

## Notice of a meeting of

### Corporate Appeals Panel

**To:** Councillors Galvin, Shepherd and Reid

**Date:** Friday, 20 April 2018

**Time:** 10.00 am

**Venue:** The King John Room (GO59) - West Offices

### 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 20 October 2017.

**5. Appeal Against Dismissal**

To consider an appeal against dismissal under the City of York Council's Attendance at Work Policy and Procedure.

**a) Management Case** (Pages 5 - 20)

Papers in support of management's case

**b) Appellant's Case** (Pages 21 - 124)

Papers in support of the appellant's case

**c) Joint Supporting Papers** (Pages 125 - 260)

Background papers to the appeal.

Democracy Officers:

Name: Catherine Clarke and Louise Cook (job share)

Contact Details:

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- E-mail – [catherine.clarke@york.gov.uk](mailto:catherine.clarke@york.gov.uk) and [louise.cook@york.gov.uk](mailto:louise.cook@york.gov.uk)

(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 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**

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**CITY OF YORK COUNCIL**  
**CORPORATE APPEAL PANEL**  
**(Dismissal appeal)**

**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.
- 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.
- 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.
- 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 decide whether or not to uphold the decision to dismiss the appellant.
- The reasons for Members' decision 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

Committee Minutes

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|---------|--|
| Meeting | Corporate Appeals Panel                      |
| Date    | 20 October 2017                              |
| Present | Councillors Galvin, Gillies (Chair) and Reid |

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**6. Election of Chair**

Resolved: That Councillor Gillies be elected to chair 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 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.

**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, any prejudicial interests or disclosable pecuniary interests which they may have in respect of the business on the agenda. None were declared.

**9. Minutes**

Resolved: That the minutes of the meeting held on 14 July 2017 be approved as a correct record and then signed by the Chair.

## 10. 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 HR Advisor advising management. The appellant was in attendance at the hearing 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 one allegation of gross misconduct had not been proven and dismissed this but agreed that the remaining allegations were serious enough to constitute Gross Misconduct. Having considered the mitigation presented on the appellant's behalf, the Panel did not feel that there was sufficient mitigation to lessen the normal sanction of dismissal.

Resolved: That the appeal **not** be upheld.

Reason: The Panel felt that the decision taken by management to dismiss the appellant was reasonable, proportionate and appropriate given all the circumstances of the case.

Councillor I Gillies, Chair

[The meeting started at 10:00am and finished at 11.30am]



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of the Local Government Act 1972.

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