

EMPLOYMENT APPEALS SUB-COMMITTEE

HELD: 2 FEBRUARY 2005

Start: 10.00am

Finish: 2.10pm

PRESENT

Councillor Forshaw (Chairman)

Councillors Carson Draper
Mrs Colling Swiffen

Officers Human Resources Manager
Principal Solicitor (GRW)
Senior Member Services Officer (CAJ)

Parties to the Management Representative – Chief Executive
Management Adviser - Assistant Human Resources Manager
Witnesses for Management
Appellant Employee Payroll Reference 003467

1. APPOINTMENT OF CHAIRMAN

Nominations were invited for the appointment of a member to Chair the meeting.

RESOLVED That Councillor Forshaw be appointed as Chairman for the meeting.

2. APOLOGIES

There were no apologies for absence.

3. MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, there were no substitute changes recorded for this meeting.

4. URGENT BUSINESS, IF ANY, INTRODUCED BY THE CHAIRMAN

There were no items of urgent business.

5. DECLARATIONS OF INTEREST

There were no declarations of interest.

6. LOCAL GOVERNMENT ACT 1972 - SECTION 100 - EXCLUSION OF THE PUBLIC

RESOLVED

That under Section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for 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 to the Act.

7. APPEAL AGAINST DISMISSAL

The Chairman welcomed both parties to the meeting and referred the Sub-Committee to the procedure to be followed in considering the appeal, as circulated and contained on page 233 of the Book of Reports.

The Sub-Committee then proceeded to consider the appeal by the Appellant (Employment Reference 003467) against the decision of the Chief Executive to dismiss her for gross misconduct.

Members considered written evidence and supporting documents, submitted in accordance with the Disciplinary Procedure, by the Appellant, as contained on pages 235 to 261 of the Book of Reports.

Members also considered written evidence and supporting documents, submitted in accordance with the Disciplinary Procedure, by the Chief Executive, as contained on pages 263 to 343 of the Book of Reports.

(i) Appellant's Case

The Appellant made an oral presentation of her case.

- a. Members of the Sub-Committee were offered, and accepted, the opportunity to ask questions of the Appellant.
- b. The Management Representative was offered and accepted the opportunity to ask questions of the Appellant.

(ii) The Management's Case

The Management Representative presented his statement of case and supporting documentary evidence with the assistance of the Assistant Human Resource Manager, and called three witnesses. The Assistant Human Resource Manager was also present to answer any questions.

- a. Members of the Sub-Committee were offered, and accepted, the opportunity to ask questions of the Management Representative and his witnesses.
- b. The Appellant representative was offered, and accepted, the opportunity to ask questions of the Management Representative and his witnesses.

(iii) Summing Up

The Management Representative and then the Appellant summed up their cases.

(iv) Withdrawal of Parties

Both parties to the appeal were asked to withdraw from the meeting while the Sub-Committee considered the evidence. At this point both parties left the meeting.

v) Consideration of the case

The Sub-Committee gave consideration to the cases submitted by each party and reached the following decision in respect of the appeal:

(Both parties were invited and returned to the meeting).

The Sub-Committee gave careful consideration to the appeal and Council Policy. In arriving at its decision the Sub-Committee made the following findings:-

1. It was accepted by all parties that the authorisation issued under R.I.P.A. was not flawed or unlawful.
2. After due consideration of all the evidence before it, the Sub-Committee agreed with the Management's decision on the balance of probability that the Management's case was proven. Therefore the decision of gross misconduct was upheld.

RESOLVED
(UNANIMOUSLY)

That the appeal be dismissed and the
decision of the Chief Executive be upheld.

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Chairman