



Notice of a meeting of

Corporate Appeals Panel

To: Councillors Galvin, Wells and Gillies

Date: Friday, 7 August 2015

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, 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 - 6)

To approve and sign the minutes of the meeting held on 5 June 2015.

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 7 - 38)

Papers in support of Management's case.

b) Appellant's Case (Pages 39 - 148)

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
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

Meeting

Corporate Appeals Panel

Date

5 June 2015

Present

Councillors Gunnell, Waller and Reid

1. Election of Chair

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

2. 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.

3. 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 Waller advised all present that he had recently been appointed to the position of Executive Member for Environment and that his portfolio included the service area covering waste services. He confirmed that he had only just taken up this position and not been involved in the management restructure which had taken place before he was appointed. He asked both parties if they were happy for him to hear this appeal. All those present confirmed they were happy for him to do so.

4. Minutes

Resolved: That the minutes of the meeting of the Corporate Appeal Panel held on 12 December 2014 be approved and signed by the chair as a correct record.

5. Appeal against Dismissal

The Panel considered an appeal against dismissal on the grounds of compulsory redundancy under the Council's Supporting Transformation (Management of Change) Policy resulting from the decision to delete the appellant's post following a restructure of the management of Waste Services.

The hearing was attended by the Assistant Director, Transport, Highways and Fleet, who presented the management case and an HR Business Partner advising management. The appellant was in attendance at the hearing and was accompanied by his Unison representative. An HR Business Partner was also in attendance to provide HR advice to the Panel.

At the outset of the appeal hearing, management raised the issue of why the mitigation presented in the appeal papers had not been presented at the original hearing. They advised the Panel that the appellant and his representative had been given the opportunity to challenge the decision to dismiss and make representations at the original hearing but that no mitigation had been presented at that time.

The meeting was adjourned in order that the Panel could take advice from the council's legal officer and HR officer regarding the issues which had been raised.

Based on the advice received and following further deliberation, the Panel felt that, in view of comments made by the appellant and his representative, there was some doubt as to whether they had been fully aware of the correct process for presenting information in support of their case. The Panel felt that the letter of invite to the dismissal hearing could have been clearer in stating that the dismissal hearing was the opportunity to present mitigating evidence. They advised that the contents of all correspondence be reviewed to ensure that all employees, whether or not they chose to be represented by a union, contained the necessary information.

The Panel agreed that the evidence which had been put before them should have been put before the hearing manager at the dismissal hearing

and therefore they could not reasonably hear the appeal. They agreed that, in order to ensure that the process was carried out fairly and reasonably, the original hearing should be reconvened so that all the relevant mitigation could be considered by the appropriate chief officer in line with the Council's Management of Change procedures.

Resolved: That the case be referred back to dismissal hearing stage and the original hearing reconvened to ensure that all the relevant mitigation could be considered by the appropriate chief officer.

Reason: In order to ensure that the process is carried out fairly and reasonably and in accordance with the Council's Supporting Transformation (Management of Change) Policy.

Councillor Reid, Chair

[The meeting started at 10.00 am and finished at 11.00 am].

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of the Local Government Act 1972.

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