

STAFF APPEALS COMMITTEE

Date: Tuesday 11th April, 2023
Time: 10.00 am
Venue: Spencer Room

AGENDA

1. Welcome and Evacuation Procedure
2. Declarations of Interest
To receive any declarations of interest.
3. Minutes- Staff Appeals Committee - 7 February 2023 3 - 4
4. Procedure Note for Staff Appeals Committee 5 - 6
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 Ref AD/07/21 7 - 76

Charlotte Benjamin
Director of Legal and Governance Services

Monday 3 April 2023

MEMBERSHIP

Councillors A Bell (Chair), B Cooper (Vice-Chair) and S Dean

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

STAFF APPEALS COMMITTEE

A meeting of the Staff Appeals Committee was held on Tuesday 7 February 2023.

PRESENT: Councillors Allan Bell (Chair), Sheila Dean, Barrie Cooper

OFFICERS: Joanne McNally, Nicola Finnegan, Andrew Perriman, Atlanta Burgon and Erik Scollay

21/26 **WELCOME AND EVACUATION PROCEDURE**

The Chair welcomed everyone to the meeting and explained the fire evacuation procedure.

21/27 **DECLARATIONS OF INTEREST**

There were no declarations of interest received at this point in the meeting.

21/28 **PROCEDURE NOTE FOR STAFF APPEALS COMMITTEE**

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

21/29 **MINUTES- STAFF APPEAL COMMITTEE - 13 DECEMBER 2022**

The minutes of the Staff Appeals Committee meeting held on 13 December 2022 were submitted and approved as a correct record.

21/30 **EXCLUSION OF PRESS AND PUBLIC**

ORDERED that the press and public be excluded from the meeting for the following items on the grounds that, if present, there would be disclosure to them of exempt information as defined in Paragraphs 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.

21/31 **CASE REF AD/06/21**

The Committee considered an appeal, case reference AD/06/21, against a Grievance outcome under the Grievance Policy.

A statement of case from the Management Representative and the Appellant had been circulated to all parties concerned prior to the meeting.

The Appellant presented their case and responded to questions asked by the Management Representative and Members of the Committee.

The Management Representative presented the Council's case and responded to questions asked by the Appellant and Members of the Committee.

Following the summing up of the cases by the Appellant and the Management Representative, the Chair informed the Appellant and the Management Representative that the outcome of the Committee's decision would be confirmed in writing to the Appellant by the Legal Services Representative.

Both parties withdrew from the meeting. The Legal Representative, Human Resources Advisor and Democratic Services Officer remained whilst the Committee determined the appeal.

ORDERED that, having given full consideration to all of the evidence presented, the appeal against the Grievance outcome under the Grievance Policy, would not be upheld.

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 leave the meeting and are not required to wait. The decision of the panel **will not** be given on the day.
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 confirmed in writing to both parties by Legal Services within 5 working days of the meeting.
13. Decisions of the panel are final.

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By virtue of paragraph(s) 2 of Part 1 of Schedule 12A of the Local Government Act 1972.

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