
Meeting	Corporate Appeals Panel
Date	5 March 2021
Present	Councillors Galvin (Chair), Kilbane and Waller

16. Election of Chair

Resolved: That Cllr Galvin be elected as Chair of the meeting.

17. Exclusion of Press and Public

Resolved: That the press and public be excluded from the meeting during consideration of Agenda Item 5 (Appeal Against Dismissal), on the grounds that it includes information relating to an individual and information which was likely to reveal the identity of an individual. This information was classed 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.

18. Declarations of Interest

Members were invited to declare at this point in the meeting any personal interests not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests, which they might have in the business on the agenda. None were declared.

19. Minutes

Resolved: That the minutes of the meeting held on 5 February 2021 be approved and then signed by the Chair as a correct record at a later date.

20. Appeal Against Dismissal

The Panel considered an appeal against dismissal under the City of York Council's Disciplinary Procedure.

The Hearing Manager attended the meeting to present the management case, together with an HR Advisor. The appellant attended the hearing and was accompanied by their union representative. A HR Manager was also in attendance to provide advice to the Panel.

The Panel considered all the evidence presented by both parties in the agenda papers and verbally at the meeting and having considered all the available information, the Panel acknowledged that the allegations were serious enough to constitute Gross Misconduct. However they agreed that, given all the circumstances of the case and the mitigation presented, the penalty of dismissal was too severe and that sufficient mitigation had been presented to lessen the normal sanction of dismissal to a final written warning

Resolved: That the appeal be upheld.

Reason: The Panel felt that the decision taken by management to dismiss the appellant was too severe given the circumstances of the case.

Cllr Galvin, Chair

[The meeting started at 10.02am and finished at 11.32am.]