

Joint Union Response to Consultation on Appeals Against Dismissal

The joint trade unions are opposed to the proposal of changing dismissal appeals from members to senior officers on the following grounds:

1. The current process is not burdensome and has only been used a handful of times to our knowledge in the last few years and exhausts the internal procedure. This, despite the timeframe on occasions, does not deter unions from preparing and submitting claims to Employment Tribunals, even when the timescale exceeds 3 months from the date of dismissal.
2. Recent legislation requires that ACAS Early Conciliation takes place before any case can be referred to ET. This “stops the clock” on ET submission by up to 28 days in the first instance and, with the agreement of both parties, by a further two weeks should a settlement be likely via conciliation led by ACAS.
3. The consistency of the council acting fairly at all times is no more proven by senior officers hearing such appeals than it is by the current arrangement of Members holding this responsibility.
4. The robustness of the current process where, on occasions, senior managers (documented in proposal) who have dismissed are subject to the scrutiny at dismissal appeals chaired and heard by Members is deemed a fairer system than one which moves upwards within the hierarchal structure of a department or council.
5. The document refers to training in employment law and suggests that in order to hear appeals senior officers must be trained. We argue that this training should be provided to Members to allow the current process to continue.
6. A qualified lawyer (internal or external) currently provides this service to the existing appeals process against dismissal and this would have to continue.

It is therefore the view of the joint trade unions that the current arrangement for dismissal appeals should be maintained.

Mark Plumb

On behalf of Joint Trade Unions

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