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Blackpool Council

19 April 2024

To: Councillors Boughton, S Brookes, Jones, C Mitchell, Sloman and Benson

The above members are requested to attend the:

APPEALS COMMITTEE

Monday, 29 April 2024 at 10.00 am
in Committee Room B, Town Hall, Blackpool FY1 1GB

A G E N D A

ADMISSION OF THE PUBLIC TO COMMITTEE MEETINGS

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The Head of Democratic Governance has marked with an asterisk (*) those items where the Committee may need to consider whether the public should be excluded from the meeting as the items are likely to disclose exempt information.

The nature of the exempt information is shown in brackets after the item.

This information is provided for the purpose of this meeting only and must be securely destroyed immediately after the meeting.

1 DECLARATIONS OF INTEREST

Members are asked to declare any interests in the items under consideration and in doing so state:

(1) the type of interest concerned either a

- (a) personal interest
- (b) prejudicial interest
- (c) disclosable pecuniary interest (DPI)

and

(2) the nature of the interest concerned

If any member requires advice on declarations of interests, they are advised to contact the Head of Democratic Governance in advance of the meeting.

2 MINUTES OF THE LAST MEETING HELD ON 29 JANUARY 2024

(Pages 1 - 6)

1. To agree the minutes of the last meeting held on at 10am on 29 January 2024 as a true and correct record.
2. To agree the minutes of the last meeting held at 1pm on 29 January 2024 as a true and correct record.

*** 3 APPEAL AGAINST DISMISSAL**

(Pages 7 - 320)

The Appeals Committee will consider and determine a request for a review of the Council's decision to dismiss an employee.

4 DATE OF NEXT MEETING

To note that the date of the next meeting is subject to the agreement of the 2024/25 schedule of meetings at Annual Council on 15 May 2024.

Venue information:

First floor meeting room (lift available), accessible toilets (ground floor), no-smoking building.

Other information:

For queries regarding this agenda please contact Jenni Cook, Democratic Governance Senior Adviser, Tel: (01253) 477212, e-mail jennifer.cook@blackpool.gov.uk

Copies of agendas and minutes of Council and committee meetings are available on the Council's website at www.blackpool.gov.uk.

Public Document Pack Agenda Item 2

MINUTES OF APPEALS COMMITTEE MEETING - MONDAY, 29 JANUARY 2024

Present:

Councillor S Brookes (in the Chair)

Councillors

C Mitchell

Sloman

Webb

Hoyle

In Attendance:

Jenni Cook, Democratic Governance Senior Adviser

Sharon Davies, Legal Adviser

1 DECLARATIONS OF INTEREST

There were no declarations of interest.

2 MINUTES OF THE LAST MEETING HELD ON 11 DECEMBER 2023

Resolved:

That the minutes of the last meeting held on 11 December 2023 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 agenda items 3 and 4 on the grounds that they 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 - JOR

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

Mrs Sharon Davies, 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 Jenni Cook, Clerk to the Committee.

The relevant Head of Service presented the case on behalf of the Council and advised the Committee of the reasons why the child had not been awarded home to school transport. The child's application had been assessed by the Integrated Transport Service and transport had not been offered as the child was not attending a Blackpool School.

The child's housing situation, reasons for moving and wanting to remain at the school and their and medical needs were acknowledged by the Head of Service who was sympathetic to

MINUTES OF APPEALS COMMITTEE MEETING - MONDAY, 29 JANUARY 2024

the family's need, but advised that family circumstances could not be taken into account when assessing transport applications. The Committee was advised that although the child attended a faith school and enjoyed the faith aspect of the school, they had not been admitted under religious ground in the school's admissions policy.

The Head of Service summarised the Council's position and advised that at present there was no application for an Education, Health and Care Plan (EHCP) underway which could, if obtained, set out additional support to meet the child's needs, which could include additional support with travelling to and from school, where appropriate. The Integrated Transport Team had taken into account the medical information disclosed about the child and had assessed the route to the nearest suitable school and advised that given the child's house move the distance to the school was 2.5 miles under the specified walking distance of 3 miles outlined in the Home to School Transport policy at paragraph 1.2. Therefore, the Head of Service noted that even if all the other considerations outlined in the application and the report did not apply, then the child would not be eligible for assistance with transport.

A family member of JOR was in attendance and presented the case and advised that the parent had been unable to obtain time off work to attend the Appeals Committee. The family member explained the child's circumstances and the housing conditions that had led to an unexpected move. They provided further clarification of the child's medical issues and advised that the medical information provided did not present a full picture of the child's limitations in respect of participation in sports and their ability to walk distances. They also advised the Committee of the child's future prognosis and the medical interventions that they were waiting for.

The family member advised that the parent was in the process of applying for Universal Credit and would be pursuing an EHCP. The Head of Service advised that depending on which elements of Universal Credit were awarded, then this could have an impact on any subsequent re-application.

