

Notice of a meeting of

Corporate Appeals Panel

To: Councillors Galvin, Kilbane and Waller

Date: Friday, 18 June 2021

Time: 10.00am

Venue: The George Hudson Board Room - 1st Floor,
West Offices (F045)

AGENDA

1. Election of Chair

To elect a Member to act as Chair of the meeting.

2. Exclusion of Press and Public

To consider excluding the public and press from the meeting during consideration of agenda item 5 (Appeal against Dismissal on Grounds of Redundancy) 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 amended by the Local Government (Access to Information) (Variation) Order 2006.

3. Declarations of Interest

At this point, Members are asked to declare any:

- personal interests not included on the Register of Interests,
- prejudicial interests or
- disclosable pecuniary interests

which they may have in respect of business on this agenda.

4. Minutes (Pages 5 - 6)

To approve and sign the minutes of the meeting held on Friday 21 May 2021.

5. Appeal Against Dismissal on Grounds of Redundancy

a) Appellant's Case (Pages 7 - 96)

Papers in support of appellant's case.

b) Management Case (Pages 97 - 220)

Papers in support of management's case.

Democracy Officer:

Name: Louise Cook

Contact Details:

- Telephone – (01904) 551031
- E-mail - louise.cook@york.gov.uk

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی میا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

Coronavirus protocols for attending Committee Meetings at West Offices

If you are attending a meeting in West Offices, you must observe the following protocols.

Windows must remain open within the meeting room to maintain good ventilation.

Furniture must not be moved from the designated safe layout.

If you're displaying possible coronavirus symptoms (or anyone in your household is displaying symptoms), you must follow government self-isolation guidance and must NOT attend your meeting at West Offices.

Testing

The Council encourages regular testing of all Officers and Members and also any members of the public in attendance at a Committee Meeting. Any members of the public attending a meeting are advised to take a test within 24 hours of attending a meeting, the result of the test should be negative, in order to attend. Test kits can be obtained by clicking on either link: [Find where to get rapid lateral flow tests - NHS \(test-and-trace.nhs.uk\)](https://www.test-and-trace.nhs.uk), or, [Order coronavirus \(COVID-19\) rapid lateral flow tests - GOV.UK \(www.gov.uk\)](https://www.gov.uk). Alternatively, if you call 119 between the hours of 7am and 11pm, you can order a testing kit over the telephone.

Guidelines for attending Meetings at West Offices

You must:

- Not arrive more than 10 minutes early
- Wear a face covering when entering the building and at all times, except when addressing the Committee (i.e. public speaking, Officer responding to a question, Member speaking during to the Committee)
- If you do have cause to remove your face covering to speak, please ensure that you use hand sanitiser or wash your hands before replacing your face covering
- Visitors to enter West Offices by the customer entrance and Councillors to enter using the staff entrance only.
- Ensure your ID / visitors pass is clearly visible at all times
- Use the touchless hand sanitiser units on entry and exit to the building and within the Meeting room.
- Keep to the left and adhere to social distancing where possible when using staircases and walkways, giving way on the staircase landings
- You must sit at the dedicated spaces around the table and if screens are in place do not move them or lean around them.
- Bring your own drink if required
- Maintain social distancing of 2 metres within toilet areas and remain vigilant for other occupants
- Only use the designated toilets next to the Meeting room

Please note: If you intentionally, or repeatedly, breach any of the social distancing measures, or hygiene instructions, you will be asked to leave the building. The Meeting will not start, or may be paused should anyone remove their face covering, or not replace it after speaking.

Developing symptoms whilst in West Offices

If you develop coronavirus symptoms during a Meeting, you should:

- make your way home immediately
- avoid the use of public transport where possible

- self-isolate for 10 days

You should also:

- Advise the Meeting organiser so they can arrange to assess and carry out additional cleaning
- Continue to observe social distancing
- Do not remain in the building any longer than necessary
- Do not visit any other areas of the building before you leave

If you receive a positive test result, or if you develop any symptoms before the meeting is due to take place, **you must not attend the meeting.**

City of York Council**Corporate Appeal Panel****Appeal Against Redundancy – Procedure**

The procedure for the appeal will be as follows:

1. The appellant and/or his/her representative and the Management (officer(s) appearing for the Council) are invited into the meeting.
2. The Chair of the Panel will introduce all parties present. He/she will explain procedural matters and confirm that everyone is aware of how the hearing will be conducted.

Appellant's Case

3. The appellant or his/her representative will present his/her case and will call and question any supporting witnesses he/she considers necessary.
4. Following the presentation of the appellant's case, the Chair will invite Management to put questions to the appellant or his/her representative/witnesses.

Management Case

5. The Management representative will present the Council's case and will call and question any supporting witnesses he/she considers necessary.
6. Following the presentation of the Council's case, the Chair will invite the appellant/representative to put questions to Management/witnesses.

Summing Up

7. The Chair of the Panel will ask the appellant/representative to sum up their case. (Please note that no new evidence can be introduced at this stage)

8. The Chair of the Panel will ask the Management representative to sum up their case. (Please note that no new evidence can be introduced at this stage)

During the Appeal Hearing

9. The Panel can ask questions of both parties at any stage during the appeal.
10. Any party may call for a reasonable recess during the appeal hearing. (It should be the decision of the Chair of the Panel as to whether or not such an adjournment is granted).
11. Once the case for and against the appeal has been heard, the Chair will call for an adjournment for the Panel to make their decision.
12. Both parties withdraw whilst the Panel deliberates and makes their decision (advised by Human Resources).

Decision

13. Members will decide whether or not to uphold the decision to make the individual redundant.
14. The reasons for Members decisions will be recorded.
15. The outcome of the appeal will be communicated in writing to all parties within five working days of the decision being made.

City of York Council

Minutes

Meeting	Corporate Appeals Panel
Date	21 May 2021
Present	Councillors Galvin (Chair), Kilbane and Waller

21. Election of Chair

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

22. 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.

23. 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.

24. Minutes

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

25. 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 10.00 am and finished at 12.50 pm.]

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank