

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

Thursday 4<sup>th</sup> August, 2011 at 10.30 a.m. in Committee Room 3  
in the Council House, Dudley

### **PRESENT**

Councillor James (Chairman)

Councillor Ms Nicholls (Vice Chairman)

Councillors: Mrs Cowell, Ms Harris, Mottram, Ms Partridge and J Woodall, together with Mrs K Jesson, Head of Human Resources, (Directorate of the Urban Environment), Ms S Riaz, Senior Solicitor, Ms E Kerrigan, Solicitor, and Mrs J Rees (Directorate of Corporate Resources).

### **ALSO IN ATTENDANCE**

Mr ELC,

Mr S Beardsmore (Representative of UNISON),

Ms P S as a witness and Mrs T Reilly, Assistant Director Corporate Resources (Human Resources and Organisational Development).

---

#### 7. **APOLOGIES FOR ABSENCE**

Apologies for absence from the meeting were submitted on behalf of Councillors A Aston and Banks.

---

#### 8. **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.

---

#### 9. **MINUTES**

RESOLVED

That the minutes of the meeting of the Committee held on 13<sup>th</sup> July, 2011, be approved as a correct record and signed.

---

#### 10. **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, and in all the circumstances, the public interest in disclosing the information is outweighed by the public interest in maintaining the exemption from disclosure:-

<u>Description of Item</u>	<u>Relevant Paragraph</u> <u>Part 1 of the Schedule 12A</u>
Appeal by Mr ELC	1

---

11. **APPEAL BY MR ELC**

The Committee considered an appeal on behalf of a Mr ELC against his dismissal from the employment of the Council. The Council's procedure was followed.

The Human Resources Advisor to the Panel outlined the procedure to be followed.

Miss Kerrigan confirmed that she would be calling a Ms PS as a witness. Mr Beardsmore confirmed that he would be calling Mr ELC as a witness.

Miss Kerrigan and Mr Beardsmore confirmed that a Statement of Facts had now been agreed upon.

Mr ELC was in attendance at the meeting together with Mr S Beardsmore (UNISON Representative), who presented the case on behalf of Mr ELC, commencing with the opening statement.

He asked that the Committee take into account that the reason for Mr ELC's dismissal, as set out in final paragraph on page 23, was no longer relevant. Mr ELC had never denied the allegation, but previously had been a model employee with an exemplary record.

Mr Beardsmore pointed out that two public bodies had not taken action against Mr ELC in respect of his actions.

Mr ELC elaborated on the allegations against him and expressed remorse for his actions.

Ms Kerrigan, the Council's representative then presented the Council's opening statement advising that the allegations to be considered were Mr ELC's alleged gross misconduct, although she acknowledged that his actions had taken place

outside of the workplace. She disputed the statement made that two public bodies had taken no action against Mr ELC.

She called a Ms PS as a witness, to explain her reasons for taking the decision to dismiss Mr ELC, which Ms PS confirmed was, as stated in her letter to the appellant, dated 2<sup>nd</sup> June 2011, that is that the Council no longer had any trust in him to discharge his duties.

There was an adjournment for the Panel to seek clarification from the Legal Advisor.

Following the adjournment, Miss Kerrigan clarified issues raised by the Panel.

Both Miss Kerrigan, Ms PS and Mr EL C answered the questions put to them by the Committee.

Following their 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 allegation of gross misconduct by Mr ECL is proven and that the decision to dismiss him be upheld.

---

The meeting ended at 12 noon.

CHAIRMAN

DDGA/7