the Panel

There were no questions from members of the Panel.

Summing-Up in relation to this Factor

Both parties advised that they did not wish to add anything at this stage.

(d) Responsibility for People Factor – Level before Job Evaluation Appeal Panel – 4; Level Awarded by Job Evaluation Appeal Panel – 1; Level Claimed - 4

Case of the Appellant

The appellant stated that it had not been immediately clear from the letter of 13 March 2012 advising her of the Job Evaluation Appeal Panel decisions that this factor had been re-evaluated. She said that she had not expected this factor to be considered as it had not been one which she had raised. She stated that the Appeals Guidance stated that only issues raised in the appeal could be looked at by the Panel and that it was clearly wrong that the Panel could change a factor without raising it at the appeal or discussing it with her Director.

The appellant submitted that the post had been downgraded in relation to this factor on the basis of one question the purpose for which had not been made clear.

The appellant submitted that in the interests of natural justice the status quo should be reinstated for this factor i.e. Level 4.

The appellant continued to make representations about why she felt the post justified Level 4 under this factor. She stated that the Appeal Panel had based its decision on the post not having responsibility for attending Court and for not being a Prosecuting Officer. She stated that had she been asked by the Appeal Panel she would have pointed out that she prepared and issued Court Proceedings for Possession Proceedings usually because of non-payment of rent. Hearings were usually attended by the Housing Officers alone unless they were complex when the Senior Legal Executive would attend to argue the complex points. She stated that in order to undertake this role she needed knowledge of the law and to be sure that the information was correct. She also pointed out that she did speak to tenants on occasions who had proceedings taken against them.

The appellant stated that she prepared Instructions for Counsel for cases and prepared documents to be forwarded to assist Counsel in replying to the advice

being sought. As a result she was subject to long conversations with Counsel over the telephone, and face to face if necessary.

The appellant stated she had been the Lead Officer seeking advice from Counsel and interpreting that advice for Senior Officers in relation to the enforcement of contract conditions and their possible breach in relation to the Limes Farm Hall Project. She stated that she also prepared Agreements with Essex County Council which allowed CCTV cameras to be placed on the highways which was in the interest of public safety.

The appellant drew attention to the Statement of the Assistant Director Legal that enforcement did not only refer to one being a Prosecuting Officer in Court but could be done in other ways e.g. by serving Notice on Default on contracts.

Questions from the Assistant Director Human Resources

The Assistant Director Human Resources advised that she had no questions to ask about the representations which had been made by the appellant.

Questions from the Members of the Panel

Members of the Panel advised that they had no questions to ask.

The Case of the Assistant Director Human Resources on behalf of the Job Evaluation Appeal Panel

The Assistant Director Human Resources advised that there were two issues to consider, working directly with clients/residents and implementing statutory regulations. She drew attention to the differences between implementing and enforcing.

She stated that an example of enforcing would be an Environmental Health Officer who had authority to close down a premises. She contrasted that with the role of the postholder in relation to housing issues where the decision required was made within the Housing Directorate.

She stated that the Appeal Panel could not have ignored the answer given to the question asked although this had not been part of the submissions. She pointed out that it was made clear to appellants that in lodging an appeal their score could go up or down.

Questions from the Appellant

In response to questions, the Assistant Director Human Resources stated that the reference to a score going up or down emanated from the National Conditions from which the Job Evaluation Scheme had been developed. She confirmed that the National Conditions did not go into such detail as to refer to matters which had not been appealed. She confirmed that the Appeal Panel had been reconvened by way of an exchange of telephone conversations and that the appellant had not been a party to this process. She stated that the matter had not been addressed earlier as the Evaluation Panel had not been aware of the situation. She stated that there had been no intention to hide this aspect in the decision letter but acknowledged that it had not been set out under headings in the same way as decisions on the other factors. She said that she had not been a party to reducing the factor by three levels in any other case as this had been her first involvement in a Job Evaluation Appeal Panel. In response to a further question she advised that to the best of her

knowledge no Panel had reduced a factor by three levels. She accepted she had been on a Maintenance Panel in 2008 when Level 4 had been awarded for this post.

The Assistant Director Human Resources acknowledged that this post managed an employee who had been awarded Level 2 under this factor. She stated there was no indication on the Job Description under management responsibilities that the postholder would have responsibility for providing a service to the public dealing with searches and land ownership queries as stated on the score sheet for that other post. However, she acknowledged it would be unusual for a manager to receive less than a subordinate and conceded that Level 2 should be awarded.

