

## MINUTES OF APPEALS COMMITTEE MEETING - MONDAY, 5 SEPTEMBER 2016

### **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.

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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:  
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