

**APPEALS COMMITTEE**  
**30/08/2018 at 9.30 am**



**Present:** Councillor Shuttleworth (Chair)  
Councillors Heffernan and Moores

Also in Attendance:

Tracey Delaney	Appellant
Craig Dale	Union Representative
	Head of Operational Services
	- Highways, Transport, Waste and Fleet.
Kristie Radcliffe	HR Advisor
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 Shuttleworth 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           **DISMISSAL APPEAL 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 Trade Union representative, presented his 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 one witness.

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 11.03 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 found that the level of sickness absence over the monitoring periods was unacceptable. They decided to reinstate the Appellant and revert him back to Stage 2 of the Improving Attendance Procedure. Despite the Appellant's level of sickness absence, the Panel found that his family circumstances at the time, and the impact of these on his family, were exceptional and should be treated as such.

**RESOLVED** unanimously that, having carefully considered all the information presented by the Appellant and the Dismissing Officer, the appeal was upheld.

## 8 **APPELLANT PACK**

The information included in the Appellant Pack was noted.

The meeting started at 9.30 am and ended at 12.00 pm