

**STAFF APPEALS COMMITTEE**

A meeting of the Staff Appeals Committee was held on 28 April 2009.

**PRESENT:** Councillor Biswas (Chair), Councillors Hubbard and McIntyre.

**OFFICIALS:** J Bennington, S Osbon and S Vickers.

**\*\*ALSO IN ATTENDANCE:** Appellant, Appellant's Trade Union representative and four witnesses and P Dyson plus two 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 14 April 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 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/07/08-09**

The Committee considered an appeal, case reference AG/07/08-09 in respect of a grievance submitted on the basis that the Social Care Department had failed to make reasonable adjustments for the Appellant's disability of dyslexia in order for her to work in the role for which she had been employed.

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 Appellant presented her case and called two witnesses in support of the case. During such proceedings and with the agreement of all concerned the meeting was adjourned for approximately five minutes during which time all withdrew with the exception of Members, Legal representative, Human Resources Advisor and Governance Officer.

All returned and the meeting resumed. The Appellant and the Appellant's Trade Union representative responded to questions posed by the Management representative.

At this juncture and with the agreement of all concerned one of the identified witnesses acting on behalf of the Appellant left the meeting to attend other appointments.

At this point of the proceedings it was agreed to adjourn for approximately 15 minutes during which time all vacated the room with the exception of Members, Legal representative, Human Resources Advisor and Governance Officer.

All returned and the meeting resumed. The Appellant together with her Trade Union representative responded to questions posed by Members of the Committee and points of clarification raised by the Legal representative and Human Resources Advisor.

In response to a point of clarification from the Management representative as to the extent to which evidence presented by the Appellant which referred to issues subsequent to the outcome of the Stage 2 grievance could be taken into account meeting the Legal representative confirmed that it was a matter for the Committee to determine the relevance of such information in this particular case.

The Management representative presented the Council's case and called two witnesses all of whom responded to questions posed by the Appellant, Appellant's Trade Union representative, Members of the Committee and the legal representative. During such proceedings the meeting had been adjourned for a period of five minutes during which time all withdrew with the exception of Members, Legal representative, Human Resources Advisor and Governance Officer.

All returned and the meeting resumed. At this juncture and with the agreement of all concerned all of the witnesses left the meeting.

Following the summing up of their cases, the Appellant, the Appellant's Trade Union representative and the Management representative 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.

**ORDERED** as follows: -

1. That having given full consideration to all of the evidence both written and verbal the appeal be upheld.
2. That the recommendations arising from the Access to Work assessment be implemented in full wherever reasonably practicable.
3. That the advice of a Dyslexia expert be sought and replied upon wherever practicable.
4. That the Appellant be advised that even with the implementation of the recommendations arising out of (2) and (3) above there would be no guarantee that all of the current IT issues would be resolved as it was dependant upon the Council Department's IT systems and the extent to which they could be reasonably be adapted.