

**Notice of a meeting of
Corporate Appeals Panel**

To: Councillors Galvin, Kilbane and Waller

Date: Friday, 21 May 2021

Time: 10.00 am

Venue: Remote Meeting

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 3 - 4)

To approve and sign the minutes of the meeting held on 5 March 2021.

5. Appeal Against Dismissal

a) Appellant's Case (Pages 5 - 54)

Papers in support of the appellant's case.

b) Management Case (Pages 55 - 150)

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 مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

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	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.]

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

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