

APPEALS COMMITTEE
10/12/2018 at 1.30 pm and 30/01/2019 at 4.00pm



Present: Councillor Brownridge (Chair)
Councillors Briggs and C. Gloster

Also in Attendance:

Kevin Waldoock (BASW)	Appellant
David Garner	Appellant's representative
	Head of Special Projects Adult Social Care
Adele Savage	Senior Human Resources Adviser
Stewart Hindley	HR Business Partner
Sian Walter-Browne	Constitutional Services

30th January 2019 only:-
Susannah Meakin Head of Service, Mental Health and Disability

1 **ELECTION OF CHAIR**

Members were 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 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.

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 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 15.45 the Panel 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 considered the evidence before them. The Panel decided it required further information, and wished to explore the options available and the implications of these.

RESOLVED that the meeting would be adjourned to

1. enable the required information to be provided.
2. allow the options available to the Panel and the implications of these to be considered.

SUPPLEMENTARY INFORMATION

The meeting reconvened on Wednesday 30th January 2019 at 16.00pm to consider the further information provided in the Supplementary Information pack.

The Dismissing Officer, supported by the Human Resources Advisor, presented the supplementary information on behalf of the Authority. The Dismissing Officer called one witness.

The Appellant, supported by a Trade Union representative, presented his supplementary information. The Appellant 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 16.40 the Panel 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 all of the allegations proven, with the exception of allegation 6, which they found not proven. The Panel concluded that the Appellant's conduct amounted to gross misconduct.

The Panel considered the submission of the appellant that there had been a significant difference in treatment between the Appellant and a colleague in relation to the maintenance of contemporaneous electronic records and concluded there had not been a significant difference.

The Panel gave consideration to the evidence submitted in mitigation, including that concerning the excessive workload due to vacancies in the team, and the lack of formal line management due to illness. The Panel also considered whether, taking into account all the circumstances, the sanction was too severe.

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

The meeting on 10th December 2018 started at 1.30 pm and was adjourned at 4.12 pm.

The reconvened meeting on 30th January 2019 started at 4.00 pm and ended at 4.55 pm.