

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

**Wednesday 10<sup>th</sup> November, 2010 at 9.30 a.m.**  
**in Committee Room 3, At The Council House, Dudley**

### **PRESENT**

Councillor Knowles (Chairman)  
Councillors Ms Harris, Ms Nicholls, J Martin and Mottram  
together with Mrs M Worton, Head of Human Resources (Central Services), Mrs J Hartley, Senior Solicitor; Miss E Kerrigan, Solicitor and Mrs J Rees (Directorate of Law, Property and Human Resources)

### **ALSO IN ATTENDANCE**

Mrs D J, Mr C Bruton (Representative of the National Association of Schoolmasters Union of Women School Teachers (NASUWT)), Mr D Perrett, Assistant Director Education, Play and Learning, Mrs P Dean, Assistant Human Resource Officer, Mr E Bridgwater, Schools' Human Resource Officer (Children's Services); Mrs T Reilly (Assistant Director of Human Resources and Citizenship) and Mrs K Taylor (Democratic Services Officer) as observers.

No one raised any objections to the observers' attendance at the meeting.

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#### 19      **APOLOGIES FOR ABSENCE**

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

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#### 20      **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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#### 21      **MINUTES**

##### **RESOLVED**

That the minutes of the meeting of the Committee held on 18<sup>th</sup> October 2010 be approved as a correct record and signed.

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#### 22      **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 the exempt information as defined in Part 1 of Schedule 12A to the Local Government Act 1972 as indicated below and in all 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 of Part 1 of Schedule 12A</u>
Appeal by Mrs D J	1

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### APPEAL BY MRS D J

The Committee considered an appeal by Mrs D J, against the Council's decision to redeploy her.

Before presenting the case on behalf of this client, Mr Bruton sought clarification as to whether, due to the unusual nature of the appeal, if the appeal was rejected, this would have any effect on Mrs DJ's current employment. He was advised that if the appeal was refused this would have no effect on Mrs DJ's current employment.

Mr Bruton then presented the case on behalf of Mrs DJ, who did not consider that the job allegedly offered to her, had been a reasonable offer of suitable employment, and therefore she should have been entitled to her redundancy. Mr Bruton also commented that the case had been very confusing for the reasons given at the meeting.

The Committee and the Council's representative then asked questions on the case.

The Council's representative presented the Council's case.

Mrs Hartley, who presented the Council's case called three witnesses, Mr D Perrett, Assistant Director of Education, Play and Learning, Mrs P Dean, Assistant Human Resources Officer and Mr E Bridgewater, Schools' Human Resources Officer (Directorate of Children's Services).

Mr Bruton, Mrs DJ and the Committee then asked questions on the Council's case.

In answer to questions from the Panel, Mr Perrett confirmed that, given the information brought to his attention regarding the case, he was confident that the job offer had been made to Mrs DJ and that it was a suitable alternative to redundancy.

During the questioning on the Council's case, a brief adjournment was requested.

Members of the Committee also raised concerns on procedural issues and on communication issues between the Directorate of Children's Services and the appellant.

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

#### RESOLVED

- (1) That the appeal made by Mrs DJ be upheld on the grounds that the Committee considered that there was insufficient written evidence to substantiate whether her offer of alternative employment through redeployment was a suitable alternative to redundancy and accordingly Mrs DJ be dismissed on the grounds of redundancy with effect from 31<sup>st</sup> August 2010.
- (2) That the Interim Director of Children's Services be requested to re-examine the suitability of the Schools' Redeployment Policy in such cases and the role of all her staff involved with future redeployment procedures, including managers circulating copies of notes taken at meetings with employees at risk of redundancy and confirming decisions and offers in writing and/ e-mail.

The meeting ended at 2.55 pm

CHAIRMAN