

STAFF APPEALS COMMITTEE

A meeting of the Staff Appeals Committee was held on 20 March 2012.

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

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

**** ALSO IN ATTENDANCE:** Appellant, Appellant's Trade Union representative and R Broad plus three witnesses (part of the meeting).

**** 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 24 January 2012 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/03/12

The Committee considered case reference AD/03/12 regarding an appeal against dismissal under the Council's Disciplinary Policy and Procedure on the grounds of gross misconduct in respect of bullying and harassment, and failure to disclose full employment history in a curriculum vitae as part of the recruitment process.

Details of the procedure to be followed at the meeting together with a statement of case from the Management Representative and information provided by the Appellant had been circulated to all parties concerned prior to the meeting. After introductions the Chair reaffirmed the procedure to be followed at the meeting.

It was agreed by all parties concerned that all of the witnesses be called into the meeting together when required.

Following a request from the Appellant's Trade Union representative all parties concerned agreed in this instance to allow the attendance of a close friend to support the Appellant but not to participate in any part of the proceedings.

The Management representative presented the Council's case and together with witnesses responded to questions posed by the Appellant's Trade Union representative, the Appellant and Members of the Committee. All of the witnesses withdrew from the meeting after this stage of the proceedings.

At this juncture it was agreed by all concerned to adjourn for approximately fifteen minutes during which time all vacated the meeting room following which all parties returned to the meeting room and the appeal hearing resumed.

The Appellant together with his Trade Union representative presented the case and responded to questions posed by Members of the Committee.

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.

The Appellant, Appellant's Trade Union representative, the 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 presented the appeal be not upheld on the grounds that the matters identified as Issues 1, 2, 3, 5, 6, 7, 8, 9 and the issue outlined at paragraph 131 of the Management Statement of Case were considered to be acts of gross misconduct in accordance with Council's Disciplinary Policy and Procedure.
2. That in respect of Issues 4 and 10 the appeal be not upheld but that no sanction be imposed in view of the sanction imposed in respect of the other issues identified in (1) above.