Questions from Members of the Panel

The Assistant Director Human Resources stated that she could not see the situation happening in another case. She repeated that as the issue had been raised before the Appeal Panel it could not be ignored. She said as she had only chaired one Appeal Panel hearing she could not comment on how any other anomalies might have been dealt with. She stated that where it became apparent that changes to a factor on one post impacted on another it would be a matter for the appropriate manager to review the situation and pursue if necessary.

Summing-Up in relation to this Factor

Both parties advised that they did not wish to add anything at this stage.

(e) Overall Summing-Up

The Assistant Director Human Resources stated that many of the difficulties arising from this case were as a result of the submitted paperwork. She stressed the importance of managers and staff submitting correct and up to date paperwork to Job Evaluation Panels.

The appellant stated that her score in relation to the Responsibility for People factor had been downgraded on the basis of one question put to her at the Appeal Panel meeting. She repeated that she had not been informed of the context of this question. She stated that even at Level 2 for this factor she would be scoring lower than other officers in the Legal Section and suggested that the Assistant Director Human Resources was now attempting to negotiate a comprise level rather than follow the correct procedure.

She asked the Panel to assess the post and not her as an individual. She asked the Panel to pay particular regard to the Statement submitted by the Director of Corporate Support Services.

She again drew attention to the ICT duties of the post and to the discrepancy in the scoring between her post and the Trainee Legal Officer post which had no management responsibilities.

(f) Deliberations

The appellant, the Director of Finance and ICT and the Assistant Director Human Resources withdrew from the meeting. The Panel discussed the information which had been provided by the appellant and the Assistant Director Human Resources on behalf of the Job Evaluation Appeal Panel in writing and orally including their statements, the relevant policies and procedures, the Job Description, Person

Specification, Limits of Authority and additional information for the post of Senior Contracts Lawyer. The Panel discussed the information which had been presented to them on a factor by factor basis.

(g) Decisions

(i) Mental Skills Factor

The Panel noted the contracts work of the job including contract law, EU requirements and the procurement element. The Panel also noted the IT and management aspects of the job.

The Panel took account of the fact that the requirements of Level 4 were to analyse and interpret complex information or situations and to solve difficult problems or develop solutions or plans over the medium-term (over one month and up to six months) whilst Level 5 required the analysis and interpretation of varied and complex information or solutions and to produce solutions or strategies over the long-term (six months or more).

The Panel noted the references made by the appellant to contract processes taking many months and undertaking ICT processes some of which needed to be planned and documented over more than six months including training of staff. However, they noted the Additional Information sheet for the post stated that the postholder formulated plans, policies/strategies over the medium-term (one to six months).

The Panel concluded that in order to base its decisions on the job and not the job holder, great importance had to be attached to the paperwork relevant to the job. On balance therefore the Panel concluded that the requirements of Level 5 were not met.

RESOLVED:

That Level 4 is the correct level for the post.

(ii) Initiative and Independence Factor

The Panel noted that Level 6 required that the job involved working within broad practice or guidelines using discretion and initiative over a broad area of activity with little access to more senior officers.

The Panel took account of the representations made by the appellant about the role of the Assistant Director (Legal) and the general lack of IT skills in the Legal Section. The Panel also took account of the appellant's management duties. In relation to the broader area of activity the appellant had referred to the different types of contract that she dealt with and her work in relation to IT issues, and other legal work. Whilst accepting that contracts could be different, the Panel taking account of the definition of "broad range of activity" in the local convention did not consider the post exercised discretion or initiative over an extensive range of different possible and related tasks making up the overall activity.

Accordingly the view of the Panel was that the requirements at Level 6 were not met.

RESOLVED:

That Level 4 accurately reflects the initiative and independence required of the post.

(iii) Responsibility for Physical Resources Factor

The Panel noted the responsibilities of the job in relation to ICT and the safekeeping of the Council's Title Deeds. The Panel did not consider that those roles satisfied the requirements of Level 4 to have high direct responsibility for the adaptation, development or design of significant information systems or security for a range of (different/discreet from each other) high value physical resources.

RESOLVED:

That the view of the Panel is that Level 3 is the correct level.

(iv) Responsibility for People Factor

The Panel noted the circumstances leading to re-evaluation of this factor which had not been subject to appeal, namely, as a result of one question at the Job Evaluation Appeal Panel, the reason for which and the consequences of the answer given had not been explained to the appellant. The Panel noted as a result the appellant had not been given an opportunity to make any representations in relation to this matter. The Panel accepted that by appealing a postholder was made aware that scores could go up or down or stay the same. However, the Panel concluded that natural justice required the status quo to be reinstated to Level 4.

RESOLVED:

That this factor be not evaluated but that Level 4 be reinstated in the interests of natural justice.

9. STAFF APPEAL NO. 4 - 2012/13

RESOLVED:

That consideration of this appeal be deferred to a future meeting.

CHAIRMAN