

MINUTES OF APPEALS COMMITTEE MEETING - TUESDAY, 16 MARCH 2021

Present:

Councillor Hunter (in the Chair)

Councillors

Hugo	Matthews	T Williams
Hutton	R Scott	

In Attendance:

Mrs Janet Roberts, Employee Relations Team Manager
Dawn Goodall, Head of Legal Services
Lennox Beattie, Executive and Regulatory Support Manager
Jenni Cook, Democratic Governance Senior Advisor

1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

2 MINUTES OF THE LAST MEETING HELD ON 18 JANUARY 2021

Resolved: That the minutes of the meeting held on 18 January 2021 be approved and signed by the Chair as a correct record.

3 EXCLUSION OF PUBLIC AND PRESS

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 2 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 the request to review the decision of the Council to dismiss an employee.

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

Mrs Roberts (Employee Relations Team Manager) and Ms Goodall (Head of Legal, Governance and Partnerships) were in attendance to advise the Committee on policy and procedure only and had taken no part in the original decision. Also in attendance was Mr Beattie and Mrs Cook, Clerks to the Committee.

There relevant Head of Service, Investigating Officer and Employee Relations Adviser presented the case of behalf of the Authority.

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The Committee carefully considered all the representation and documentation put forward by both parties. The Committee considered medical information and other information provided by the appellant regarding their personal circumstances at the time of the incident and information regarding their workplace.

Mrs Roberts provided clarification to the Committee regarding the 2019 version and the 2020 revised Disciplinary Procedure, that any disclosure by a young person should be taken as a 'truth act' and gave further clarification on final written warnings.

A short comfort break took place at 1pm and the meeting restarted at 1.50pm.

The Committee acknowledged the importance of safeguarding, particularly in regards to vulnerable young persons and also the improvement journey of the Children's Services Team as corporate parents.

The Committee considered that the evidence provided by the Local Authority and the appellant was conflicting and took into account further written and verbal evidence provided by the appellant. It was further noted that section 9.2 of the Disciplinary Procedure differed slightly between the 2019 and 2020 versions.

Resolved:

1. That the appeal is upheld as the dismissal was so severe as to not be a proportionate decision.

Background papers: Exempt

5 DATE OF NEXT MEETING - 12 APRIL 2021

Resolved: To note the date of the next meeting as 12 April 2021.

Chairman

(The meeting ended 3.00 pm)

Any queries regarding these minutes, please contact:
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