

**STAFF APPEALS COMMITTEE**

A meeting of the Staff Appeals Committee was held on 24 August 2006.

**PRESENT:** Councillor Ferrier (Chair), Councillors Rooney and P Thompson.

**OFFICIALS:** J Bennington, R G Long and S Osbon.

**\*\* ALSO IN ATTENDANCE:** Appellant, Trade Union representative, G Clarke, M Dodds, R Hicks and M Surtees.

**\*\* APOLOGIES FOR ABSENCE** were submitted on behalf of Councillors McIntyre and A E Ward.

**\*\* DECLARATION OF INTERESTS**

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

**\*\* MINUTES**

The minutes of the meeting of the Staff Appeals Committee held on 12 July 2006 were taken as read and signed by the Chair as a correct record.

**\*\* 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 and that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

**APPEAL - CASE REFERENCE AD/2/06**

The Committee considered case reference AD/2/06 regarding a sickness capability appeal against a formal warning and dismissal.

Details of the procedure to be followed for the meeting together with a statement of case, which had been prepared by the Service Area's representative, had previously been distributed.

The Service Area representative presented the Council's case and together with three witnesses clarified the position and responded to questions posed by the Appellant, 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 and Legal, Human Resource and Governance representatives all vacated the meeting room in order for the Committee to clarify the way forward in the light of the evidence presented so far.

The appeal resumed and the Appellant's Trade Union representative presented the case and together with the Appellant responded to questions posed by Members of the Committee, Legal and Service Area representatives.

Following the summing up of the cases all withdrew from the meeting with the exception of Members and the Legal, Human Resource and Governance representatives whilst the Committee determined the appeal.

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

**ORDERED** that on the evidence presented the Committee concluded that the Council's correct procedures had been followed and that the decisions to issue a formal warning and dismissal were correct and reasonable in all circumstances.