
JOB EVALUATION - APPEAL PROCEDURE.

Grounds of Appeals

A post holder may appeal against the results of an evaluation where they can demonstrate objective reasons for believing that the procedure adopted or the assessment of their job was not soundly based.

Appeals will be **admissible** where based on the following grounds:

- factual inaccuracy in either the inputs or the outputs of the evaluation process
- failure to apply the agreed local Job Evaluation procedure
- mis-application of the factor definitions, levels and guidance of the Scottish Joint Council Job Evaluation Scheme.

Appeals submitted under these grounds will be determined by the East Dunbartonshire Council Appeals Panel, with no right of appeal to the Scottish Joint Council.

The decision of the Appeals Panel is final and there is no further right of appeal within the Council. Furthermore there is no right of recourse to the Local Grievance Procedure in terms of pay and grading issue.

An initial check will be made by the Job Evaluation Team to ensure that the evaluation outcome was not due to an administrative error and, should this be the case, the error will be rectified immediately and without recourse to the appeals process.

Appeals on the grounds of comparability with other jobs (either within or outwith the Council) or appeals seeking to restore previous differentials will be inadmissible.

Appellants should note that the findings of the East Dunbartonshire Council Job Evaluation Appeal Panel may alter the factor level score in **either direction**, as consideration of an appeal requires taking all factors into account.

Constitution of the Appeals Panel

The Job Evaluation Appeals Panel shall consist of two members who will undertake the duties of the chair on a rotational basis.

The two Members will be:-

- An Executive Officer who is not from the appellant's service.
- A Trades Union representative from the Job Evaluation Steering Group.

In normal circumstances the Trades Union representative on the Appeals Panel will not be from the Trades Union representing the Appellant(s). In circumstances of multiple trades' union appellant(s), the Job Evaluation Steering Group will decide the Appeal Panel Member from the pool of Trades Union Members of the Job Evaluation Steering Group.

A Job Analyst will act as a Technical Adviser to the Job Evaluation Appeals Panel.

A note taker will also be present at the meeting.

Panels should wherever possible contain members of both genders. Where this is not possible it shall not invalidate a Panel's constitution.

Appeal Panel members will not represent appellants in the Job Evaluation Appeals process.

An individual is not eligible for membership of the Job Evaluation Appeals Panel in any of the following circumstances:

- Where they have not completed the appropriate training
- Where that person has been involved in the original evaluation of a post which is the subject of an appeal
- Where that person is a postholder within a Service and the post which is the subject of appeal is contained within the establishment of the same Service, line management or job locus
- where that person has a conflict of interest

The Appeals Process

The postholder should complete the Job Evaluation Appeal proforma and arrange to discuss this with their Line Manager. Line Managers will provide comments on the factual accuracy of the information submitted by the Appellant, or other relevant contextual information, on the completed appeal form. Any supporting documentation being submitted by the Appellant should be attached to the completed appeal form at this stage. The appellant's Line Manager will be required to attend the Hearing to comment on evidence led by the appellant; and to answer questions from the Panel members.

Appellants may attach supporting documentation in respect of their case. This should not include copies of any Council policy documents, reports or procedures – these should only be referred to and will be made available to the Job Evaluation Appeal Panel. Appellants must be mindful of their obligation to clients and colleagues under the General Data Protection Regulation (EU2016-679) the Data Protection Act 2018, with regards to supporting documentation that is submitted; and any inappropriate information will be removed or redacted by the Job Evaluation Team during the initial check of the submission.

No further additional information may be submitted after the appeal submission.

The Appellant will then forward the completed appeal form and supporting documents to the Job Evaluation Team by the closing date for appeal submission, setting out:

- the grounds of appeal
- the factor levels being appealed against
- the appellant's case under each of the relevant factor headings
- the views of the relevant line manager who should comment on the information provided by the appellant in relation to the factual content of the post and the accuracy of the appellant's appeal

In preparing their Job Evaluation Appeal submission postholders will have access to

- the definitions and guidance of the Scottish Joint Council Job Evaluation Scheme.
- the agreed local Job Evaluation Appeal Procedure
- Job Overview Document, and/or other documentation which was used in the evaluation process;
- the factor levels assessed for their job under each of the factor headings;

Based on guidance from the Joint Secretaries of the SJC, it is recognised that in practice it may be appropriate to consider appeals from a number of individuals on a group basis. In order to avoid any potential discrimination, individual appeals will only be grouped where it can be demonstrated that:

The individual appellants involved are all doing the same job. Each individual's job has been allocated the same evaluation profile – i.e. factor level scores are identical; the substance of each individual's appeal is the same and each individual has agreed to waive their individual right of appeal, to accept the outcome of the group appeal.

Where it is agreed that a group appeal should be progressed, a nominated individual from within the group will represent the group at the appeal hearing, together with the appropriate Trades Union representative.

The process, governance, appeal format and reporting outcomes will be the same as for individual appeals.

It should however be noted that it is the role of the Job Evaluation Appeal Panel to determine whether the grounds and substance of a number of cases are the same.

Appellants will be informed that they are entitled to be represented by a Trades Union representative or accompanied by a work colleague. Appellants should ensure that if they have selected to be represented by a Trades Union representative, it is the appellant's responsibility to advise their Trades Union representative of the date and time of the appeal Hearing and ensure that they have met their representative prior to the Hearing.

