

Appendix 2

Appeals Policy for NJC/HAY Job Evaluation



Walsall Council

Version Control

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Purpose	This procedure ensures that the Council has fair and effective arrangements for dealing with appeals against evaluations arising from the National Joint Council (NJC)/HAY Job Evaluation Schemes.		

This policy links to:

- Corporate Plan
- Walsall Proud programme
- Pay Policy Statement
- Job Evaluation and Grading Policy
- Workforce Strategy
- Behaviour & Standards Framework
- Recruitment and Selection Policy
- Walsall terms and conditions of service (Orange Book)

This list is not exhaustive.

For further advice or guidance on this policy, or if you would like this information in another language or format please contact:

HR Operational Services Team

Telephone: 01922 655656

Text phone: 01922 654000

Email: hrdoperationalservices@walsall.gov.uk

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1. Introduction

- 1.1 Walsall Council is PROUD. We are proud of our past, our present and for our future. The council is committed to reducing inequalities and ensuring all potential is maximised and its employment policies, procedures and guidelines are designed to support this vision and deliver the council's priorities.
- 1.2 The council is committed to creating an environment that provides opportunities for all individuals and communities to fulfil their potential. This policy provides a framework in which employees will be supported to deliver the council's priorities in line with the council's expected behaviours and values; professionalism; leadership; accountability; transparency and ethical.
- 1.3 The council's values and behaviours will be at the core of everything the council deliver and through a culture of continuous improvement the council will increase performance, efficiency and champion the design of services to meet the needs of customers. As a digital by design council, employees will be empowered to deliver new ways of thinking and new ways of working, encouraging innovation and creativity in a learning environment. The council is committed to technological investment to deliver transformation in order to improve the efficiency and effectiveness of its services, both internally and externally.
- 1.4 This Policy framework promotes the council's strategic priority of internal focus ensuring all council services are effective and efficient and helps embed the behaviours and values expected of all employees as part of the Behaviour and Standards Framework.
- 1.5 The aim of this policy is to implement the council's national and locally negotiated agreements covering job evaluation and grading, fairly and consistently in compliance with equal pay requirements ensuring a fair and effective process for dealing with appeals.

2. Scope

- 2.1 This policy applies to all council employees employed on the NJC for Local Government Service (Green Book) conditions of service (including employees within Community Schools on NJC terms and conditions);
- 2.2 With the exception of the following employees who are on non NJC terms and conditions, as different national pay bodies determine their pay and conditions;
 - JNC Chief Officers
 - Soulbury
 - Youth and Community
 - Teachers
 - NHS

3. Principles

- 3.1 This policy ensures that the Council has a fair, non-discriminatory, transparent and effective process for dealing with appeals against job evaluation outcomes.
- 3.2 An employee dissatisfied with the grading of their job is entitled to appeal for reconsideration of the grade of their post after it has been through the normal evaluation process.
- 3.3 The criteria for appeal is that the employee considers that the scheme has been wrongly applied e.g. factor levels have been wrongly allocated, the responsibilities of the role have not been fully considered or the evaluation panel process has failed to ensure guidance has been followed.
- 3.4 Grounds on which an appeal will not be considered;
- comparison with other jobs within or outside the council and or where the only evidence submitted is a view about the relative differentials in individual factor level scores or the total points score, or the fact that they were at the same grade pre job evaluation;
 - Any opinion about the suitability of the NJC/HAY scheme in general to measure the characteristics of any given jobs, or on the basis of disagreement with the jointly agreed local conventions;
 - Any opinion with regard to the pay scale attached to a job evaluation score.
- 3.5 To be considered, appeals must be submitted to HR in writing (using JE appeal form) within 10 working days of notification of the grade for the job.
- 3.6 Grading appeals for roles within the HR structure will be undertaken by an appropriate external body and will mirror the council's appeals policy for NJC/HAY job evaluation.

4. Accountabilities

- 4.1 Managers / Head Teachers are accountable for the following;
- Applying this policy and procedure consistently, fairly and objectively in accordance with the council's vision and purpose and clearly demonstrate the council's management behaviours and values, seeking further advice and guidance from HR where necessary;
 - Responding to all employees who wish to appeal the grade of their re-evaluated post;
 - Resolving issues raised by individual employees relating to their job description.
- 4.2 Employees are accountable for the following;
- All employees should support the delivery of the council's vision and purpose, clearly demonstrating the council's behaviours and values;

- Actively engage in employment practices and processes in which they are involved and should ensure they understand this policy, seeking further advice and guidance from managers where necessary;
- Discuss as appropriate any concerns regarding their job description and/or the JE process / grade with their manager in the first instance.
- Comply with the requirements of this policy and procedure.

