

STAFF APPEALS COMMITTEE

A meeting of the Staff Appeals Committee was held on 6 January 2009.

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

OFFICIALS: J Bennington, D Jackson and R G Long.

****ALSO IN ATTENDANCE:** Appellant, Appellant's Trade Union representative and I Parker plus four witnesses.

**** 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 18 November 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 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/04/08

The Committee considered an appeal, case reference AG/04/08 in respect of a grievance concerning a number of issues in relation to the following:-

- i) alleged use of unsigned and falsified and duplicated witness statements;
- ii) statements made by an identified Officer;
- iii) whether or not all of the employees identified in a specific statement had been spoken to;
- iv) to look again at remarks made by an identified Officer that suggested that the Appellant was a racist.

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.

As part of the introductions the Appellant's Trade Union representative raised an objection on the grounds of the appropriateness of the attendance of one of the Management witnesses. The Management representative confirmed that the information to be provided by the respective witness was relevant to the case.

The Appellant together with his Trade Union representative presented their case and both responded to a question posed by the Chair of the Committee.

The Management representative commenced the presentation of the Council's case.

The Director of Legal and Democratic Services clarified the procedure to be followed at this point of the meeting following an objection raised by the Appellant's Trade Union representative with specific regard as to the point at which questions could be asked of any of the witnesses.

The Management representative resumed the presentation of the Council's case and called three witnesses all of whom responded to questions posed by the Management representative.

The Appellant's Trade Union representative raised an objection as to the calling of the fourth witness on the likelihood that such information to be presented was not directly related to the grievance.

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.

All parties returned to the meeting room and the appeal hearing resumed.

Upon clarification sought from the Chair, the Management representative confirmed that he would not call the fourth witness to present any evidence and with the approval of all concerned the respective Officer left the meeting at this point.

The Management representative continued to present the Council's case and together with the witnesses responded to questions posed by the Appellant, the Appellant's Trade Union representative, Members of the Committee and the Director of Legal and Democratic Services.

Following the summing up of their cases, the Appellant, the Appellant's Trade Union representative, the Management representatives and witnesses withdrew from the meeting whilst the Committee determined the appeal.

The Appellant, Appellants' Trade Union representative and Management 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 copies of which would be forwarded to the Appellant's Trade Union representatives.

ORDERED that having given full consideration to all of the evidence both written and verbal the appeal be not upheld.