

MINUTES OF APPEALS COMMITTEE MEETING - MONDAY, 30 OCTOBER 2023

Present:

Councillor Boughton (in the Chair)

Councillors

S Brookes	Sloman	Walsh
Jones	Webb	

In Attendance:

Mrs Janet Roberts, Employee Relations Team Manager

Dawn Goodall, Head of Legal Services

Jenni Cook, Clerk to the Committee

1 DECLARATIONS OF INTEREST

Councillor Webb declared a prejudicial interest in Agenda Item 4 – Grievance Appeal. The nature of the interest being that she personally knew one of the parties.

2 MINUTES OF THE LAST MEETING HELD ON 25 SEPTEMBER 2023

The Committee considered the minutes of the last meeting held on the 25 September 2023.

Resolved:

That the minutes of the last meeting held on the 25 September 2023 be approved and signed by the Chair as a correct record.

3 HOME TO SCHOOL TRANSPORT APPEAL

The Committee considered a request to review the decision of the Council to not provide assistance with home to school transport in respect of A.M.

Ms D Goodall (Legal Advisor) was in attendance to advise the Committee on procedure and policy only and had taken no part in the original decision. Also in attendance was Mrs J Cook, Clerk to the Committee.

The relevant Head of Service presented the case on behalf of the Authority and advised the Committee of the reasons why the child had not been awarded home to school transport. The relevant Head of Service advised the Committee that the child's special guardian had applied for transport on 27 July 2023 as part of the standard reapplication process. This was refused as it did not meet the Transport Policy 2018. The Special Guardian had appealed this decision and a Transport Panel had been convened to consider the appeal at Stage 1 of the process.

The Transport Panel, whilst sympathetic to the Special Guardian's circumstances and

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having consulted the relevant qualified officers, in particular the SEND Officer, agreed with the original decision that the child's circumstances fell outside of the Transport Policy and upheld the original decision not to award home to school transport.

The Special Guardian had appealed at Stage 2 of the process and the appeal was now with the Committee for consideration. The relevant Head of Service advised the Committee that his role had been to ensure that the Transport Policy had been properly followed and applied. In this instance he confirmed that he was of the opinion that the policy had been applied in relation to this child's case and stated that the circumstances outlined by the Special Guardian, whilst difficult, did not fall under the policy and therefore did not entitle the child to be awarded home to school transport. The relevant Head of Service confirmed that the child had been placed in the most suitable school and that there was a reasonable expectation that parents or guardians/special guardians should be able to transport

The Special Guardian was not in attendance at the Committee and had consented to the appeal being heard in her absence. The Committee considered the Special Guardian's case and the information submitted in relation to their family circumstances and to the specific examples given in relation to the child's additional needs and behaviour.

The Committee considered the evidence supplied by both parties and while it considered that the policy had been followed and the application dealt with correctly. It considered it there were circumstances notably that no evidence had been provided that the application had been considered in conjunction with an updated Education Health and Care Plan (EHCP). The Committee also noted that the Transport Policy 2018 specified physical age but made no mention of mental ages of children.

RESOLVED:

That the home to school transport be granted for the remainder of the school year 2023/2024 (unless circumstances change) on the grounds of exceptional circumstances.

4 GRIEVANCE REVIEW

(Councillor Webb, having a declared prejudicial interest in this matter, left the meeting before consideration of this matter and took no part in the discussion or decision making).

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

Mrs J Roberts, Employee Relations Team Manager, and Ms D 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 Mrs J Cook, Clerk to the Committee.

The relevant Head of Service and the Employee Relations Adviser presented the case on behalf of the Authority and the Appellant presented their case.

The Committee acknowledged the representations put forward by both parties and also

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noted the Appellant's current position and line management. The Committee considered the Appellant's issues in that they did not feel they had been consulted about their views before a decision had been made to alter their working pattern and that they had not been given sufficient time to adjust any personal arrangements to fit within the new hours and days and maintained that Council procedure had not been followed. In addition the Committee considered additional elements that the Appellant had requested be addressed at stage 2 of the investigation in respect of why a senior manager had become involved if the other party had not raised a grievance and the Appellant's view that additional witnesses should have been called in relation to the senior manager's version of events.

The Committee had regard to employee contracts of employment and that the Council was entitled to move employees between locations and that the Employee Relations Team had been consulted in relation to any decision to move the employee. The Committee noted the Appellant's belief that they had not been aware that mediation had been formally offered and that they had not realised they had been deemed to have formally turned mediation down. The Committee also noted that when meetings took place between Managers and Employees that may have negative news to deliver, then some consideration should be given to ensuring that parties could be accompanied and that a note taker be present.

After carefully considering all the evidence before it and after questioning the Appellant, the relevant Head of Service and the Employee Relations Adviser, the Appeals Committee was satisfied that that the Authority's procedures had been followed and that the decisions taken had been fair and reasonable.

RESOLVED:

To dismiss the appeal and uphold the officer's decision taken within the Council's Employee Complaints (Grievance Procedure) on the grounds that the Authority's procedures had been followed and the decision taken had been fair and reasonable.

5 DATE OF NEXT MEETING

To note the date of the next scheduled meeting as 11 December 2023.

Chairman

(The meeting ended 12.34 pm)

Any queries regarding these minutes, please contact:
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