

MINUTES OF APPEALS COMMITTEE MEETING - MONDAY, 23 NOVEMBER 2020

Present:

Councillor Hunter (in the Chair)

Councillors

Hutton	R Scott	Critchley
Matthews	T Williams	

In Attendance:

Mrs Janet Roberts, Employee Relations Team Manager
Yvonne Burnett, Democratic Governance Senior Advisor
Dawn Goodall, Head of Legal Services

1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

2 MINUTES OF THE LAST MEETING HELD ON 4 NOVEMBER 2019

Resolved: That the minutes of the meeting held on 4 November 2019 be approved and signed by the Chair 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 items 4 and 5 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 HOME TO SCHOOL TRANSPORT APPEAL

The Committee considered an appeal that had been lodged in connection with a decision taken by officers within the Children's Services Directorate not to provide assistance with home-to-school transport.

Mrs L Rowbottom presented the case on behalf of the Authority.

The Appellant was in attendance at the meeting.

Also in attendance at the meeting were Ms Goodall, Head of Corporate Legal and Miss Burnett, Clerk to the Committee.

The Committee carefully considered all the information submitted by the appellant and the Authority both in writing and verbally at the meeting and took into consideration the family's recent bereavement and the emotional impact this had caused.

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The Committee acknowledged the appellant's reasons for wanting assistance with home-to-school transport costs, but were mindful that the child was attending a school identified by the appellant as one of two preferred schools, which was located less than the three miles, required to qualify for assistance, from the family home.

It was also noted that in accordance with the Home to School Transport Policy the distance from the family home was not considered an unreasonable distance for a child to walk unaccompanied to school and had been measured using the shortest safe walking route.

It was noted that transport assistance may be provided where pupils are entitled to free school meals or their parent was in receipt of maximum Universal Credit, but at the time of application, this had not been applicable. The Committee was advised that due to the pandemic the appellant's employment status had recently changed and as a consequence his Universal Credit entitlement was currently being reassessed.

The Committee gave careful regard to the appellant's circumstances and after carefully considering all the evidence before it, the Appeals Committee was satisfied that the decision not to provide assistance with home to school transport costs was made in accordance with the Council's Home to School and College Transport Policy.

Resolved:

1. To uphold the officer's decision not to provide assistance with home to school transport costs on the grounds that the decision was made in accordance with the Council's Home to School and College Transport Policy and did not consider that there were sufficient special circumstances or considerations to override the policy.
2. The Committee recommended that the appellant submitted a new application for Home to School Transport assistance, due to the change of circumstances and consideration should be given to making an application for Free School Meals.

Background papers: Exempt

5 APPEAL AGAINST DISMISSAL

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

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

Mrs Roberts (Employee Relations Manager) and Ms 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. Also in attendance was Miss Burnett, Clerk to the Committee.

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

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The Committee carefully considered all the representation and documentation put forward by both parties and acknowledged the appellants' acceptance that a serious error in judgement had been made, but was of the opinion that that the Council's Disciplinary Procedure and Managing Poor Performance policies were not sufficiently robust. Due to a lack of clarity, the interpretation and application of the Managing Poor Performance Policy by the Service had raised concerns and both policies were currently being reviewed by the Council and the Trade Union.

The Committee, on the evidence of doubt, agreed that the appellant had not received adequate training, supervision and support. In addition, the Committee noted that following an internal investigation into the incident, it had been recommended that written procedures for every element of the service should be developed and discussed within induction and supervision with all staff and actions from previous disciplinary investigations were understood across relevant managers and implemented in a timely manner, which suggested some failings in the service.

The Committee considered that that the Council had failed to provide the appellant with sufficient training, supervision and support and had not fully adhered to its own policies and was so significant as to undermine the reasonableness of the original decision.

Resolved:

1. That the original decision to dismiss the employee be overturned on the grounds that the Council had failed to fully comply with the relevant policies and procedures and the decision taken could be deemed unreasonable based on the evidence presented.
2. That officers be requested to ensure that recommendations of the internal investigation, if not already in place, be implemented with immediate effect.

Background papers: Exempt

6 DATE OF NEXT MEETING - 18 JANUARY 2021

Resolved: To note the date of the next meeting as 18 January 2021.

Chair

(The meeting ended 1.45pm)

Any queries regarding these minutes, please contact:
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