

APPEALS COMMITTEE
20/09/2018 at 9.30 am



Present: Councillors Brownridge, Heffernan and Malik

Also in Attendance:

Appellant

Fabiola Fuschi

Emma Gilmartin

Sheena MacFarlane

Diane Thorpe

Constitutional Services Officer

Human Resources Business

Partner

Head of Heritage, Libraries and Arts

Human Resources Advisory
Manager

1 ELECTION OF CHAIR

The Panel was asked to elect a Chair for the duration of the meeting.

RESOLVED that Councillor Brownridge 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 dismissal appeal 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 dismissal appeal procedure.

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

The Appellant presented her case. The Appellant called no witnesses.

The Dismissing Officer, supported by a 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 questions of each other.

Both parties were given the opportunity to summarise their case.

At 10.50am the hearing was adjourned whilst deliberations took place regarding the decision. The parties were informed that they would be notified of the decision in writing within five working days.

Although the Panel was satisfied that the Council's policies and procedures had been followed correctly by the Dismissing Officer, they attached more weight to the mitigating circumstances presented by the Appellant. Therefore, it was decided to reinstate the Appellant and to reduce the disciplinary sanction to a final written warning.

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

The meeting started at 9.30 am and ended at 11.25 am