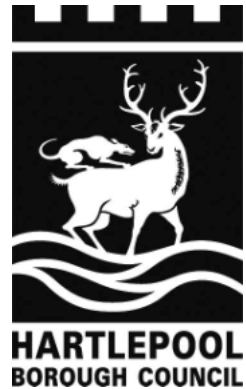


# GENERAL PURPOSES (APPEALS & STAFFING) COMMITTEE AGENDA



Wednesday 29 February 2012

at 9.00 am

in Committee Room C, Civic Centre, Hartlepool

MEMBERS: GENERAL PURPOSES (APPEALS & STAFFING) COMMITTEE:

Councillors C Akers-Belcher, Lawton, Loynes, and Wells.

1. **APOLOGIES FOR ABSENCE**

2. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**

3. **MINUTES**

- 3.1 To confirm the minutes of the meeting held on 10 November 2011.
- 3.2 To confirm the minutes of the meeting held on 16 November 2011.

4. **LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006**

**EXEMPT ITEMS**

Under Section 100(A)(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 it involves the likely disclosure of exempt information as defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006

5. **ITEMS REQUIRING DECISION**

- 5.1 Appeal against a Disciplinary Dismissal (MB) - *Chief Customer and Workforce Services Officer (para 1)*
  - (a) Management Statement of Case
  - (b) Appellant Statement of Case

6. **ANY OTHER CONFIDENTIAL ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**

## **EXTRACT FROM THE CORPORATE DISCIPLINARY PROCEDURE**

### **Appeals Against Dismissal**

#### **Constitution of Appeals Committee**

Appeals against dismissal are heard by a duly convened and quorate General Purposes (Appeals and Staffing) Committee of the Council. The Constitution defines the make up of the Committee and how many Members constitute a quorum.

Members who have had any direct prior involvement in the case will be excluded from sitting. The Chief Customer and Workforce Services Officer or representative will attend appeals against dismissal to provide advice (including procedural and employment law advice) to the Committee and to assist Members generally in establishing the arguments and facts being presented to them.

Normal Council Democratic Services support will be provided to the Committee. The Democratic Services Officer shall record the decision of the Committee but is not present to provide any form of advice other than on administrative matters.

#### **Written Statements**

Both management and the employee will be invited to submit written statements of case which will be forwarded to Elected Members 7 days before the hearing. Where both parties have provided statements these will also be exchanged 7 days before the hearing. If one party does not produce a statement, they will receive the other party's statement as early as practicable on the day of the hearing.

#### **Representation and Attendance**

The normal procedure will be for the employee plus one representative, and the dismissing manager, the relevant service manager, plus one Workforce Services representative, to attend the hearing and present their cases. Witnesses will be called in, in turn, to give evidence and will then leave the hearing. It is at the discretion of the Committee to permit either party to bring additional representatives/managers and to decide whether they may attend in an observer or participant capacity.

## **Decisions**

On the basis of the evidence presented, the Committee may make any lawful decision it so decides.

Decisions generally will fall into two categories, namely:

- (a) not allowing the appeal in which case the employees dismissal is confirmed.
- (b) allowing the appeal in which case the employee is re-engaged If the Committee are of the view that some disciplinary action is necessary, they may consider one or more courses of action such as:
  - (i) verbal warning in accordance with the Council's disciplinary procedure
  - (ii) formal warning in accordance with the Council's disciplinary procedure
  - (iii) final warning in accordance with the Council's disciplinary procedure
  - (iv) redeployment/demotion to another post,

although the above list is not exhaustive.

The Committee shall give its decision in full detail in the presence of both parties and the Chief Customer and Workforce Services Officer or representative, and clarification may be sought by any party.

## **Re-engagement**

In exceptional circumstances, where the appeal has not been allowed, the Committee may nonetheless decide to offer re-engagement, on whatever terms it chooses. If so the Committee will announce, when it gives its decision on the appeal that it intends to exercise its discretion in this way. The terms of the re-engagement will be set out in a separate letter sent with confirmation of the Committee's decision. The offer must be accepted in writing before the employee can start work.

## **Procedure**

The procedure will be as follows:-

### Management Case

1. The management representative and/or Workforce Services representative shall state the case.
2. The management representative and/or Workforce Services representative may call witnesses and the procedure for questioning each witness shall be:
  - Management and/or Workforce Services representative to question
  - Employee and/or representative to question
  - Each Member of the Committee and the Chief Customer and Workforce Services Officer or representative to be invited to ask any questions
  - Management and/or Workforce Services representative to re-examine
  - Witness to retire
3. The employee or representative may ask questions of the management representative and/or Workforce Services representative.
4. The Committee Members and the Chief Customer and Workforce Services Officer or representative may ask questions of the management representatives and/or Workforce Services representative.

### Employee Case / Response

5. The employee or representative shall state the case.
6. The employee or representative may call witnesses and the procedure for questioning each witness shall be:
  - Employee and/or representative to question.
  - Management representative and/or Workforce Services representative to question.
  - Each Member of the Committee and the Chief Customer and Workforce Services Officer or representative to be invited to ask any questions.
  - Employee and/or representative to re-examine.
  - Witness to retire
7. The management representative and/or Workforce Services representative may ask questions of the employee.