The Committee carefully considered the evidence submitted by both parties. It agreed that the policy had been followed and the application dealt with correctly, however the family member had provided information that had led the Committee to believe that there were exceptional circumstances due to the medical needs of the child. In addition the parent was in the process of applying for Universal Credit and was pursuing an EHCP, which may have an impact upon any future applications. It therefore agreed to overturn the decision to decline transport assistance and grant home to school transport in the case of JOR.

The Committee also recommended that more information in relation to reasons for an application being declined and signposting information should be included at Stage 1 of the process.

Resolved

That home to school transport be granted for the remainder of school year 2023/24 (unless circumstances change) on the grounds of exceptional circumstances.

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5 HOME TO SCHOOL TRANSPORT APPEAL - JW

The Chair noted that this item had been withdrawn from the agenda as the child was no longer attending the educational establishment in question.

6 DATE OF THE NEXT MEETING

The date of the next meeting was noted as 1pm on 29 January 2024.

Chairman

(The meeting ended at 10.48 am)

Any queries regarding these minutes, please contact:
Jenni Cook Democratic Governance Senior Adviser
Tel: (01253) 477212
E-mail: jennifer.cook@blackpool.gov.uk

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MINUTES OF APPEALS COMMITTEE MEETING - MONDAY, 29 JANUARY 2024

Present:

Councillor S Brookes (in the Chair)

Councillors

Jones	Sloman	Hoyle
C Mitchell	Webb	

In Attendance:

Mrs Jenni Cook, Democratic Governance Senior Adviser
Mrs Sharon Davies, Legal Adviser
Mrs Janet Roberts, Employee Relations Team Manager

1 DECLARATIONS OF INTEREST

There were no declarations of interest.

2 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 agenda item 3 on the grounds that they would involve the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act.

3 GRIEVANCE REVIEW

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 Mrs S Davies, Legal Adviser, 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 noted that the Appellant wished to focus on the issue submitted as 'Complaint 1' in their original grievance which was in relation to perceived discrimination from management following changes to staffing provision and rotas. The Committee considered the concerns that the criteria under which the changes had been made had not been properly communicated and the information that the Appellant had provided in relation to their opinion of the costings that had been undertaken.

The Committee had regard to the points raised by the Appellant in relation to arrangements

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made for and between employees in respect of locations of work, starting points and travel arrangements and noted that those issues raised were being investigated by the relevant managers.

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.

The Committee did not uphold the grievance and did not accept that the actions that the Appellant had requested should be implemented. However the Committee made three more general recommendations in respect of access to decision making processes, an offer of mediation and a review of arrangements in respect of locations and starting points.

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.

4 DATE OF NEXT MEETING

The date of the next meeting was confirmed as 11 March 2024.

Chairman

(The meeting ended at 2.00 pm)

Any queries regarding these minutes, please contact:
Jenni Cook Democratic Governance Senior Adviser
Tel: (01253) 477212
E-mail: jennifer.cook@blackpool.gov.uk

Report to:	APPEALS COMMITTEE
Relevant Officer:	Neil Jack, Chief Executive
Date of Meeting:	29 April 2024

DISMISSAL REVIEW

1.0 Purpose of the report:

1.1 To consider and determine a request for a review of the Council's decision to dismiss an employee.

2.0 Recommendation(s):

2.1 The Committee will be asked to determine the request for a review.

3.0 Reasons for recommendation(s):

3.1 Once an application for a review has been received the application and any relevant representations must be considered by the Appeals Committee.

- 3.2 Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No
- 3.2 Is the recommendation in accordance with the Council's approved budget? Yes

4.0 Other alternative options to be considered:

4.1 There are no alternative options as the review must be considered by the Appeals Committee.

5.0 Council Priority:

5.1 The relevant Council Priorities are "The economy: Maximising growth and opportunity across Blackpool" and "Communities: Creating stronger communities and increasing resilience".

6.0 Background Information

6.1 A request for a review has been received from an employee in respect of dismissal.

6.2 Details of the employee's appeal case and the Management's statement of case and are contained within the submitted case papers.

6.3 The employee has been invited to attend the meeting and an officer of the Council will be in attendance to present the case on behalf of the Management.

6.4 Does the information submitted include any exempt information? Yes

6.5 Appendices:

Appellant's Case and Management's Case as submitted within the case papers.

7.0 Financial Considerations:

7.1 None.

8.0 Legal considerations:

8.1 The Head of Corporate Legal will be represented at the meeting to advise the Committee on policy and procedure only and will not have been involved with any of the decisions previously taken.

8.2 The Chief Executive will be represented at the meeting to advise the Committee on policy and procedure only and will not have been involved with any of the decisions previously taken.

9.0 Risk management considerations:

9.1 None.

10.0 Equalities considerations and the impact of this decision for our children and young people

10.1 None.

11.0 Sustainability, climate change and environmental considerations:

11.1 None.

12.0 Internal/ External Consultation undertaken:

12.1 None.

13.0 Background papers:

13.1 Exempt.

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