

## Notice of a meeting of

### Corporate Appeals Panel

**To:** Councillors Galvin, Kilbane and Waller

**Date:** Friday, 21 January 2022

**Time:** 10.00am

**Venue:** Remote

### AGENDA

In view of the changing circumstances around the Covid-19 pandemic, this meeting will now be held remotely.

#### 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 20 August 2021.

**5. Appeal against Dismissal**

**a) Appellant's Case (Pages 5 - 302)**

Papers in support of the appellant's case.

**b) Management Case (Pages 303 - 310)**

Papers in support of management's case.

**c) Joint Supporting Papers (Pages 311 - 532)**

Background papers to the appeal.

Democracy Officer:

Name: Louise Cook

Contact Details:

- Telephone – (01904) 551031
- E-mail - [louise.cook@york.gov.uk](mailto: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 format

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

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Meeting	Corporate Appeals Panel
Date	20 August 2021
Present	Councillors Waller and Wells (Substitute for Cllr Kilbane)
Apologies	Councillors Galvin and Kilbane

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Prior to the start of the hearing, it was confirmed that all parties were content to proceed with a panel of 2 Members.

#### **6. Election of Chair**

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

#### **7. 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.

#### **8. 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.

#### **9. Minutes**

Resolved: That the minutes of the meeting held on 18 June 2021 be approved and signed by the Chair as a correct record.

**10. Appeal Against Dismissal**

Members considered an appeal against dismissal under the City of York Council's Attendance Management Policy and 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 a work colleague. 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 allowed.

Reason: The Panel were of the opinion that the decision taken by management to dismiss the appellant was out of proportion to the circumstances of the case.

Cllr A Waller, Chair

[The meeting started at 11.13 am and finished at 1.03 pm.]

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

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