

Meeting	Corporate Appeals Panel
Date	14 July 2017
Present	Councillors Galvin, Shepherd and Waller

1. Election of Chair

Resolved: That Councillor Galvin 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. None were declared.

4. Minutes

Resolved: That the minutes of the meeting held on 12 May 2017 be approved as a correct record and then signed by the Chair.

5. 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 Assistant Director, Health, Housing and Adult Social Care 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 City of York Council work colleague. 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 witness evidence provided in support of management's case at the hearing.

Having considered all the available information, the Panel acknowledged that the allegations were serious enough to constitute Gross Misconduct. However they agreed that, given all the circumstances of the case and the mitigation presented, the penalty of dismissal was too severe and that sufficient mitigation had been presented to lessen the normal sanction of dismissal to a final written warning.

Resolved: That the appeal 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 J Galvin, Chair

[The meeting started at 10.00 am and finished at 3.00 pm].