5. Procedure

5.1 Informal review stage

- 5.1.1 Employees will be required to provide evidence in writing (using JE appeal form) to explain why they feel their post is incorrectly graded. The employee must pass the form to their line manager to confirm that the evidence provided on the appeal form is factually correct; this must then be submitted to HR. In schools, Governors or Head Teachers will forward Appeal forms to HR.
- 5.1.2 At the informal review stage, a HR Advisor will review all appeal documentation and all previous submitted information, the outcome will be communicated in writing within 20 working days, roles within the HR Structure will be reviewed by an appropriate external body.
- 5.1.3 If the employee is not satisfied with the outcome of the informal review, they will need to notify HR within 10 working days of notification of the outcome and the appeal will move to the formal Hearing stage.

5.2 Formal appeal hearing stage

- 5.2.1 A formal appeal hearing will review the factors appealed but reserve the right to complete a full review of the post, therefore a review of all factors.
- 5.2.2 A formal appeal hearing will normally be heard within 2 calendar months of HR receiving employee notification requesting the formal appeal hearing.
- 5.2.3 Formal appeals will be heard by 3 independent panel members not involved in the original evaluation, which will normally comprise of:
- A senior HR Manager (trained in the use of the scheme) who will Chair the hearing;
 - A senior service manager;
 - A trade union representative;
- There will also be a HR Advisor present as a JE technical advisor (not otherwise involved at the informal appeal stage).
- 5.2.4 The employee and their line manager will be informed of the date and time of the hearing, as they may need to make themselves available should they need to be contacted for points of clarification.

- 5.2.5 The employee and their representative will have the option of attending the beginning of the appeal to put forward their case, no new supporting evidence can be submitted at this stage. The employee and their representative can answer any points of clarification the panel may have, they will then leave the panel to conclude the appeal.
- 5.2.6 The panel members in the formal appeal hearing will consider all documentation submitted by the employee and take advice from the technical advisor (as required).

5.3 Generic and multi occupancy posts

- 5.3.1 If the appeal is for a multi-occupancy post, a joint written submission should be made and 1 nominated employee together with a line manager will represent the views of the post holders (submitting the original request) during the informal review meeting or formal appeal hearing.
- 5.3.2 The outcome of an appeal will apply to all post holders covered by the job description.
- 5.3.3 If the jobholder is part of a multiple occupancy group and they feel that the JD does not adequately represent the tasks they are required to do, or that all aspects of their individual job have not been taken into account, this is not an appeal and should be discussed with the line manager. If the manager agrees a new JD may be developed and submitted for evaluation using the normal process.
- 5.3.4 If the line manager does not agree with the employee then the employee is able to raise the issue with the HOS/Assistant Director/Executive Director for resolution.

6. Appeal decision

- 6.1 The outcome of the appeal may be as follows:
- The factor levels awarded against a post may change; this may lead to the grade of the job increasing, decreasing or remaining the same;
 - Any increases in the grade will be implemented from the date that the Head of Service signed the re-evaluation request form, unless the manager approves a back dated request, which will not exceed a 12 month period unless exceptional circumstances apply. Any decreases in grade will be implemented from the date that the Head of Service signed the re-evaluation request form and pay protection will apply in accordance with the council's pay protection provisions at the time.
 - The factor levels awarded against the job may change but the grade may remain the same.
- 6.2 The outcome of the appeal will be notified to the employee and manager, or Governors/Head Teachers in schools, by HR within 5 working days of the

hearing. The panel chair will be available to answer queries from managers/ Head Teachers.

- 6.3 The decision of the appeal panel is final and not subject to further review/appeal.
- 6.4 In the event of an appeal outcome reducing the grade of the original post (which is the grade prior to the re-evaluation request submission), organisational pay protection, including annual leave protection, will apply from date the Head of Service signed the original re-evaluation request.
- 6.5 Associated terms and conditions of employment which are grade dependent will apply from the implementation date of the new grade. Pay protection will be in accordance with the council's pay protection provision where applicable and will relate to the original grade (prior to the re-evaluation request submission).