The Appeals Panel will be provided with any relevant background documents by the Job Evaluation Team.

Conduct of the Panel

Sift Process

All written appeal submissions will be given initial consideration by the Panel, without the presence of the appellant or their line manager, in order to:

- determine whether there are admissible grounds for the appeal
- identify any appeals requiring investigation or further information
- identify any non job evaluation issues outwith the remit of the Panel, for referral back to Human Resources.

Where the Panel consider there to be no admissible grounds of appeal, the appeal is rejected.

Individual appellants will be informed of the outcome of this process, and, if appropriate, notified of the date set for their hearing.

Where the Panel consider there to be no admissible grounds of appeal, the appeal is rejected and the appellant will be advised of the outcome and that they have no further opportunity to make representations to the Job Evaluation Appeals Panel. The line manager will also be notified of this outcome.

Where there are admissible grounds of appeal, individual appellants and line manager will be notified of the date and venue set for their hearing.

Panel Procedure –

The following procedure will be adopted.

The Chair will

- introduce all present at the hearing
- ensure those attending understand the procedure which is to be followed during the Hearing.
- ensure time limits are adhered to.
- close the Hearing and ensure that the Appellant understands how and when they will be notified of the outcome
- refer any matters arising outwith the remit of the Panel to Job Evaluation Team.

As the panel will already have copies of submitted paperwork, restatement of grounds in full is not required. The Appellant, or their representative, will have ten minutes to present their case, after which they will be questioned by members of the Panel. It is the duty of the Chairperson to allow sufficient time to ensure a fair hearing and therefore they shall be able to exercise discretion in extending the time allocated for the hearing

Where the Trades Union representative or person nominated by the Appellant to accompany them to the Hearing is unable to attend the Hearing, the Chair may at their discretion, decide to adjourn the date of the Hearing to enable that person to be present at the rescheduled Hearing, or may, with the consent of the Appellant accept as admissible a written statement signed by that person.

The Line Manager will be asked to comment on the factual accuracy of the Appellant's presentation; and will also be asked to confirm the accuracy of the information provided by the Appellant in response to the Panel's questions. The Appellant, or their representative, will then be provided with an opportunity to briefly summarise the key points of their case – no new evidence may be brought forward at this time.

At the conclusion of the Hearing, the Appeal Panel will recess to undertake a 10 minute review to ensure that all relevant information has been gathered. If necessary, the Hearing may be reconvened. Where the Panel consider there may be an impact on the assessment of the job under other factors of the Scottish Joint Councils Job Evaluation Scheme, the Panel will identify those factors for the Job Evaluation Team; and specify the evidence to be taken into consideration.

Where there is a disagreement between the Appellant and the Line Manager in relation to a matter of accuracy, the facts may need to be verified with the appropriate Executive Officer before the Panel complete their deliberations. This responsibility will form part of the remit of the Technical Adviser to the Job Evaluation Appeal Panel.

Having considered the written submissions and heard the evidence of the Appellant and the Line Manager, the Panel will deliberate as to whether the case:

- was well founded in fact and supported by corroborated evidence
- or
- was not well founded.

Panels will operate on the basis of discussion and consensus agreement, and may seek additional information to assist them in reaching a decision. If necessary, the Panel will re-convene (without the attendance of the parties) to deliberate further once clarifying information has been provided to the

Technical Adviser by the relevant Executive Officer or other persons. There will be no voting, if the Panel 'fail to agree' the appeal will be forwarded to the Job Evaluation Steering Group for review.

Where the Panel consider there to be no admissible grounds of appeal, the appeal is rejected. In deliberating the Panel members may not consider any information relating to factor levels or Job Evaluation points scores; and in coming to a final decision, the Panel will not be influenced by how their decisions may affect the grading of the job under consideration.

The Chair is responsible for signing the documentation in respect of the Hearing outcome, including details of where the Panel considers the Job Overview Document does not reflect the established facts of the job appropriately.

The impact of the re-assessment of the evaluation by the Job Evaluation Team could be that a Job Overview Document:-

- * remains the same
- * changes in its wording in respect of one or more factors, which remains at the same level
- * changes in its wording in respect of one or more factors and as a result the factor levels increase
- * changes in its wording in respect of one or more factors and as a result the factor levels decrease

Notification of Results

The Job Evaluation Appeals Panel will determine whether the appeal:

- was well founded in fact and supported by corroborated evidence; and therefore upheld in full or in part
- was not well founded; and is therefore rejected

If in re-assessing an evaluation in order to promulgate the decisions of the Job Evaluation Appeal Panel the Job Analyst Team find that there is prima facie evidence of:

- a potentially inconsistent application of the Scottish Joint Council Job Evaluation Scheme (as applied by the Job Evaluation Team)
- an inadequate audit trail of evidence and reasons for the Panel's decision
- anomalous results

Then the outcome will be referred back to the Job Evaluation Appeals Panel with a written report setting out the grounds for concern and a request that the Panel either:

- Identify further matters of fact that will require to be established by the Technical Adviser
- recommend a full re-evaluation of the post;
- provide full reasons for their decision; and
- review their decisions and provide either further justification for the original determination or amend the result and provide full written reasons for the amendments.

Notification of Appeals Panel outcome will be issued to individual appellant(s) when the appeal has been completed and ratified by the Job Evaluation Steering Group.