

APPEALS COMMITTEE
20/04/2018 at 3.30 pm



Present: Councillor McLaren (Chair)
Councillors Gloster and Roberts

Also in Attendance:

	Appellant
	Work Colleague
Colin Brittain	Assistant Borough Solicitor
Diane Thorpe	HR Manager (Advisory)
Emma Gilmartin	HR Business Partner
Sian Walter-Browne	Constitutional Services

1 ELECTION OF CHAIR

Members were asked to elect a Chair for the duration of the meeting.

RESOLVED that Councillor McLaren be nominated Chair of the Panel for the duration of the meeting.

2 APOLOGIES FOR ABSENCE

There were no apologies for absence received.

3 URGENT BUSINESS

There were no items of urgent business received.

4 DECLARATIONS OF INTEREST

There were no declarations of interest received.

5 APPEALS PROCEDURE

RESOLVED that the Appeals procedure be noted.

6 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED that, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they contain exempt information under paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act, and it would not, on balance, be in the public interest to disclose the reports.

7 DISMISSAL APPEAL

The Chair of the Panel ensured that both parties were aware of the Appeals Procedure.

A Human Resources Business Partner, who had taken no part in the original decision, was in attendance to advise the Panel on matters of policy and procedures.

The Appellant, supported by a work colleague, presented her case. The Appellant called no witnesses.

The Dismissing Officer, supported by the Human Resources Advisor, presented the case on behalf of the Authority. The Dismissing Officer called no witnesses.

The Panel asked questions of both parties and both parties asked question of each other.

Both parties were given the opportunity to summarise their case.

At 17.06 the Committee adjourned the meeting whilst deliberations took place regarding their decision. The parties were informed that they would be notified of the decision in writing within five working days.

The Panel was satisfied that that the Council's policies and procedures had been followed correctly by the Dismissing Officer.

The Panel accepted there had been delays and found that the delays had allowed time to both enable all options to be explored and to see if the Appellant's medical condition stabilised. The Panel found that the delays had not been detrimental to the Appellant and that, had there been none, her contract would still have been terminated.

The Panel noted that it was agreed between both parties that the Appellant's medical condition had left her disabled and that there were no adaptations that could enable her to return to work.

The Panel noted that some of the grievances raised by the Appellant had been upheld. They accepted that these ongoing issues had made the situation worse from the Appellant's point of view, however they had not affected the sickness absence dismissal

RESOLVED unanimously that, having carefully considered all the information presented by the Appellant and the Dismissing Officer, the appeal was not upheld.

The meeting started at 3.30 pm and ended at 5.17 pm