

Notice of a public meeting of

Corporate Appeals Panel

To: Councillors Galvin, Kilbane and Waller

Date: Friday, 20 August 2021

Time: 10.00 am

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 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 7 - 8)

To approve and sign the minutes of the meeting held on 18 June 2021.

5. Appeal Against Dismissal

a) Appellant's Case (Pages 9 - 16)

Papers in support of the Appellant's case.

b) Management's Case (Pages 17 - 84)

Papers in support of Management's case.

Democracy Officer:

Name: Louise Cook

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Alternative contact details:

- Telephone – 01904 551088
- Email: democratic.services@york.gov.uk

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

- 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 مہیا کی جاسکتی ہیں۔ (Urdu)

 **(01904) 551550**

West Offices Work place Instructions & Office Protocols

Staff are encouraged to work from home, the Return to Workplace process via the WRG is still in place.

Where an individual (or group of individuals) needs to work in West Offices this must have been agreed with their Head of Service, signed off by a chief officer and the request submitted and approved by the Workplace Group prior to returning to West Offices

Any staff member who is displaying possible coronavirus symptoms, or has someone within their household displaying symptoms, must follow CYC and Government guidance on self-isolation and must not attend West Offices.

Developing symptoms whilst in West Offices – If you develop Covid-19 symptoms whilst working in West Offices to protect yourself and your colleagues please ensure that you make your way home, avoiding the use of public transport where possible, to self-isolate for 10 days.

In doing so you should:

- Not remain in the building any longer than necessary
- Continue to observe social distancing requirements
- Not visit any other areas of the building before you leave
- Advise your Line Manager to ensure that organisational support can be put in place for you and so they can advise Facilities Management/Security to assess and carry out additional cleaning.

After leaving West Offices you should call the CYC absence line to report your absence. HR will contact you to arrange a Covid-19 test.

On confirmation of a positive result, the individual's line manager should complete an accident incident report using the incident reporting portal.

You will only be allowed to work from West Offices if you have been granted permission, as outlined above, and you have completed the online induction process.

Staff are encouraged to take lateral flow tests twice a week.

West Offices is open 7am to 6pm only Monday to Friday and is not open at weekends.

All staff must adhere to the operating hours above and anyone wishing to enter the office outside these times must have permission from Facilities Management or Security.

Any concerns about the workplace or any other issues, e.g. ICT kit/Health issues, non-compliance etc., must be raised and discussed with their line manager

ID passes and lanyards must be worn clearly visible at all times whilst you are in West Offices.

All staff must enter and exit West Offices via the staff entrance and follow any directional signage inside the building.

All staff must use the touchless hand sanitiser units on entry and exit to West Offices.

All staff are reminded to wash their hands, with soap and water, on a regular basis for 20 seconds.

All staff to avoid touching their faces.

When using staircases and walkways please keep to the left and allow space to other users giving way on the staircase landings.

Lifts – limited to 1 person at any one time and priority given to staff with mobility/pregnant/health issues.

First Aid – Security will be the first point of contact 01904 553223, press 1 if using hub phones. First Aid may be self-administered under instruction or once the need is assessed PPE and Visor will be worn for closer contact. The first aid provider may need to follow revised procedures – [including PPE and rescue breaths](#)

Fire Evacuation – On continuous alarm you need to evacuate the building using all staircases safe to do so. Assembly points are to the RHS of the Grand doors and in front of the Monument, giving space is recommended. Fire Marshals will provide further instruction if necessary once staff are evacuated.

Hand Sanitizer and Hard Surface Wipes are available in the general desk areas, Customer Centre, Hub areas, Kitchens, Meeting rooms, etc, please use them but **Do Not Remove** from their location or the building as this may put colleagues at risk.

Cleaning – a sanitizing process of ‘touch points’ will be in place during office hours. Full office clean will take place each evening and housekeeping will take place during the working day.

Desk areas – Please use Hard Surface Wipes to clean your workstation prior to and after use including chair arms, knobs and levers along with keyboard, mouse, desk, PC and monitor. Please place these in the bin and do not leave on the desk.

Clear Desk Policy must be adhered to daily and no items left under desks or on storage tops, filing cabinets etc.

Any items left will be removed.

No food items to be left out within the office areas.

Minimise your movement around the office using phone or skype wherever possible.

Staff bags must be stored in personal lockers or under your desk space safely during the working day and removed each evening.

Kitchen Areas Please respect others personal space and sanitize items used before and after use.

Small Hub areas Please respect others personal space

Sofa areas Please respect others personnel space.

Stationery Areas – these areas will continue to be stocked with paper products, shared items – staplers, hole punches etc. must be wiped with Hard Surface Wipes prior to and after use, these must remain in the hub area.

Pens and Pencils must not be shared and kept, not returned to any stationery stores but can be collected from Goods In for your own use.

MFD's/printers – Hard Surface Wipes are available for use prior and after printing for the touchscreen.

