

MINUTES OF APPEALS COMMITTEE MEETING - MONDAY, 10 JUNE 2019

Present:

Councillor Hunter (in the Chair)

Councillors

Hugo	Matthews	Galley
Hutton	R Scott	

In Attendance:

Ms P Del Monaco, Solicitor, Lancashire County Council

Mrs J 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 11 MARCH 2019

Resolved: That the minutes of the meeting held on 11 March 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 DISMISSAL ON GROUNDS OF REDUNDANCY

The Committee considered a request to review the decision of the Council to dismiss an employee on the grounds of redundancy.

The appellant was in attendance at the meeting.

Mrs Roberts (Employee Relations Manager) and Ms Del Monaco (Solicitor) 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 and the former employee's Chief Officer provided supporting evidence.

The Committee carefully considered all the representation and documentation put forward

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by both parties and was of the opinion that the redundancy situation had arisen following a significant review and restructure of the Service, which had also provided an opportunity for efficiency savings to be made. It was noted that the review had highlighted a potential conflict of interest and a lack of professional independence between the Service and its client, which whilst the appellant did not dispute. However, she questioned the outcome of the review that had resulted in the reduction of one principle post, when there had historically been two principle posts. The Committee recognised that the restructure had identified a need for a new management/ leadership post and had not focussed on the specialism provided by the principle post.

The Committee believed that there had been sufficient rationale for the review and restructure and that the Authority had made every effort to engage with the appellant throughout the process and had not treated the appellant unfairly.

The Committee accepted that minor errors and omissions had been made, but those had been rectified quickly and the appellant had not been discriminated against. It was noted that whilst the Service had not strictly adhered to the recommendation within the Redundancy procedure that in "most cases" the first method of assessment was by of a written submission, the Committee was of the opinion that the order of proceedings would not have materially altered the outcome.

Whilst acknowledging that this had been a difficult case, the Committee believed that there was no question regarding the appellant's ability or experience and merely that the successful candidate had been a more suitable candidate for the new post.

Resolved:

1. That the original decision to dismiss the employee on the grounds of redundancy be upheld on the grounds that the decision taken had been fair and reasonable.
2. That officers be requested to follow the recommended process, particularly around the selection exercise, more closely and for extra care to be taken when issuing documents to avoid making unnecessary errors and omissions.

Background papers: Exempt

5 DATE OF NEXT MEETING – 9 JULY 2019

Resolved: To note the date of the next meeting as 9 July 2019.

Chairman

(The meeting ended 12.34pm)

Any queries regarding these minutes, please contact:

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