

**STAFF APPEALS COMMITTEE**

A meeting of the Staff Appeals Committee was held on 14 April 2009.

**PRESENT:** Councillor Biswas (Chair); Councillors J Hobson and Khan.

**OFFICERS:** J Bennington, D Jackson and R G Long.

**\*\* ALSO IN ATTENDANCE:** Appellant and witnesses, Appellant's Trade Union representative, T Punton and a 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 17 March 2009 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/19/08-09**

The Committee met to consider an appeal against dismissal, case reference AD/19/08-09.

Details of the procedure to be followed for the hearing together with a statement of case, which had been prepared by the Service Area's representative and a statement of case provided by the Appellant had been circulated prior to the meeting.

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

The Appellant's Trade Union representative indicated his intention to submit representations on a number of procedural points and asked that the witnesses should withdraw from the meeting whilst such issues were being discussed in order not to prejudice the case.

The Committee agreed that all witnesses should withdraw from the meeting until such time as they were required and called into the meeting room.

Accordingly, all witnesses withdrew from the meeting.

The Appellant's Trade Union representative and the Appellant raised a number of concerns and procedural issues in relation to the composition of the Panel and the absence of an Officer who was regarded as a key witness to the case and to whom they wished to ask questions. The Director of Legal and Democratic Services confirmed the procedure for such hearings which indicated that it was a matter for the Service Area representative and the Appellant as to who they wish to call as witnesses in support of their respective cases.

The Appellant raised concerns that statements, which had been made at the disciplinary hearing, had not been included within the notes of such a meeting included within the statement of case of the Service Area representative. In response to a question from the Director of Legal and Democratic Services the Appellant confirmed that his statement of case did not include any reference to such discrepancies.

The Appellant's Trade Union representative requested that the meeting be adjourned in order to allow the attendance of the witness as identified and consideration given to further evidence

recently received from the Appellant relating to information provided by the Appellant's General Practitioner.

In response to clarification sought from the Director of Legal and Democratic Services the Service Area representative confirmed that he was not in a position to answer questions on behalf of the identified witness and agreed to the request for an adjournment.

All withdrew with the exception of Members, Director of Legal and Democratic Services, Human Resources Advisor and Governance Officer whilst the Committee considered the points raised.

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

**ORDERED** as follows:-

1. That the meeting be adjourned.
2. That the Appellant be asked to outline the reasons for requesting a different Panel in writing to the Director of Legal and Democratic Services.
3. That the request for the witness as identified to attend a reconvened meeting of the Staff Appeals Committee be approved.