

STAFF APPEALS COMMITTEE

A meeting of the Staff Appeals Committee was held on 26 January 2010.

PRESENT: Councillor Biswas (Chair), Councillors McIntyre and K Walker.

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

**** ALSO IN ATTENDANCE:** Appellant, Appellant's Trade Union representative, S Cartlidge and 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 12 January 2010 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/07/10

The Committee considered an appeal, case reference AD/07/10 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 a statement 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 called two witnesses all of whom responded to questions posed by the Appellant, Appellant's Trade Union representative and Members of the Committee.

At this juncture and with the approval of all concerned the witnesses left the meeting.

The Service Area representative continued to present the Council's case and responded to questions posed by the Appellant and Members of the Committee.

The Appellant requested the submission of additional documents to form part of his case.

In view of an impending important engagement of one of the Members of the Committee it was decided to adjourn the meeting at 1.15 p.m.

The Director of Legal and Democratic Services reminded those present of the need to maintain confidentiality and that the case should not be discussed outside of the meeting.

ORDERED as follows: -

1. That the meeting be adjourned and arrangements be made for the meeting to be reconvened as soon as possible on a mutually acceptable date for all parties concerned.

2. That a copy of the additional papers submitted by the Appellant be circulated to all concerned.

The meeting of the Staff Appeals Committee was reconvened on 3 February 2010.

PRESENT: Councillor Biswas (Chair), Councillors McIntyre and K Walker.

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

**** ALSO IN ATTENDANCE:** Appellant, Appellant's Trade Union representative and S Cartlidge.

**** DECLARATION OF INTERESTS**

No declarations of interest were made at this point of the meeting.

**** 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/07/10

The Appellant presented his case and responded to questions posed by the Service Area representative, Members of the Committee and points of clarification raised by the Director of Legal and Democratic Services.

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.

ORDERED as follows: -

- a) that the appeal be upheld;
- b) that having given full consideration to all of the evidence presented the Committee agreed that the Appellant's conduct had amounted to gross misconduct but that the sanction should be a final written warning to be issued and placed on the Appellant's personal file for a period of twelve months from the date of his reinstatement;
- c) that the appropriate Officer writes to the Appellant regarding reinstatement.