8. The Committee Members and the Chief Customer and Workforce Services Officer or representative may ask questions of the employee and/or representative.

#### Summing Up

9. The management representative and/or Workforce Services representative to have the opportunity to sum up the case, if they choose to.
10. The employee and/or representative to have the opportunity to sum up the case, if they choose to.
11. The management representative and Workforce Services representative, the employee and representative to withdraw.
12. The Committee to deliberate in private with only the Chief Customer and Workforce Services Officer or representative and Democratic Services Officer in attendance, recalling the management representative, Workforce Services representative, the employee and representative only if clarification of evidence already given is required. In such instances all parties should be recalled even though clarification may be required from only one party.

#### Decision

13. The Committee shall announce its decision to both parties unless further time for deliberation is needed; in which case both parties will be advised of this.
14. The decision of the Committee and the terms of this will be notified to both parties in writing within 7 calendar days of the hearing.

#### General Notes

1. The provision for summing up at (9) and (10) does not include the right to introduce new evidence at this stage in the procedure. If this becomes necessary, then the other party should be given the right of reply.
2. Any matters not covered by the above procedure will be for the Committee to determine.
3. The employee representative must be a Trade Union representative or colleague from work

4. When advising the Committee, the Chief Customer and Workforce Services Officer or representative shall not have had any involvement in the original decision to dismiss.
5. Where a decision has been taken not to allow the appeal and this has been communicated to the member of staff as in (13) above and the Committee wish to make an offer of re-engagement, such an offer would be made after stage (13) of the procedure as a distinctly separate matter from the appeal.

September 2010

**GENERAL PURPOSES  
(APPEALS AND STAFFING) COMMITTEE  
MINUTES AND DECISION RECORD  
10 November 2011**

The meeting commenced at 9.00 am in the Civic Centre, Hartlepool

**Present:**

Councillor: Rob Cook (In the Chair)

Councillors: Trisha Lawton, Stephen Thomas and Ray Wells.

Also present:

Appellant and Trade Union Representative

Officers: Caroline O'Neill, Assistant Director, Child and Adult Services  
Mark Smith, Integrated Youth Support Manager  
Rachel Clark, HR Business Advisor (Management Advisor)  
Gillian Laight, HR Business Advisor (Committee Advisor)  
Angela Armstrong, Principal Democratic Services Officer

**20. Apologies for Absence**

None.

**21. Declarations of interest by Members**

Councillor Lawton declared a non prejudicial interest in minute 25.

**22. Minutes**

- (i) Minutes of the meeting held on 22 September 2011 – confirmed.
- (ii) Minutes of the meeting held on 28 September 2011 – confirmed.

**23. Matters arising from the minutes**

Members' attention was drawn to the minute 18 of the meeting on 28 September 2011 and further details were included within the confidential section of the minutes.

## **24. Local Government (Access to Information) (Variation) Order 2006**

Under Section 100(A)(4) of the Local Government Act 1972, the press and public were excluded from the meeting for the following items of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 2 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006.

Minute 25 – Appeal against a Disciplinary Dismissal (BW) - This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information relating to any individual – Para 1.

## **25. Appeal against a Disciplinary Dismissal (BW) (Chief Customer and Workforce Services Officer)** This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information relating to any individual – Para 1.

Members considered an appeal against a disciplinary dismissal submitted by a former employee. Further details were included within the confidential section of the minutes.

### **Decision**

Details were included within the confidential section of the minutes.

## **26. Any Other Items which the Chairman Considers are Urgent**

None.

The meeting concluded at 4.45pm

CHAIR



**GENERAL PURPOSES  
(APPEALS AND STAFFING) COMMITTEE  
MINUTES AND DECISION RECORD  
16 November 2011**

The meeting commenced at 9.00 am in the Civic Centre, Hartlepool

**Present:**

Councillor: Rob Cook (In the Chair)

Councillor: Marjorie James and Ray Wells

Also in attendance:

Appellant and advocate

Officers: Caroline O'Neill, Assistant Director, Child and Adult Services  
Faye Dodds, Senior HR Business Officer (Management Advisor)  
Rachel Clark, HR Business Partner (Committee Advisor)  
Angela Armstrong, Principal Democratic Services Officer

**30. Local Government (Access to Information) (Variation) Order 2006**

Under Section 100(A)(4) of the Local Government Act 1972, the press and public were excluded from the meeting for the following items of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 2 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006.

Minute 31 – Appeal against a Disciplinary Dismissal (MD) - This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information relating to any individual – Para 1.

**31. Appeal against a Disciplinary Dismissal (MD) (*Chief Customer and Workforce Services Officer*)** This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information relating to any individual – Para 1.

Members considered an appeal against a disciplinary dismissal from a former employee of the Council. Further details were included within the confidential section of the minutes.

**Decision**

Details were included within the confidential section of the minutes.

The meeting concluded at 11.28 am.

CHAIR