

## THE PERSONNEL APPEAL PANEL

The General Assembly of 1996, on the Report of the then Assembly Council, determined that there should be a Panel established from which members would be drawn to serve on Appeal Groups, serviced by the Solicitor of the Church, to hear appeals in regard to staff grievances and disciplinary matters. These would relate to staff of the employing agencies of the Church with the exception of the Board of Social Responsibility (now the Social Care Council operating under the name CrossReach) which had, and which retains, its own appeals procedures. In the subsequent year, the General Assembly approved more detailed recommendations as to the eligibility of serving on the Panel and how appeals should be dealt with. This included the requirement that no former or current member of staff of any of the Church's employing agencies (including the Board of Social Responsibility, now the Social Care Council) should be appointed to the Panel nor should any current Council or Committee member. This was in recognition of the requirement that the procedure be wholly independent of the employing agencies. It was also affirmed that the decision of an Appeal Group which would consist of three members of the Panel should be final, with no further right of appeal within the Church. These principles were subsequently affirmed when the General Assembly in 2000 approved a deliverance that staffing matters relating to particular individuals, whether of discipline or grievance, cannot under any circumstances be raised on the floor of the Assembly.

The approved procedures further provide timescales for the hearing of appeals, namely, that they should normally be dealt with within 20 working days of a written appeal being received by the Solicitor of the Church and with the employee being advised in writing of the decision reached, normally within 10 working days after the final meeting of the Appeal Group to hear the appeal.

Currently, there are three employing agencies whose staff may seek redress via the Appeal Group procedure, namely:-

- (a) The Central Services Committee  
Staff for whom it is the employing agency are based mainly at the Church Offices and at one or two other locations such as the Scottish Storytelling Centre. These are the staff who provide the administrative support for all the Councils and Committees of the General Assembly (except for the Social Care Council) and the General Trustees, the Pension Trustees, the Housing and Loan Fund and the Guild;
- (b) The Ministries Council  
The employees concerned are Ministries Development staff based within particular Congregations or Presbyteries; and
- (c) The World Mission Council  
The Council acts as an employing agency with respect to its overseas employees only, namely those who work within the institutions in Israel and with other partner Churches throughout the world.

Reference to the appeal procedures can be found within the employee handbook issued to Central Services Committee staff. Similar provisions are found in the handbooks of the other employing agencies.

In practice, almost all appeals to date have been from employees of the Central Services Committee. Overall, the number of appeals has been small, perhaps one or two per annum. However, at the time of the Pay and Grading Review in 2009, some 15 employees appealed to the Second Stage, with such appeals being dealt with by members drawn from the Personnel Appeal Panel.

When an appeal is received, the staff member concerned is requested to set out grounds of appeal if they have not already done in their initial letter. The Head of the Department concerned and/or the HR Department are then asked to provide written answers. This has proved helpful in focusing the issues in dispute. Parties are also encouraged to lodge any written papers on which they wish to rely in good time for the appeal hearing so that these can be circulated to those who will be hearing the appeal. The Solicitor selects three members from the Panel to hear the individual case. This is done to try and provide an appropriate balance, both of skills and to take into account factors such as gender. Given the timescales, the selection has also to take availability into account. A date as early as possible is then fixed for the hearing. On the day, time is allowed for the Group to meet beforehand to get to know each other and also to talk through any procedural or other issues which may be apparent. The group also agrees as to who of their number is to convene the hearing.

The parties are then called in. The employee is entitled to be accompanied by a trade union representative or a work colleague. The employee is then asked to speak to their appeal. The employer's representative (usually the Head of the Department concerned accompanied by a member of staff from the HR Department) replies and then the employee is entitled to respond to any new points arising. Questions are then asked of both parties by the Group members and finally both the employee and the employer's representatives are asked to sum up, with the employee being given the right to speak last. The parties then withdraw. The Group then deliberate and come to their decision. As a judicial body of the General Assembly, the Group essentially has all the powers of the General Assembly, including for example the quashing of a disciplinary decision, or in the case of a grievance which is upheld, the awarding of monetary or other compensation.

Unless the Convener prefers a different approach, the Group, having reached its decision and articulated verbally its reasons for that, proceedings are adjourned. The Solicitor, as Secretary, then writes up the decision, which is then Emailed around the Group for approval/amendment. The written decision is then intimated by the Solicitor to both parties.

Although some appeals have been more complex than others, it has always proved possible to deal with the whole matter in a single day and, indeed, generally speaking, half a day only is required.

Given the nature of the proceedings, obviously all papers issued are confidential and members are asked either to destroy and dispose of them carefully once the judgement has been adjusted, or to return them to the Solicitor for destruction. Email and other correspondence received should be dealt with similarly. As with other bodies in the Church, attendance at hearings is not remunerated. Travel and other out-of-pocket expenses are, however, met in terms of the Church's Expenses Policy.