



Notice of a meeting of

Corporate Appeals Panel

To: Councillors Galvin, Looker and Reid

Date: Tuesday, 28 February 2017

Time: 10.00 am

Venue: The Frank Green Room - 2nd Floor, West Offices
(S015)

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,
- any prejudicial interests or
- any 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 22 April 2016.

5. Appeal against Dismissal

To consider an appeal against dismissal on the grounds of redundancy in accordance with the Council's Supporting Transformation (Management of Change) Policy.

a) Management's Case (Pages 5 - 40)

Papers in support of management's case

b) Appellant's Case (Pages 41 - 78)

Papers in support of the appellant's case

Democracy Officers:

Name: Catherine Clarke and Louise Cook (job share)

Contact Details:

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(If contacting us by e-mail, please send to both democracy officers named above)

For more information about any of the following please contact the Democracy Officers 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 (Polish)
własnym języku.**

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 (01904) 551550

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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.

Management Case

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

Appellant's Case

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

Summing Up

7. 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)
8. The Chair of the Panel will ask the appellant/representative to sum up the 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

Committee Minutes

Meeting	Corporate Appeals Panel
Date	22 April 2016
Present	Councillors Gunnell, Reid and Gillies

25. Election of Chair

Resolved: That Councillor Gillies be elected to chair the meeting.

26. 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 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 revised by the Local Government (Access to Information) (Variation) Order 2006.

27. Minutes

Resolved: That the minutes of the meetings held on 12 February and 8 April 2016 be approved as correct records and then signed by the chair.

28. Declarations of Interest

Members were invited to declare at this point in the meeting any personal interests not included on the Register of Interests, any prejudicial interests or disclosable pecuniary interests which they may have in respect of the business on the agenda. Councillor Reid declared a personal non-prejudicial interest as a CYC appointed representative on an outside body.

29. Appeal against Dismissal

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

The hearing was attended by the hearing manager who presented the management case and an Employee Relations Advisor advising management. The appellant was in attendance and was accompanied by their union representative. An HR Business Partner was also in attendance to provide HR advice to the Panel.

The Panel considered all the evidence provided in the agenda papers and verbally at the hearing by both parties.

Having considered all the available information, the Panel acknowledged that the allegation was serious enough to constitute Gross Misconduct, but concluded that, given all the circumstances of the case, sufficient mitigation had been presented to lessen the normal sanction of dismissal to a final written warning.

Resolved: That the appeal against dismissal 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.

Councillor Gillies, Chair

[The meeting started at 10.00 am and finished at 12.10 pm].

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

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