

STAFF APPEALS COMMITTEE

A meeting of the Staff Appeals Committee was held on 14 August 2007.

PRESENT: Councillor Rooney (Chair), Councillors Bishop and Ward.

OFFICIALS: J Bennington, H Eagling and R G Long.

****ALSO IN ATTENDANCE:** Appellant, T Bush (TGWU/ACTS), S Cartlidge and witness.

**** 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 31 July 2007 were taken as read and approved 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 AG/02/07

The Committee considered an appeal, case reference AG/02/07 in respect of a grievance concerning a number of issues.

Details of the procedure to be followed for the hearing and a statement of case from Management and information from the Appellant had previously been distributed.

The Director of Legal and Democratic Services sought clarification from the Appellant and the Appellants' Trade Union representative as to the basis of the grievance to be considered at this meeting.

At the request of the Trade Union representative the proceedings were adjourned for approximately five minutes and with the exception of Members, the Director of Legal and Democratic Services, Governance Officer and Human Resources Advisor all vacated the meeting room.

The appeal hearing resumed and the Appellants' Trade Union representative confirmed that the grievance was based on the following points:

- i) the Appellant had suffered detriment and loss of duties as a result of taking carer's leave;
- ii) the Appellant had been subjected to victimisation over a four year period based upon institutionalised racism and having sought evidence to the contrary from the Council none had been given;
- iii) the Council's grievance procedure had not been fully utilised;

iv) the Council's human resources procedures had not been fully followed.

The Director of Legal and Democratic Services sought clarification as to whether or not points (iii) and (iv) above had been considered as part of stage one of the grievance procedure and therefore could be considered at the meeting.

At the request of the Appellants' Trade Union representative the proceedings were adjourned for approximately five minutes and with the exception of Members, the Director of Legal and Democratic Services, Governance Officer and Human Resources Advisor all vacated the meeting room.

The appeal hearing resumed and the Appellants' Trade Union representative confirmed that they wished to proceed with points (i) and (ii) of the grievance outlined above and that points (iii) and (iv) may be the subject of a further grievance.

In accordance with the procedure, the Appellant presented the case and responded to questions posed by the Director of Legal and Democratic Services, Management representative and Members of the Committee.

The Management representative presented the Council's case and called a witness all of whom clarified the points raised and responded to questions posed by the Appellant, the Appellants' Trade Union representative, Members of the Committee and the Director of Legal and Democratic Services.

With the agreement of all parties concerned the proceedings were adjourned for approximately ten minutes and with the exception of the Director of Legal and Democratic Services, Governance Officer and Human Resources Advisor all vacated the meeting room.

The appeal hearing resumed and following the summing up of their cases, the Appellant, the Appellants' Trade Union representative and the Management representatives withdrew from the meeting whilst the Committee determined the appeal.

The Appellant, Appellants' Trade Union representative and Management representatives returned to the meeting room for the announcement of the Committee's decision details of which would be confirmed in writing to the Appellant by the Director of Legal and Democratic Services.

ORDERED that having given full consideration to all of the evidence both written and verbal the appeal based on points (i) and (ii) as outlined above be not upheld.