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Blackpool Council

18 November 2016

To: Councillors Mrs Callow JP, G Coleman, Galley, Ryan, Elmes, Humphreys and I Coleman

The above members are requested to attend the:

APPEALS COMMITTEE

Monday, 28 November 2016 at 10.00 am
in Committee Room B, Town Hall, Blackpool FY1 1GB

A G E N D A

ADMISSION OF THE PUBLIC TO COMMITTEE MEETINGS

The Head of Democratic Governance has marked with an asterisk (*) those items where the Committee may need to consider whether the public should be excluded from the meeting as the items are likely to disclose exempt information.

The nature of the exempt information is shown in brackets after the item.

1 DECLARATIONS OF INTEREST

Members are asked to declare any interests in the items under consideration and in doing so state:

(1) the type of interest concerned; and

(2) the nature of the interest concerned

If any member requires advice on declarations of interests, they are advised to contact the Head of Democratic Governance in advance of the meeting.

2 MINUTES OF THE LAST MEETING HELD ON 5 SEPTEMBER 2016

(Pages 1 - 2)

To agree the minutes of the last meeting held on 5 September 2016 as a true and correct record.

* **3 APPEAL AGAINST DISMISSAL ON THE GROUNDS OF REDUNDANCY** (Pages 3 - 74)

The Committee to consider and determine a request for a review of a decision of the Council to dismiss an employee on grounds of redundancy.

(This item contains personal information regarding the appellant which is exempt from publication by virtue of Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972).

4 DATE OF NEXT MEETING

To note the date of the next meeting as 23 January 2017.

Venue information:

First floor meeting room (lift available), accessible toilets (ground floor), no-smoking building.

Other information:

For queries regarding this agenda please contact Yvonne Burnett, Senior Democratic Services Adviser, Tel: (01253) 477034, e-mail yvonne.burnett@blackpool.gov.uk

Copies of agendas and minutes of Council and committee meetings are available on the Council's website at www.blackpool.gov.uk.

Present:

Councillor I Coleman (in the Chair)

Councillors

G Coleman	Elmes	Maycock
Galley	Humphreys	

In Attendance:

Mrs C White, Chief Corporate Solicitor

Mrs J Roberts, Employee Relations Manager

Miss Y Burnett, Democratic Governance Senior Adviser

1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

2 MINUTES OF THE LAST MEETING HELD ON 25 JULY 2016

Resolved: That the minutes of the meeting held on 25 July 2016 be approved and signed by the Chairman as a correct record.

3 EXCLUSION OF THE PUBLIC

Resolved: That under Section 100 (A) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the whole item, including the decisions referred to at Agenda item 3 on the grounds that it would involve the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act.

4 APPEAL AGAINST DISMISSAL

The Committee considered a request to review the decision of the Council to dismiss and employee.

The appellant, accompanied by a Trade Union representative, were in attendance at the meeting.

Mrs Roberts (Employee Relations Manager) and Mrs White (Chief Corporate Solicitor) were in attendance to advise the Committee on policy and procedure only and had taken no part in the original decision.

The Committee carefully considered all the representation and documentation put forward by both parties and noted that the appellant accepted certain aspects of the allegations.

MINUTES OF APPEALS COMMITTEE MEETING - MONDAY, 5 SEPTEMBER 2016

The Committee noted and gave careful regard to all the mitigation raised by the appellant in those respects. However, the Committee was satisfied based on all the evidence before it that the five allegations were substantiated.

The Committee was satisfied that the appellant's conduct had affected more than one Service User and was unacceptable in regard to the dignity of the affected Service Users and that the actions and conduct of the appellant was deliberate and sufficiently serious to fundamentally destroy the trust and confidence in the contractual relationship between the appellant and the Council. It had regard to the Code of Conduct for Workers in Adult Services and to the Confidentiality Policy and had the view that in all the circumstances of the case, the appellant's actions and conduct were in substantial breach of the same.

The Committee considered the process that had been followed since inception and found that in all the circumstances a proper and sufficient investigation was carried out and that the required procedures had been followed.

Resolved: That the original decision to dismiss the employee on the grounds of gross misconduct be upheld on the grounds that the decision taken had been fair and reasonable.

Background papers: Exempt

5 DATE OF NEXT MEETING

Resolved: To note the date of the next meeting as 17 October 2016.

Chairman

(The meeting 12.10pm)

Any queries regarding these minutes, please contact:
Yvonne Burnett Senior Democratic Services Adviser
Tel: (01253) 477034
E-mail: yvonne.burnett@blackpool.gov.uk

Report to:	APPEALS COMMITTEE
Relevant Officer:	Neil Jack, Chief Executive
Date of Meeting:	28 November 2016

APPEAL AGAINST DISMISSAL ON GROUNDS OF REDUNDANCY

1.0 Purpose of the report:

1.1 The Committee to consider and determine a request for a review of a decision of the Council to dismiss an employee on grounds of redundancy.

2.0 Recommendation(s):

2.1 To determine the request for a review.

3.0 Reasons for recommendation(s):

3.1 Once an application for a review has been received the application and any relevant representation must be considered by the Appeals Committee.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

There are no alternative options as the review must be considered by the Appeals Committee.

4.0 Council Priority:

4.1 The relevant Council Priorities are:

- "The economy: Maximising growth and opportunity across Blackpool"
- "Communities: Creating stronger communities and increasing resilience"

5.0 Background Information

5.1 A request for a review has been received from an employee in respect of a dismissal on grounds of redundancy from the Council.

5.2 Details of the Management’s statement of case and the employee’s appeal case are attached at Appendix 3(a).

5.3 The employee has been invited to attend the meeting and an officer of the Council will be in attendance to present the case on behalf of the Management.

5.4 Does the information submitted include any exempt information? Yes

5.5 List of Appendices:

Appendix 3(a): Details of Case (Not for Publication).

6.0 Legal considerations:

6.1 The Chief Corporate Solicitor will be represented at the meeting to advise the Committee on policy and procedure only and will not have been involved with any of the decisions previously taken.

7.0 Human Resources considerations:

7.1 The Chief Executive will be represented at the meeting to advise the Committee on policy and procedure only and will not have been involved with any of the decisions previously taken.

8.0 Equalities considerations:

8.1 None

9.0 Financial considerations:

9.1 None

10.0 Risk management considerations:

10.1 None

11.0 Ethical considerations:

11.1 None

12.0 Internal/ External Consultation undertaken:

12.1 None

13.0 Background papers:

13.1 Exempt

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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