

STAFF APPEALS COMMITTEE

A meeting of the Staff Appeals Committee was held on 4 September 2008.

PRESENT: Councillor Biswas (Chair) and Councillors J Hobson and Khan (as substitute for Councillor McIntyre).

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

**** ALSO IN ATTENDANCE:** Appellant, J Greig (UNISON) and witnesses for the Appellant, and T Punton.

**** AN APOLOGY FOR ABSENCE** was submitted on behalf of Councillor McIntyre.

**** 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 August 2008 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 Part 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/10/08

The Committee considered an appeal, case reference AD/10/08 regarding an appeal against the issue of a final written warning under the Council's Disciplinary Policy.

Details of the procedure to be followed for the hearing together with statements of case, which had been prepared by the Service Area's representative and from the Appellant, had previously been distributed.

Following introductions the Chair reaffirmed the procedure to be followed at the hearing.

The Appellant's Trade Union representative sought clarification as to how the appeal could proceed in the absence of the Investigating Officer to whom she wished to ask questions relating to the process of investigation. In response, the Director of Legal and Democratic Services outlined the procedure in that each side could present their respective cases and ask questions of each other and that it was a matter for each side as to who they called as witnesses. It was confirmed that it was a matter for the Committee to decide following the submission of such evidence if they were in a position to make a decision.

The Trade Union representative asked that the Committee note their objection to the non-attendance of the Investigation Officer at the meeting.

The Service Area representative presented the Council's case and responded to questions posed by the Appellant's Trade Union representative and Director of Legal and Democratic Services.

With the approval of all concerned the proceedings were adjourned for approximately ten minutes in order for the Appellant, Appellant's Trade Union representative and witness to seek clarification. During this period all withdrew from the meeting with the exception of Members, the Director of Legal and Democratic Services, Human Resources representative and Governance Officer.

All parties returned to the meeting room together with a second witness to be called by the Appellant.

The appeal hearing resumed and the Service Area representative responded to questions posed by the Appellant, Appellant's Trade Union representative, the Director of Legal and Democratic Services and the Members of the Committee. During this session of the meeting and with the approval of all concerned there was a short break of approximately five minutes.

The Appellant's Trade Union representative presented the case for the Appellant and called one of two witnesses all of whom clarified the points raised and responded to questions posed by the Service Area representative, Members of the Committee and Director of Legal and Democratic Services. With the consent of all concerned the respective witness vacated the room to attend another meeting.

The Appellant's Trade Union representative called the remaining witness for the Appellant who clarified the points raised and responded to questions posed by the Service Area representative, Members of the Committee and the Director of Legal and Democratic Services following which and with the consent of all concerned vacated the room. During this period and with the approval of all concerned there was a short break of five minutes.

The Appellant and the Appellant's Trade Union representative responded to questions posed by the Service Area representative, Members of the Committee and the Director of Legal and Democratic Services.

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

The Appellant, Appellant's Trade Union representative and Service Area representative 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 presented the appeal be not upheld but that the final written warning remain on file for a period of 12 months rather than 24 months.