

Blackpool Council

6 September 2019

To: Councillors Hugo, Hunter, Hutton, Matthews, R Scott and Walsh

The above members are requested to attend the:

APPEALS COMMITTEE

Monday, 16 September 2019 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.

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 22 JULY 2019

(Pages 1 - 2)

To agree the minutes of the last meeting held on 22 July 2019 as a true and correct record.

* **3 APPEAL AGAINST GRIEVANCE**

(Pages 3 - 144)

To consider and determine a request for a review of the decision of the Council not to uphold a Grievance submitted by an employee.

(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 - 7 OCTOBER 2019

To note the date of the next meeting as 7 October 2019.

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 Hunter (in the Chair)

Councillors

Hugo	Matthews	T Williams
Hutton	R Scott	

In Attendance:

Mrs D Goodall, Head of Corporate Legal Deputy Head of Legal Services, Blackpool Council
Mrs J Roberts, Employee Relations Manager, Blackpool Council
Miss Y Burnett, Senior Democratic Governance Advisor, Blackpool Council

1 DECLARATIONS OF INTEREST

None.

2 MINUTES OF THE LAST MEETING HELD ON 9 JULY 2019

Resolved: That the minutes of the meeting held on 9 July 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 APPEAL AGAINST GRIEVANCE

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

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

Mrs Roberts (Employee Relations Manager) and Mrs 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 relevant Head of Service and Employee Relations Adviser presented the case on behalf of the Authority.

MINUTES OF APPEALS COMMITTEE MEETING - MONDAY, 22 JULY 2019

The Committee carefully considered all the representation and documentation put forward by both parties and acknowledged the appellant's traumatic personal circumstances.

However, the Committee was of the opinion that there was sufficient rationale for the level of intervention/ supervision during the interim management arrangements and believed that this did not suggest that the appellant had been treated unfairly or that there had been a disparity in treatment compared to that of their colleagues.

The Committee believed that the management arrangements put in place were intended to be both sympathetic and supportive of the appellant's needs by the way of a discretionary extended leave of absence and a phased return to work.

In view of the two areas agreed above the Committee acknowledged the appellants dissatisfaction with the situation. However, the Committee were not able, upon the verbal or written evidence, to acknowledge that the alleged treatment of the appellant was discriminatory, unfair or bore a disparity to that of the appellant's colleagues.

Resolved:

To dismiss the appeal and uphold the officer's decisions 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 decisions taken had been fair and reasonable.

Background papers: Exempt

5 DATE OF NEXT MEETING - 16 SEPTEMBER 2019

Resolved: To note the date of the next meeting as 16 September 2019.

Chairman

(The meeting ended 11.45am)

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:	16 September 2019

GRIEVANCE REVIEW

1.0 Purpose of the report:

- 1.1 To consider and determine a request for a review of the decision of the Council not to uphold a Grievance submitted by an employee.

2.0 Recommendation(s):

- 2.1 The Committee will be asked 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 Appeals Committee must consider the review.

4.0 Council Priority:

- 4.1 The relevant Council Priorities are "The economy: Maximising growth and opportunity across Blackpool" and "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 Staff Grievance.

- 5.2 Details of the Employee's case and the Management's statement of case are attached at Appendix 3(a).

5.3 The Employee has been invited to attend the meeting and a representative from the Council will be in attendance.

Does the information submitted include any exempt information? Yes

List of Appendices:

Appendix 3(a): 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 The Human Resources Team will be represented at the meeting to advise the Committee on policy and procedure only and the representative 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