

STAFF APPEALS COMMITTEE

A meeting of the Staff Appeals Committee was held on 12 January 2007.

PRESENT: Councillor Ferrier (Chair), Councillors McIntyre, Rooney and A E Ward.

OFFICIALS: J Bennington, D Jackson, K Lindberg (observer) and J Thompson.

**** ALSO IN ATTENDANCE:** Appellant, Trade Union representative and J Dalby.

**** AN APOLOGY FOR ABSENCE** was submitted on behalf of 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 and that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

APPEAL - CASE REFERENCE AD/1/07

The Committee considered case reference AD/1/07 regarding an appeal against dismissal under the Council's Sickness Capability Policy.

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 and copy correspondence in support of the Appellant's case had previously been distributed.

The Service Area representative presented the Council's case and clarified the position and responded to questions posed by the Appellant's Trade Union representative, Appellant, legal representative and Members of the Committee.

The Appellant presented the case and responded to questions posed by Members of the Committee and legal representative.

Following the summing up of the cases all withdrew from the meeting with the exception of Members and the legal, human resources and governance representatives whilst the Committee determined the appeal.

ORDERED as follows:-

1. That after careful consideration of the documentary and oral evidence presented, the appeal against dismissal be not upheld on the basis that the Council's procedures had been followed and the decision reasonable in all circumstances of the case.
2. That the reasons for the decision outlined at (1) above were as follows:-
 - a) the South Tees Home Support Service provided care to vulnerable and challenging children and therefore the Appellant needed to be able to provide care to any or all of the children;
 - b) the Committee considered that the children had challenges of varying nature and the medical evidence indicated that the Appellant was unable to attend and undertake those care duties;

- c) the level of absence of the Appellant was considered to be unacceptable;
- d) the Appellant had given no definite date for return to work.