

STAFF APPEALS COMMITTEE

A meeting of the Staff Appeals Committee was held on 17 April 2012.

PRESENT: Councillors Biswas (Chair) Harvey and J Hobson.

ALSO IN ATTENDANCE: Appellant's Trade Union representative, G Rollings and N Pocklington.

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

APOLOGIES FOR ABSENCE There were no apologies for absence.

DECLARATIONS OF INTERESTS

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

11/927 **MINUTES**

The minutes of the meeting of the Staff Appeals Committee held on 20 March 2012 were taken as read and approved as a correct record.

11/928 **PROCEDURE NOTES FOR APPEAL HEARING AGD/07/12**

Details of the procedure to be followed at the meeting had been circulated to all parties concerned prior to the meeting.

The Chair reaffirmed the procedure to be followed in this case which was agreed by all concerned.

ORDERED that the notes on the procedure to be followed in respect of Case AGD/07/12 be approved.

**** 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.

11/929 **STAFF APPEAL - CASE REFERENCE AGD/07/12**

The Committee considered case reference AGD/07/12 regarding a number of grievances and an appeal against dismissal under the Council's Disciplinary Policy and Procedure on the grounds of gross misconduct.

A statement of case from the Management Representatives and information provided by the Appellant's Trade Union representative had previously been circulated prior to the meeting.

Confirmation had been given that on the advice of her General Practitioner the Appellant was not in attendance at the meeting in view of her medical condition and that she had instructed her Trade Union representative to attend the meeting on her behalf.

Confirmation was given that there were no witnesses to be called by either side.

The Management representatives presented the Council's case in respect of the grievances and dismissal and responded to questions posed by the Appellant's Trade Union representative.

At this juncture (12.40p.m.) it was agreed by all concerned to adjourn for approximately one

hour during which time all vacated the meeting room following which all parties returned to the meeting room and the appeal hearing resumed.

The Management representatives responded to further questions posed by the Appellant's Trade Union representative.

During such a period and with the agreement of all concerned the Appellant's Trade Union representative referred to a chronology of events which had been included within the Management Statement of Case and read out the notes which had been made by the Appellant in respect of such a document.

It was agreed by all concerned to adjourn the meeting at 4.40 p.m. to be reconvened on Wednesday 18 April 2012 at 10.00 a.m. The Chair reminded all parties concerned of the need to maintain confidentiality concerning the case.

11/930 **STAFF APPEAL - CASE REFERENCE AGD/07/12**

The meeting of the Staff Appeals Committee was reconvened on 18 April 2012.

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

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

** ALSO IN ATTENDANCE: Appellant's Trade Union representative and G Rollings and N Pocklington.

APPEAL – CASE REFERENCE AGD/07/12

The Management representatives responded to further questions posed by the Appellant's Trade Union representative, Members of the Committee and the Director of Legal and Democratic Services.

In his initial comments the Appellant's Trade Union representative explained the format of the written evidence provided in two folders previously circulated.

The Appellant's Trade Union representative then presented the case and responded to questions posed by Management representatives, Members of the Committee and 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.

The Appellant's Trade Union representative and the Management 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 and the Appellant's Trade Union representative by the Director of Legal and Democratic Services.

ORDERED that having given full consideration to all of the evidence presented:

1. The appeal be not upheld in respect of the first and second grievances.
2. The appeal be not upheld in respect of the third grievance in so far as it relates to a claim that an Officer had interfered with the progression of the Appellant's NQSW programme but the Committee considered that there had been an unacceptable delay in signing off the NQSW Portfolio.
3. That the appeal be not upheld in respect of dismissal on the grounds of gross misconduct in accordance with the Council's Disciplinary Policy and Procedure.

