

## **DISCIPLINARY/DISMISSAL/GRADING APPEALS COMMITTEE**

Monday, 20<sup>th</sup> September, 2010 at 9.30 a.m.  
in Committee Room 3, the Council House, Dudley

### **PRESENT:-**

Councillor Knowles (Chairman)  
Councillors Barlow, Banks, Mrs. Cowell, J. Martin, Ms Nicholls and Vickers,  
together with Mrs. K. Jesson, Head of Human Resources (Directorate of the  
Urban Environment), Mrs. J. Hartley, Senior Solicitor, Miss E. Kerrigan,  
Solicitor and Mrs. J. Rees (Directorate of Law, Property and Human  
Resources)

### **ALSO IN ATTENDANCE:-**

Mr AM, Mrs R A Jones Human Resource Policy Strategy Officer (Directorate  
of Children's Services) and Mrs T Reilly (Assistant Director Human Resources  
and Citizenship, as an observer. No one raised any objections to the  
observer's attendance at the meeting.

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### **APOLOGIES FOR ABSENCE**

Apologies for absence from the meeting were submitted on behalf of  
Councillors Ms Harris, Mottram, Ms. Partridge and Mrs Shakespeare.

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### **APPOINTMENT OF SUBSTITUTES FOR THE MEETING OF THE COMMITTEE**

It was reported that Councillor Vickers had been appointed as a substitute for  
Councillor Mrs. Shakespeare for this meeting of the Committee only.

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### **DECLARATIONS OF INTEREST**

No member declared a personal or prejudicial interest, in accordance with the  
Members' Code of Conduct, in respect of any matter to be considered at this  
meeting.

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### **MINUTES**

#### **RESOLVED**

That, the minutes of the meeting of the Committee held on the 4<sup>th</sup>  
August, 2010 be approved as a correct record and signed.

EXCLUSION OF THE PUBLIC

## RESOLVED

That the public be excluded from the meeting for the following item of business, on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Local Government Act, 1972, as indicated below.

<u>Description of Item</u>	<u>Relevant paragraph of Part 1 of Schedule 12A</u>
Appeal by Mr. AM	1

APPEAL BY MR. AM

The Committee considered an ongoing grievance appeal by Mr. AM, who claimed that he had been denied opportunities of taking on new roles and increased hours because the Council had failed to follow its own Recruitment and Selection Procedure. He also alleged that other posts, within the Ethnic Minorities Advisory Service (EMAS), were handed out without being advertised.

The Chairman explained that Mr AM's grievance had commenced under the Council's former Procedure, which allowed for a grievance appeal, not resolved at Stage 3, to be heard at Stage 4 by Elected Members of the Council.

The Head of Human Resources (Directorate of the Environment) advising the Panel, explained the order of the grievance appeal hearing, as Mr AM was not represented. The Council's representative agreed that she would be happy with a less formal approach to the giving of evidence, to ensure that Mr AM was afforded every opportunity to explain his grounds of appeal and the full nature of his grievances. Mr AM confirmed that he was aware that he could have been represented. The Council's representative indicated that she was not entirely clear as to the grounds of Mr AM's appeal. Mr AM was claiming that the Council's Procedure was not followed, but it appeared to her, from the documented evidence, that the Procedure had been followed and that all three previous stages of Mr AM's grievance had been conducted in accordance with the Council's procedure and that Mr AM had been advised accordingly of the outcomes at each stage, including information as to how to proceed to the next stage.

The Council's representative reported that the Statement of Facts had not been agreed as Mr AM had not indicated his agreement to it.

The Council's representative confirmed that she did not intend to call any witnesses.

Mr. AM was in attendance at the meeting, without any representation. He stated that he was not aware he could call any witnesses. It was confirmed that the Head of the Ethnic Minorities Advisory Service was no longer employed by the Council.

Mr. AM confirmed that he had not agreed the Statement of Facts, indicating that he had not understood that a response was required.

Mr. AM confirmed that he had received a copy of the Grievance Procedure at each stage of his grievance appeal, together with the outcomes of each stage.

Mr AM also commented that he was unsure of what was expected of him at today's hearing, because, in his view, his grievance had been ongoing for ten years without a satisfactory outcome from the Head of the Ethnic Minorities Advisory Service, or the Director of Children's Services.

Mr AM advised that he felt intimidated with the number of people in attendance at the hearing.

In response, the Chairman advised that the hearing was convened at the request of Mr. AM. The Chairman also advised that until the agenda had been circulated, Members of the Committee had not been aware of any of the facts of the case. The Committee would listen to all the evidence from both sides before coming to any decision.

The Chairman called for an adjournment at this stage to consider how best to proceed, at the end of which, Mr AM confirmed that he was happy to continue with Stage 4 of his grievance.

Mr AM then proceeded to explain the reasons for his grievance, which he considered were never answered or addressed by the then Head of the Ethnic Minorities Advisory Services, as a result of which, he continued to feel aggrieved.

The Council's representative, then presented the Council's case, advising that documented evidence did not substantiate any of Mr AM's claims about the recruitment policy not being followed. The Directorate of Children's Services had, at each stage of the grievance, adhered to the Council's Recruitment and Selection Procedures and advised Mr AM of the findings of each stage of his grievance appeal.

The Council's representative and members then asked questions upon the evidence submitted.

Following final submissions, the parties left the meeting, at which point the Committee continued its deliberation. Arising, therefrom it was:-

**RESOLVED**

That the Committee determine that the Council's Recruitment and Selection Procedure had been followed and therefore Mr AM's grievance be not upheld.

The meeting ended at 11.05 am

CHAIRMAN