

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

Monday, 18 October, 2010 at 9.30 a.m.  
in Committee Room 3 at the Council House, Dudley

### **PRESENT:-**

Councillor Knowles (Chairman)  
Councillors Banks, Mrs. Cowell, Ms Nicholls, Ms Harris, Mottram and A Taylor together with Mrs K Jesson, Head of Human Resources (Supporting DUE), Mrs J Hartley, Senior Solicitor, Miss E Kerrigan, Solicitor and Mrs J Rees, (Directorate of Law, Property and Human Resources)

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

Mrs MK and Mr S Beardsmore representative of UNISON, Mrs P Dean, Assistant Human Resources Officer (Children's Services) and Mrs T Reilley (Assistant Director Human Resources and Citizenship) as an observer. No one raised any objections to the observer's attendance at the meeting.

### 13 **APOLOGIES FOR ABSENCE**

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

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

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

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### 15 **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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### 16 **MINUTES**

#### **RESOLVED**

That, the minutes of the meeting of the Committee held on the 20<sup>th</sup> September 2010, be approved as a correct record and signed.

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### 17 **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.

<b><u>Description of Item</u></b>	<b><u>Relevant paragraph of Part 1 of Schedule 12A</u></b>
Appeal by Mrs MK	1

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### APPEAL BY MRS MK

The Committee considered an Appeal by Mrs MK, against the Council's decision to make her redundant, as she claimed that she had been denied access to the Council's re-deployment procedures.

Miss Kerrigan confirmed that a Statement of Facts had not been agreed upon, but she had received no objection from Mrs MK's or her representative.

In presenting the case on behalf of his client, Mr Beardsmore advised that he would be challenging the Council's Selection criteria applied in the redundancy process. If the Committee did not wish to consider these additional grounds for appeal, his client would take her case to an Employment Tribunal. In response to this, Miss Kerrigan objected to Mr Beardsmore's request, stating that she was only aware of the original grounds of Mrs MK's Appeal, as stated in an email dated 6 September 2010 from Mr Beardsmore, and which clearly stated that Mrs MK wished to appeal against the decision of the Council to make her redundant, on the grounds that she did not believe that she was given access to the Council's Redeployment Procedure.

The meeting was adjourned to enable the Committee to make a decision as to whether or not to proceed with the Appeal.

Following the adjournment, the Chairman advised that the Committee, at this stage, had not made a decision as to whether to proceed. The Committee wanted to seek clarification from Mr Beardsmore and his client as to what the new grounds of appeal were, and why he had not advised of the change of reason for the appeal in advance of the meeting or of his intention to challenge the Selection and Recruitment Procedures.

Mr Beardsmore informed that when the original appeal had been lodged, the information regarding the Selection criteria applied to the individuals in the redundancy consultation and selection process had not been to hand. In response to questioning he confirmed that he had been in possession of the knowledge for three weeks. He offered no explanation as to why this information had not been forwarded to the Committee prior to the meeting, but apologised for not doing so.

In response to questions from the Head of Human Resources (supporting DUE), seeking clarification as to the new grounds of appeal, Mr Beardsmore advised that Mrs MK had been part of a small group of eight or nine staff doing similar jobs, when the decision had been made to reduce the number of this group. It was normal procedure for all staff to go through the selection interview procedure. However, all but two posts had been allocated without an interview, including the son of the then Head of Service. Mrs MK and one other member of staff had had to go through the interview process. Mrs MK had been unsuccessful.

Following consideration of the comments made by Mr Beardsmore, the Committee adjourned for a second time, to decide whether or not to continue with the appeal.

When the meeting re-convened, the Chairman advised Mr Beardsmore that the Committee had concerns about the introduction of such late information, which the Committee considered could have been shared with them prior to the meeting and this would have saved time. The Committee further considered that Mr Beardsmore had had ample time to consider the situation and inform them of the change in the reason for the appeal.

Notwithstanding the Committee's concerns regarding the handling of the appeal, as indicated in the preceding paragraph, the Committee considered that the hearing should be adjourned to allow written clarification of the new grounds of the appeal within three days of the date of this meeting and for an investigation to be carried out, to enable the Committee to make an informed decision on the appeal.

The Committee impressed on Mr Beardsmore the importance of him providing clarification of the new grounds of the appeal within the next three days in order to allow the Local Authority to prepare for the case.

#### RESOLVED

- 1) That, in order to allow time for further investigation, the meeting be adjourned and reconvened on a suitable date.
- 2) That Mr Beardsmore be requested to submit clarification of the grounds of the appeal for Mrs MK within the next three days.

The meeting ended at 10.55 am

CHAIRMAN