

## STAFF APPEALS COMMITTEE

<b>Date:</b> Tuesday 1st December, 2020
<b>Time:</b> 10.00 am
<b>Venue:</b> Virtual Meeting

## AGENDA

Please note: this is a virtual meeting.
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The meeting will be live-streamed via the Council's <a href="#">Youtube channel</a> at 10.00 am on Tuesday 1st December, 2020
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1. Apologies for Absence
2. Declarations of Interest  
To receive any declarations of interest.
3. Minutes- Staff Appeals Committee - 13 & 28 October 2020 3 - 6
4. Procedure Note for Staff Appeals Committee 7 - 8
5. Exclusion of Press and Public  
To consider passing a Resolution Pursuant to Section 100A (4) Part 1 of the Local Government Act 1972 excluding the press and public from the meeting during consideration of the following items on the grounds that if present there would be disclosure to them of exempt information falling within paragraphs 1, of Part 1 of Schedule 12A of the Act and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
6. **CASE REFERENCE AD/03/20**

Charlotte Benjamin  
Director of Legal and Governance Services

Town Hall  
Middlesbrough  
Monday 23 November 2020

**MEMBERSHIP**

Councillors A Bell (Chair), S Dean, A Waters

**Assistance in accessing information**

**Should you have any queries on accessing the Agenda and associated information please contact Joanne McNally, 01642 728329, [joanne\\_mcnally@middlesbrough.gov.uk](mailto:joanne_mcnally@middlesbrough.gov.uk)**

**STAFF APPEALS COMMITTEE**

A meeting of the Staff Appeals Committee was held on 17 March 2020.

**PRESENT:** Councillors Bell (Chair); Councillors P Storey and Thompson.

**ALSO IN ATTENDANCE:** Appellant

**OFFICERS:** S. Bonner, N. Finnegan, J. Langley and J. Savage

**DECLARATIONS OF INTERESTS**

No declarations were made at this point in the meeting.

**1 WELCOME AND EVACUATION PROCEDURE**

The Chair welcomed everyone present and read out the Fire Evacuation Procedure.

**NOTED****2 MINUTES - STAFF APPEALS COMMITTEE - 3 MARCH 2020**

The Minutes of the meeting of the Staff Appeals Committee held on 3 March 2020 were submitted and approved as a true record.

**3 PROCEDURE NOTE FOR STAFF APPEALS HEARING**

The Chair reaffirmed the procedure to be followed at the meeting, a copy of which had been circulated to all representatives.

**4 EXCLUSION OF PRESS AND PUBLIC.**

**ORDERED** that the press and public be excluded from the meeting 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.

**5 CASE REFERENCE AD/04/19**

The Committee considered an appeal, case reference AD/04/19, in respect of the decision to dismiss the appellant under the Disciplinary Policy.

A statement of case from the Management Representative had been circulated to all parties concerned prior to the meeting. The Management Representative presented the Council's case and responded to questions asked by Members of the Committee.

The Appellant presented his case and responded to questions asked by Members of the Committee and Legal representative.

Following the summing up of the cases by the Management Representative and the Appellant, both parties withdrew from the meeting.

The Legal Representative, Human Resources Advisor and Democratic Services Officer remained whilst the Committee determined the appeal.

The Committee invited the Management Representative and the Appellant came back 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 Legal Services Representative.

**ORDERED** that, having given full consideration to all of the evidence presented, the appeal

against the decision to dismiss the Appellant under the Disciplinary Policy was not upheld.

**STAFF APPEALS COMMITTEE**

A meeting of the Staff Appeals Committee was held on 28 October 2020.

**PRESENT:**

**1 MINUTES - STAFF APPEALS COMMITTEE - 13 OCTOBER 2021**

The minutes of the Staff Appeals Committee held on 13 October 2020 will be deferred to the next meeting of the Committee.

**2 PROCEDURE NOTE FOR STAFF APPEALS HEARING**

The meeting was cancelled due to the Appellant withdrawing their appeal.

**3 EXCLUSION OF PRESS AND PUBLIC.**

The meeting was cancelled due to the Appellant withdrawing their appeal.

**4 CASE REFERENCE AD/02/20**

Following the issue of the agenda and accompanying documents, but prior to the Committee meeting, the appellant notified Middlesbrough Council that he no longer wished to proceed with his appeal. Therefore, in consultation with the Chair, it was agreed to dispense with the Committee meeting.

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**PROCEDURE FOR DISCIPLINARY/CAPABILITY APPEALS**

1. The procedure and sequence of events will be explained by the Chair.
2. The Head of Service or his/her representative shall put the case for the Council and may call witnesses.
3. The appellant or the appellant's representative shall have the opportunity to ask questions of the Head of Service or his/her representative and witnesses.
4. The panel shall have the opportunity to ask questions.
5. The appellant or the appellant's representative shall put forward the case and call such witnesses as the appellant wishes.
6. The Head of Service or his/her representative shall have the opportunity to ask questions of the appellant or the appellants representative and witnesses.
7. The panel shall have the opportunity to ask questions.
8. The Head of Service or his/her representative shall have the opportunity to sum up the case.
9. The appellant or his/her representative shall have the opportunity to sum up the case.
10. All parties other than the panel shall withdraw.
11. The Panel shall consider the case and decide in the presence of the Clerk (Legal Services) and a representative from Human Resources whether the appeal is upheld or not and then confirm, reduce or delete the formal action taken.
12. The decision of the panel will be communicated to both parties by the Chair.
13. The decision of the panel will be confirmed in writing to both parties by Legal Services.
14. Decisions of the panel are final.

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