

STAFF APPEALS COMMITTEE

A meeting of the Staff Appeals Committee was held on 7 April 2006.

PRESENT: Councillor Rooney (Vice- Chair) (In the Chair), Councillors McIntyre and A E Ward.

OFFICIALS: J Bennington, H Eagling and J Thompson.

**** ALSO IN ATTENDANCE:** Appellant, Appellant's Trade Union representative and D Johnson.

**** APOLOGIES FOR ABSENCE** were submitted on behalf of the Chair, Councillor Ferrier and Councillor P Thompson.

**** DECLARATION OF INTERESTS**

No declarations of interest were made at this point of the meeting.

**** EXCLUSION - PRESS - PUBLIC**

ORDERED that the press and public be excluded from the meeting for the whole of the business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Schedule 12A of the Local Government Act 1972.

APPEAL - CASE REFERENCE A/5/77

The Committee considered case reference *A/5/77* regarding an appeal against dismissal.

Details of the procedure to be followed for the hearing together with a statement of case, which had been prepared by the Service Area's representative and information provided on behalf of the Appellant had previously been distributed.

The Service Area representative presented the Council's case and called a witness who clarified the position and both of whom responded to questions posed by the Appellant's Trade Union representative, Members of the Committee and the Legal representative.

At this juncture, the proceedings were adjourned for approximately five minutes and with the exception of Members, Legal representative, Human Resources representative and Governance Officer all vacated the meeting room.

The appeal hearing resumed and the Appellant's Trade Union representative presented the case on behalf of the Appellant and called a witness and together with the Appellant responded to questions posed by the Service Area representative and Members of the Committee.

Following the summing up of the cases, all withdrew with the exception of Members, the Legal representative, Human Resources representative and Governance Officer whilst the Committee determined the appeal.

The Appellant, Appellants' Trade Union representative and Service Area representatives returned for the announcement of the Committee's decision.

ORDERED as follows:-

1. That the appeal be not upheld having given full consideration to all of the evidence presented.
2. That the reasons for the above decision were that the decision to dismiss had been justified because:-
 - a) the Appellant had failed to meet legal requirements and meet targets, which the Appellant had been aware of;
 - b) the procedure adopted at the disciplinary hearing was fair; the AC Report had been referred to as part of the overall failure to address concerns and whilst the Appellant was not, apparently served with a copy of the Report prior to the hearing, it had been referred to at the disciplinary hearing on 9 February 2006; and the Appellant, or his representative, could have raised this; nevertheless, the Appellant had been specifically aware of the management/leadership problems in the Report;
 - c) the Appellant had been informed of his rights to representation for the commencement of the formal capability procedure, and meetings on 14 and 25 November were seen to be part of the monitoring process.