Staff Male and Female Showers – only 4 people in this space at any one time, the shower cubicles in use are the far right and left on entry and the 2 large showers within the adjoining area.

Drying Area – Towels and all personal items must be removed on a daily basis

Toilet Facilities – Please respect others personnel space. (Urinals remain out of use)

Face coverings – We will continue to support those staff who wish to wear a face covering whilst in West Offices.

Visitors, Contractors and Public will be asked to a face covering.

Those staff who have direct face to face contact with the public/visitors may wish to wear a face covering.

Perspex screens will remain in their current locations

Meetings – Meetings should continue on line where possible.

Meeting rooms are set to Boardroom style, each meeting room has a maximum number which must be adhered to until further notice. Any alterations must be approved by FM

All Meeting room bookings must go through the FMMeetingRoomBookings@york.gov.uk

Meetings must not be booked back to back to allow for cleaning and the windows must remain open.

Hard surface wipes and hand sanitizer are available in each meeting room.

External Visitors –If the visit is essential the following process must be adhered to. Your visitor must be booked in following the current process of completing a visitor notification form at least 24 hours prior to the meeting custservmailbox@york.gov.uk and your visitor must not arrive early for the appointment.

Visitors must be asked to wear a face covering

You must meet them in reception/business waiting area, you will not be contacted via customer services when they arrive.

You must ask your visitor the following:

- Do you have any symptoms of Covid-19, fever, new repetitive cough or change to sense of smell or taste?
- Do you share a household with anyone who is currently displaying Covid-19 or is self-isolating due to suspected Covid-19?
- Have you been advised by the NHS track and trace to self-isolate as a precaution to prevent the spread of Covid-19?

If the answer is yes to any of the above then the person should be asked to leave site.

Your visitor will be signed in and given a visitors lanyard which must be worn for the duration of their visit, they must be accompanied at all times and then taken back to reception where you can ask them to be signed out by the helpdesk and their badge be placed in the box provided.

Deliveries/Goods in – No personal deliveries allowed eg non work-related items for staff

Please inform WestOfficesGoodsManagement@york.gov.uk if you are expecting a delivery and collect promptly when notified of its arrival and place within your storage facilities.

Café West – Café seating area is reduced and set out to comply with 2m distancing, the Café is currently operating 8am – 2.30pm Monday – Friday, please see notice re any changes to these times.

If you intentionally, or repeatedly, breach any of the social distancing measures, or hygiene instructions, disciplinary action may be taken.

Updated 19.05.21EJAV5

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CITY OF YORK COUNCIL
CORPORATE APPEALS PANEL
(Disciplinary Dismissals)

Procedure

The procedure for the appeal will be as follows:

- The appellant and/or his/her representative and the Management (officer(s) appearing for the Council) are invited into the meeting.
- The Chair of the Panel will introduce all parties present and explain procedural matters.
- The Chair will invite the appellant/representative to confirm the reason(s) for the appeal.
- The appellant or his/her representative will present his/her case and will call and question any supporting witnesses he/she considers necessary.
- 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 will present the Council's case and will call and question any supporting witnesses he/she considers necessary.
- Following the presentation of the Council's case, the Chair will invite the appellant/representative to put questions to Management/witnesses.
- Members will ask both parties to sum up (please note that no new evidence can be introduced at this stage)
- Members can ask questions of both parties at any stage during the appeal.

- Any party may call for a reasonable recess during the appeal hearing.
- 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.
- Both parties will leave the room while Members, advised by Human Resources, make their decision.

Decision

- Members will debate the case and decide which one or more of the four legal reasons for appeal are applicable.
- Depending on the reason for appeal, Members will decide whether the grounds for appeal are sustained and whether or not to uphold the original decision that the employee did commit a disciplinary offence.
- Members will decide whether or not to uphold the original penalty.
- The reasons for Members decisions will be recorded.
- 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	18 June 2021
Present	Councillors Galvin, Kilbane and Waller

1. Election of Chair

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

2. 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 Grounds of Redundancy), 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.

3. 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 discloseable pecuniary interests, which they might have in the business on the agenda. None were declared.

4. Minutes

Resolved: That the minutes of the meeting held on 21 May 2021 be approved and signed by the Chair as a correct record.

5. Appeal Against Dismissal on Grounds of Redundancy

The Panel considered an appeal against dismissal on the grounds of redundancy under the Council's Supporting Transformation (Management of Change) policy.

The Hearing Manager attended the meeting to present the management case, together with an HR Advisor. Management also called and questioned a witness. The appellant attended the hearing and was accompanied by their union representative and they also called and questioned a witness. A HR Manager was also in attendance to provide HR 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:

Resolved: That the appeal be upheld.

Reason: The Panel concluded that the selection process and criteria was unfair and that the pool from which to select the employee for redundancy should be reviewed.

Cllr Galvin, Chair

[The meeting started at 10.00am and finished at 2.00pm.]

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of the Local Government Act 1972.

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