
Meeting	Corporate Appeals Panel
Date	24 July 2014
Present	Councillors Fraser, Horton and Galvin

14. Election of Chair

Resolved: That Councillor Fraser be elected to chair the meeting.

15. Exclusion of Press and Public

Resolved: That the press and public be excluded from the meeting during consideration of agenda item 4 (Appeal Against Dismissal) on the grounds that it contains information relating to an individual and information which is likely to reveal the identity of an individual. This information is classified as exempt under paragraphs 1 and 2 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by The Local Government (Access to Information) (Variation) Order 2006).

16. Declarations of Interest

Members were invited to declare at this point in the meeting any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests which they may have in respect of business on this agenda. Councillor Fraser declared a personal interest as a retired member of UNISON and Unite (TGWU/ACTS sections).

17. Appeals against Termination of Employment

The Panel met to consider four appeals against termination of employment under the legal definition of 'Some Other Substantial Reason' and the offer of re-engagement on new terms and conditions of employment, following a formal review of the terms and conditions of employment of all staff employed under the 'Craft Terms & Conditions of Employment'.

The hearing was attended by the Assistant Director of Housing and Community Safety who presented the management case and an HR Business Partner to advise management. All four appellants were in attendance at the hearing and were supported by their respective GMB and Unite union representatives. A HR Business Partner was also in attendance to provide HR advice to the Panel.

The Panel felt that this was a collective dispute and expressed the opinion that all four appeals should be heard together. The Assistant Director of Housing and Community Safety stated that as the City of York Council did not have a policy/process for collective appeals, he understood that the correct course of action was to hear each appeal separately. The Unite representative advised he would prefer for the cases of his three appellants to be heard together. The GMB representative felt that his appellant's case was different to the other three and should be heard separately.

The Panel adjourned to take further advice on this matter from the HR advisor supporting Members and the council's solicitor. The HR advisor advised the Panel that as the council had not been able to pursue the resolution of the proposals as a collective agreement, they had had to consult with individual employees on their terms and conditions. The Council's Solicitor confirmed that as the appeals dealt with individual contracts of employment, only the employer and employee should be able to comment on the individual contract. Based on the advice provided, the Panel agreed to hear the common management case first with all appellants present followed by each case individually.

The Panel heard the common management case which was applicable to all four appellants with all appellants present. Each appellant was then invited into the meeting in turn and the Panel heard the management case specific to that appellant followed by the appellants case.

The Panel considered all the evidence provided in the agenda papers and verbally at the hearing by all parties, as well as some additional information which was presented on the first appellant's behalf at the hearing. No witnesses were called.

Resolved: That all four appeals not be upheld.

Reason: The Panel agreed that the decision taken by management was correct in each case as they considered that the

Council's policies and procedures had been fairly and correctly applied throughout the process.

Councillor Fraser, Chair

[The meeting started at 9.30 am and finished at 3.45 pm].

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