

STAFF APPEALS COMMITTEE

A meeting of the Staff Appeals Committee was held on 12 January 2010.

PRESENT: Councillor McIntyre (Vice - Chair) (In the Chair) Councillors Clark and J Hobson.

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

**** ALSO IN ATTENDANCE:** Appellant, Appellant's Trade Union representative and K Garland.

**** AN APOLOGY FOR ABSENCE** was submitted on behalf of the Chair, Councillor Biswas.

**** 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 1 December 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/06/09

The Committee considered an appeal, case reference AD/06/09 regarding an appeal against dismissal on the grounds of gross misconduct.

Details of the procedure to be followed for the hearing together with a statement of case, which had been prepared by the Service Area representative and information provided by the Appellant, had previously been distributed.

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

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

The Appellant's Trade Union representative together with the Appellant presented their case and responded to questions posed by the Service Area representative, Members of the Committee and the Director of Legal and Democratic Services. During such proceedings and with the agreement of all concerned the meeting was adjourned at the request of the Appellant's Trade Union representative for approximately five minutes during which time all withdrew with the exception of Members, Director of Legal and Democratic Services, Human Resources Advisor and Governance Officer.

In presenting the case the Appellant's Trade Union representative outlined the grounds for the appeal, which related to the following: -

- the sanction was unnecessarily harsh;
- the duration of the investigation was unreasonable;
- Officers had breached their agreement governing the circumstances under which certain information could be used;
- Officers had withheld evidence relevant to the case;
- an identified Officer had not acted fairly in his conduct of the case;

- the sanction was inconsistent with that applied to other identified Officers.

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

All 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 presented the appeal be not upheld.