

## MINUTES OF APPEALS COMMITTEE MEETING - MONDAY, 21 JANUARY 2019

### **Present:**

Councillor Ryan (in the Chair)

Councillors

Mrs Callow JP  
Elmes

Rowson  
Mitchell

Mrs Henderson M  
BE

### **In Attendance:**

Ms D Goodall, Head of Legal Services, (Litigation and Delivery), Blackpool Council

Mrs Roberts, Employee Relations Manager, Blackpool Council

Miss Y Burnett, Senior Democratic Governance Advisor, Blackpool Council

### **1 DECLARATIONS OF INTEREST**

There were no declarations of interest on this occasion.

### **2 MINUTES OF THE LAST MEETING HELD ON 24 SEPTEMBER 2018**

**Resolved:** That the minutes of the meeting held on 24 September 2018 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 4 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 an employee.

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

Mrs Roberts (Employee Relations Manager) and Ms Goodall (Head of Corporate Legal) 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 whilst the appellant accepted that an error in

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judgement had been made, disputed all the allegations. The Committee gave careful regard to all the mitigation raised by both the appellant and their representative in relation to the each allegation, but was satisfied, based on all the evidence before it, that the five allegations were substantiated.

The Committee had regard to the Officers Code of Conduct and whilst it was mindful that the Code did not explicitly relate to an employee's personal life, the Committee was satisfied that the appellant's conduct was unacceptable given the position held and the vulnerability of the children and young people and their families with whom the appellant worked. It also had regard to the Guidance for Safer Working Practice for Adults who work with Children and Young People and had the view that the appellant's actions and conduct were in breach of the same.

The Committee agreed with the original finding that the appellants' behaviour was such that it could have brought both the role and the Council into disrepute and agreed, in all the circumstances, that their actions had destroyed the mutual trust, which made up the foundation of both the formal and informal requirements of all parties contractual relationship between employee and employer.

**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 - 12 FEBRUARY 2019

**Resolved:** To note the date of the next meeting as 12 February 2019.

### Chairman

(The meeting endedTime Not Specified)

Any queries regarding these minutes, please contact:  
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