

APPEALS COMMITTEE
28/04/2021 at 10.30 am
25/05/2021 at 9.30 am
28/06/2021 at 10.00 am



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

Also in Attendance:

| | |
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| | Appellant |
| Tanya Sweeney | Unite the Union |
| Gaynor Boardman | Senior Human Resources Advisor (Directorates) |
| Craig Dale | Head of Operational Services and Transportation, Highways, Transport, Waste & Fleet Management. |
| Claire Ingle | Senior Strategic HR Business Partner |
| Sian Walter-Browne | Principal Constitutional Services Officer |

1 **ELECTION OF CHAIR**

At 10.30 on 28th April 2021, the meeting was opened and adjourned to a date to be confirmed, as neither the appellant nor their representative could attend.

The meeting reconvened at 9.30 on 25th May 2021.

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 2019**

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 **APPEAL AGAINST DISMISSAL**

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 their Trade Union representative, presented their 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 11.28 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.

During their deliberations, the Committee considered that they required further information on specific aspects of the matter and **RESOLVED** to adjourn to a date to be confirmed for the information to be provided to the Committee and all attendees.

The meeting reconvened at 10.00 on 28th June 2021.

The Chair confirmed that all parties had received the supplementary information.

The Appellant commented on the supplementary information and answered questions from the Committee.

Both parties were given the opportunity to summarise their case.

At 10.52 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 Committee was satisfied that that the Council's policies and procedures had been followed correctly by the Dismissing Officer.

The Committee found that the relevant procedures had been followed. The level of sickness absence was unacceptable and the decision to dismiss was reasonable in all the circumstances.

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