

# Public Document Pack

## Blackpool Council

1 March 2019

To: Councillors Mrs Callow JP, Elmes, Ryan, Rowson, Singleton, Mitchell and Mrs Henderson MBE

The above members are requested to attend the:

### **APPEALS COMMITTEE**

Monday, 11 March 2019 at 10.00 am  
in Committee Room A, 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.

This information is provided for the purpose of this meeting only and must be securely destroyed immediately after the meeting.

#### **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 12 FEBRUARY 2019**

(Pages 1 - 2)

To agree the minutes of the last meeting held on 12 February 2019 as a true and correct record.

\* **3 HOME TO SCHOOL TRANSPORT APPEAL**

(Pages 3 - 56)

To consider an appeal lodged in connection with the provision of assistance for home to school transport.

(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 - 10 JUNE 2019**

To note the date of the next meeting as Monday 10 June 2019 at 10.00am.

**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](mailto: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](http://www.blackpool.gov.uk).

### **Present:**

Councillor Ryan (in the Chair)

Councillors

Mrs Callow JP

Elmes

Singleton

Mitchell

### **In Attendance:**

Ms D Goodall, Head of Corporate Legal, Blackpool Council

Mrs J Roberts, Employee Relations Manager, Blackpool Council

Miss L Barugh, Deputy Employee Relations Manager, Blackpool Council (Observer)

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 21 JANUARY 2019**

**Resolved:** That the minutes of the meeting held on 21 January 2019 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 GRIEVANCE REVIEW**

The Committee considered a request to review of the decision of the Council not to uphold a grievance submitted by an employee.

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.

Mr Jones, Head of Property Services presented the case on behalf of the Authority, supported by Ms Simister, Employee Relations Advisor.

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

## MINUTES OF APPEALS COMMITTEE MEETING - TUESDAY, 12 FEBRUARY 2019

The Committee carefully considered all the representation and documentation put forward by both parties. In considering, the appellant's reasons for seeking paid Special Leave, the Committee was aware that the circumstances had arisen due to a third party issue causing transport disruption and acknowledged that every effort had been made by the appellant to resolve the situation. However, employees were contractually obliged to attend work and the Committee was of the opinion that other reasonable options (Annual Leave, Unpaid Leave, and Flexi Leave) had been made available to the appellant.

The Committee had regard to the Leave Entitlement Policy and whilst it was mindful that the Policy did not explicitly refer to delayed holiday travel arrangements, the Committee was satisfied that the external advice that had been sought confirmed that other public sector organisations had adopted a similar approach not to grant paid Special Leave in those circumstances.

After carefully considering all the evidence before it, the Appeals Committee was satisfied that the Council's Leave Entitlement Policy had been interpreted and implemented fairly and it was considered not the responsibility of the employer to compensate an employee for non-attendance at work due to travel difficulties.

### **Resolved:**

1. To dismiss the appeal and uphold the officer's decision taken at Stage 2 of the Council's Employee Complaints (Grievance Procedure) on the grounds that the Authority's procedures had been followed and the decision taken had been fair and reasonable.
2. That officers be requested to review the Leave Entitlement Policy, Section 9 (Travel Difficulties) and consider updating that document to clarify that it also related to employees returning from any location other than their normal residence.

Background papers: Exempt.

## **5 DATE OF NEXT MEETING - 11 MARCH 2019**

**Resolved:** To note the date of the next meeting as 11 March 2019.

### **Chairman**

(The meeting ended 10.42am)

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

<b>Report to:</b>	<b>APPEALS COMMITTEE</b>
<b>Relevant Officer:</b>	Diane Booth, Director of Children's Services
<b>Date of Meeting:</b>	11 March 2019

## HOME TO SCHOOL TRANSPORT APPEAL

### 1.0 Purpose of the report

1.1 To consider an appeal lodged in connection with the provision of assistance for home to school transport.

### 2.0 Recommendation(s):

2.1 The Committee will be asked to determine the appeal.

### 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 Priority is "The economy: Maximising growth and opportunity across Blackpool".

### 5.0 Background Information

5.1 An appeal has been lodged against the decision made by officers not to provide assistance for home to school transport. Copies of the appeal documents are attached.

Does the information submitted include any exempt information?

Yes

**List of Appendices**

Appendices 3(a) to 3(n): Details of Case (Not for Publication).

**6.0 Legal considerations:**

6.1 The Head of Corporate Legal 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 None

**8.0 Equalities considerations:**

8.1 None

**9.0 Financial considerations:**

9.1 Details of the cost of providing transport assistance to the appellant will be provided at the meeting.

**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 Home to School Transport Policy 2018.