

**Notice of a meeting of**

**Corporate Appeals Panel**

**To:** Councillors Gunnell, Waller and Reid

**Date:** Friday, 5 June 2015

**Time:** 10.00 am

**Venue:** The Craven Room - Ground Floor, West Offices (G048)

**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, as provided by 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 Friday 12 December 2014.

**5. Appeal against Dismissal**

To consider an appeal against dismissal on the grounds of redundancy made against a decision taken under the Council's Supporting Transformation (Management of Change) Policy.

**a) Management Case** (Pages 5 - 34)

Papers in support of Management's case.

**b) Appellant's Case** (Pages 35 - 136)

Papers in support of the appellant's case.

Democracy Officers:

Name: Catherine Clarke and Louise Cook (job share)

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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 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****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

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Meeting	Corporate Appeals Panel
Date	12 December 2014
Present	Councillors Fraser, Galvin and Steward (as a Substitute for Cllr Firth)
Apologies	Councillor Firth

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**23. Election of Chair**

Resolved: That Councillor Fraser be elected to Chair the meeting

**24. 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.

**25. 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 any disclosable pecuniary interests which they may have in respect of business on this agenda. Councillor Fraser declared a personal interest as a retired member of UNISON and Unite (TGWU/ACTS sections).

**26. Minutes**

Resolved: That the minutes of the meetings of the Corporate Appeal Panel held on 24 July 2014 and 21 August 2014 be approved and signed by the chair as a correct record.

## **27. Appeal Against Dismissal**

The Panel considered an appeal against the decision taken by management to terminate the employment of a member of staff in accordance with the City of York Council's Attendance Management Policy and Procedure.

The hearing was attended by the Head of Building Services who presented the management case and an Employee Relations Advisor advising management. The appellant was in attendance at the hearing and was accompanied by a representative of Unite the Union. 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, including two pieces of additional information which were presented at the meeting in support of management's case. The Panel also took into account evidence provided at the hearing by two witnesses who were called in support of the appellant's case and one witness called in support of management's case.

Resolved: That the appeal not be upheld.

Reason: The Panel agreed that the Attendance Management Policy and Procedure had been followed correctly. They agreed that the decision taken by management, to terminate employment on the grounds of inability to attend work on a regular basis due to long term ill health, was reasonable in the circumstances and had been made in line with that policy.

Councillor Fraser, Chair

[The meeting started at 10.00 am and finished at 1.30 pm].



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of the Local Government Act 1972.

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