

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].