

MINUTES OF APPEALS COMMITTEE MEETING - MONDAY, 7 OCTOBER 2019

Present:

Councillor Hunter (in the Chair)

Councillors

Hugo	Matthews	T Williams
Hutton	R Scott	

In Attendance:

Mr M Caveney, 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

Councillor Hugo declared a personal interest in agenda item 4, the nature of the interest was that she was aware of the appellant through their mutual work with homeless young people.

2 MINUTES OF THE LAST MEETING HELD ON 16 SEPTEMBER 2019

Resolved: That the minutes of the meeting held on 16 September 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

Councillor Hugo advised the meeting that under item 1 (Declaration of Interest) she had declared a personal interest in agenda item 4, the nature of the interest was that she was aware of the appellant through their mutual work with homeless young people.

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

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

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Mrs Roberts (Employee Relations Manager) and Mr Caveney (Deputy Head of Legal Services) were in attendance to advise the Committee on policy and procedure only and had taken no part in the original decision.

The relevant Chief Officer and Employee Relations Adviser presented the case on behalf of the Authority.

The Committee carefully considered all the representation and documentation put forward by both parties and acknowledged the appellant's traumatic personal circumstances and the impact this had had on their wellbeing.

The Committee was aware of the employer's duty of care to its employees and accepted that the Council was a mindful employer offering a number of supportive mechanisms for employees, in addition to signing the Time to Change Pledge. However, the effectiveness and appropriateness of the Employee Assistance Programme (EAP) service was questioned in light of the recommendations made by the Occupational Health that specialist services were required.

The Committee noted that the level of communication, particularly during the latest period of absence, between the Appellant and their Line Manager had deteriorated and this had led to confusion regarding the existence of a further sick note and the Appellant's wish to return to work.

The Committee believed that whilst the management arrangements put in place were intended to be both sympathetic and supportive of the appellant's needs, there was some doubt as to whether all reasonable adjustments had been fully explored.

Resolved:

That the original decision to dismiss the employee be overturned on the grounds that whilst there were grounds for dismissal, the decision to dismiss had been taken prematurely on this occasion.

Background papers: Exempt

5 DATE OF NEXT MEETING - 4 NOVEMBER 2019

Resolved: To note the date of the next meeting as 4 November 2019.

Chairman

(The meeting 12.15pm)

Any queries regarding these minutes, please contact:
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