

EMPLOYMENT APPEALS SUB-COMMITTEE**HELD: 31 MARCH 2010**

Start: 10.30 a.m.

Finish: 5.00 p.m.

PRESENT:

Councillors: Cropper (Chairman) M. Pendleton
Jones Vickers
Kay

Adviser: Deputy Chief Executive North West Employers' Organisation (NWEO)
(Mr. D. Campbell)

Officers: Principal Solicitor (Mr. L. Gardner)
Member Services Officer (Mrs. J.A. Jones)

Parties to the Appeal Management:
Executive Manager Regeneration & Estates (Mrs. J. Traverse)
Management Adviser:
Human Resources Consultant (Mr. J. Booth)

Appellant:
Employee Payroll Reference – 003212
Appellant Adviser:
Unison Branch Secretary (Ms. J. Moss)

22. APOLOGIES

There were no apologies for absence.

23. MEMBERSHIP OF SUB-COMMITTEE

There were no changes to the Members of the Sub-Committee.

24. DECLARATIONS OF INTEREST

There were no declarations of interest.

25. MINUTES

RESOLVED: That the minutes of the meeting held on the 2 March 2010 be approved as a correct record and signed by the Chairman.

26. PROCEDURE

Before proceeding to hear and determine the appeal Members noted the advice circulated prior to the meeting in relation to the role of the Sub-Committee in such a case and to the procedure to be followed.

RESOLVED: That the procedure be noted.

27. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of that Act and as, in all the circumstances of the case, the public interest in maintaining the exemption under Schedule 12A outweighs the public interest in disclosing the information.

28. APPEAL AGAINST REDUNDANCY - EMPLOYEE REFERENCE 003212

The Chairman welcomed both parties to the meeting.

Members were reminded that the Sub-Committee was meeting to consider an appeal by an employee of the Council against a decision taken by her Manager in relation to her redundancy.

The appellant's representative indicated that they would be calling the Executive Manager Human Resources Manager as a witness and the Executive Manager Regeneration and Estates indicated that she intended to call the Acting Executive Manager Planning, the Executive Manager Human Resources Manager, the Planning Policy Manager, the Economic Regeneration Manager, and the Estates & Asset Valuation Manager as witnesses.

In considering the appeal the Sub-Committee had before it the following documents:

- A. the Appellants' statement of case including details of the history/background to the case and the applicants' reasons why the appeal should be upheld.
- B. The Managements' statement of case containing details of the background of the case and the Management's reasons why the appeal should be dismissed.

The Sub-Committee, in accordance with the procedure heard the following aspect of the appeal,

- i) an oral submission on behalf of the appellant
- ii) an oral submission by the management representatives
- iii) questions put to each party by the other and questions put by members to each party
- iv) questions put to all witnesses by each of the parties and members
- v) a summing up by the management representatives and the appellant's representative

Following the conclusion of the summing up, both parties, together with their representatives, withdrew from the room and the Sub-Committee gave consideration to their decision.

The Sub Committee came to the following conclusions:-

- 1) That the Post of Principal Funding Development Strategy Officer has been made redundant.
- 2) That it was reasonable that the vacant Principal Post within the Division required the employee to be a fully qualified Town Planner due to the seniority and responsibility of the post and it was not reasonable to have the post filled by an employee that was working towards the qualification unless qualification was imminent.
- 3) That the offer of redeployment, taking into account the protection and offer to pay for full training was a suitable offer of alternative employment.

- RESOLVED: (A) That the Appeal by employee reference 003212 against selection for redundancy be rejected.
- (B) That the Appellant was not unfairly refused the opportunity to apply for the vacant Principal Post.
- (C) That the Redeployment Policy was not breached and there was no evidence of unfavourable treatment or favouritism in the organisational downsizing or the redeployment process.

After the two sides had been advised of the Sub-Committee's decision, the Chairman indicated that the decision would be confirmed in writing as soon as possible following the meeting.

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- CHAIRMAN -