



## Coxhoe Parish Council: Appeals Committee Terms of Reference

### 1. **Premise**

The purpose of this Committee is to provide a process for and to reach decisions on appeals of grievance or disciplinary matters which have completed the process through the Grievance, Disciplinary and Complaints Committee.

### 2. **Membership**

The Committee shall comprise of at least four councillors appointed at the Annual Council meeting or at a Council meeting. At the first meeting of the Committee a Chair will be elected by the members. The terms of reference must be approved by full Council. All Councillors will receive the agenda and draft minutes for each meeting.

### 3. **Quorum**

A quorum will be three members.

### 4. **Meetings**

4.1 The Committee should hold meetings on a needs basis, convened by the Clerk.

### 5. **Conditions**

5.1 Due to the confidential nature of some items of business to be transacted it may be necessary to hold meetings (or parts thereof) in private in pursuance of Public Bodies (Admission to Meetings Act 1960 Section 1 as amended 2014 and by the Openness of Local Government Bodies Regulations 2014). This can be done at any point during the meeting. Staff will also be required to leave unless otherwise agreed by the Committee and a Councillor will be nominated to record the discussion and any resolutions during this period.

5.2 Minutes to be an agenda item and the minutes and the outcome of the appeal should be presented for noting at the next meeting of the parish council.

5.3 The Committee may co-opt to fill temporary vacancies.

5.4 The Committee is empowered to invite specialist professional officers or advisers to attend meetings to provide guidance as to matters under discussion. If a cost is involved this will be financed under HR Advice or Legal and Financial Advice codes of the Parish Council budget. The Clerk will discuss this with at least two Committee members in advance of the meeting and will use delegated authority to commit to the expenditure.

5.5 The Committee has powers delegated by full Council to reach decisions within its remit.

5.6 Only members of the Committee may vote on agenda items. Staff will not be formal members of the Committee and will not have any voting rights on this Committee.

5.7 Non-Members of the Committee are subject to the same rules as Committee members regarding confidentiality and the requirements of the Code of Conduct.

5.8 The Committee will comply with and have due regard to policies and guidance relating to staffing matters, which include (but are not limited to):

- Standing Orders
- Financial Regulations
- Parish Council Policies including for Disciplinary and Grievance, Subject Access Requests

and Data Protection

- Staff contracts which reference Terms and Conditions of Employment
- ACAS guidelines and procedures for grievances or disciplinary matters
- National Joint Council (NJC) 'Green Book' pertaining to employment of local authority staff.

5.9 Anyone making a Subject Access Request will not receive a formal invitation to the meeting of the Committee.

5.10 The Clerk will undertake research in relation to any Subject Access Request including checking the identity of the people making the request.

## **6. Restrictions**

6.1 A member of the council will not sit as a member of the Committee if that member has a conflict of interest.

6.2 If a Subject Access Request is submitted by a Councillor who is a Member of the Committee, another Councillor will be requested to be a substitute Member for that meeting of this Committee.

6.3 The Committee will not consider appeals on complaints which have been decided by the Grievance, Disciplinary, Complaints and Subject Access Request Committee as there is no right of appeal.

## **7. The Committee's Responsibilities and Powers**

7.1 The Committee has powers and responsibilities to decide the outcome of an appeal.

7.2 The Committee has powers and responsibilities to decide the outcome of a review of a Subject Access Request already decided on by the relevant Committee.

7.3 The decision of the Committee on any appeal will be final and there is no further right of appeal.

The Terms of Reference were approved by Coxhoe Parish Council at its Ordinary Meeting on 7 March 2022.