

DISCIPLINARY/DISMISSAL/ GRADING APPEALS

WEDNESDAY 6TH MARCH, 2013

**AT 10.00 AM
IN COMMITTEE ROOM 3
AT THE COUNCIL HOUSE
PRIORY ROAD
DUDLEY**

If you (or anyone you know) is attending the meeting and requires assistance to access the venue and/or its facilities, could you please contact Democratic Services in advance and we will do our best to help you

**KIM FELLOWS
DEMOCRATIC SERVICES OFFICER
Internal Ext – 5242
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**You can view information about Dudley MBC on
www.dudley.gov.uk/**

IMPORTANT NOTICE

MEETINGS IN DUDLEY COUNCIL HOUSE

Welcome to Dudley Council House

In the event of the alarm sounding, please leave the building by the nearest exit. There are Officers who will assist you in the event of this happening, please follow their instructions.

There is to be no smoking on the premises in line with national legislation. It is an offence to smoke in or on these premises.

Please turn off your mobile phones and mobile communication devices during the meeting.

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Your ref:

Our ref:
KFE

Please ask for:
Miss K Fellows

Telephone No.
(01384) 815242

20th February, 2013

Dear Member

**DISCIPLINARY/DISMISSAL/GRADING APPEALS COMMITTEE – WEDNESDAY
6TH MARCH, 2013**

You are requested to attend a meeting of the Disciplinary/Dismissal/Grading Appeals Committee on **Wednesday 6th March, 2013 at 10 .00 a.m. in Committee Room 3 at The Council House, Priory Road, Dudley, DY1 1HF**, to consider the business set out in the agenda below.

The agenda and reports for this meeting can be viewed on the Council's internet site www.dudley.gov.uk and follow the links to Meetings and Decisions.

Yours sincerely



Director of Corporate Resources

A G E N D A

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence from the meeting.

2. APPOINTMENT OF SUBSTITUTE MEMBERS

To report the appointment of any substitute Members serving for this meeting of the Committee.

3. DECLARATIONS OF INTEREST

To receive declarations of interest from Members in accordance with the Members' Code of Conduct.

4. MINUTES

To approve as a correct record and sign the minutes of the meeting held on 2nd October, 2012.

5. TO ANSWER QUESTIONS UNDER COUNCIL PROCEDURE RULE 11.8 (IF ANY)

PRIVATE SESSION

In accordance with Part I of Schedule 12A to the Local Government Act 1972, the Proper Officer has determined that there will be no advance disclosure of the following reports because the public interest in disclosing the information set out in the following item is outweighed by the public interest in maintaining the exemption from disclosure.

6. RESOLUTION TO EXCLUDE THE PUBLIC

To consider the adoption of the following resolution:-

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>Agenda Item No.</u>	Description of Item	Relevant Paragraph of Part 1 of Schedule 12A
7	Appeal by Mrs LS	1

7. APPEAL BY MRS LS

To consider the appeal by Mrs LS

To: All Members of the Disciplinary/Dismissal/Grading Appeals Committee:
Councillors J Martin, A Aston, Hale, Marrey, Mrs P Martin, Ms Nicholls, Mrs Rogers and J Woodall.

DISCIPLINARY/DISMISSAL/GRADING APPEALS COMMITTEE

Wednesday 6th March, 2013, at 10.00 a.m.
in Committee Room 3

PRESENT

Councillor J Martin (Chair)

Councillor Hale (Vice-Chair)

Councillors Marrey, Ms Nicholls and Mrs Rogers, together with Mrs M Worton – Change and Strategy Head of Service, Miss S Riaz – Solicitor for the Council, Mr M Farooq – Assistant Director of Corporate Resources and Miss K Fellows (all Directorate of Corporate Resources)

ALSO IN ATTENDANCE (AS INDICATED)

An Assistant Director of Corporate Resources and Mrs LS
Ms A Whittington – (Representative of UNISON)

11. APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were submitted on behalf of Councillors A Aston, Mrs P Martin and J Woodall.

12. DECLARATIONS OF INTEREST

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

13. MINUTES

RESOLVED

That the minutes of the meeting of the Committee held on 2nd October, 2012, be approved as a correct record and signed.

14. 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 I 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 exception from disclosure:-

<u>Description of Item</u>	<u>Relevant Paragraph of Part I of Schedule 12A</u>
Appeal by Mrs LS	1

15. APPEAL BY MRS LS

The Committee considered an appeal on behalf of Mrs LS against her dismissal from the employment of the Council. The Council's procedure was followed.

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

Mrs LS was in attendance at the meeting together with Ms A Whittington (UNISON representative), who presented the case on behalf of Mrs LS.

There followed an initial adjournment in order for the Council's Statement of Facts to be confirmed between Mrs LS and her representative and the Solicitor for the Council.

The meeting was re-convened when the Appellant's representative confirmed that the Council's Statement of Facts was agreed.

The Appellant's representative summarised Mrs LS's case and responded to questions.

The Council's representative, Ms S Riaz summarised the Council's case and called an Assistant Director of Corporate Resources, Directorate of Corporate Resources as a witness who read her witness statement and responded to questions from the representative for Mrs LS, the Council's representative, Committee Members and the Legal and Human Resources advisors to the Committee.

Mrs LS responded to questions from the Council's representative, the Human Resources representative and Committee Members.

The Appellant's representative and the Council's representative then summed up their respective cases.

Following the summing up of their cases by the respective parties, the parties left the meeting at which point the Committee continued its deliberations.

Arising from detailed consideration given to the written and oral evidence presented it was:-

RESOLVED

That the Committee unanimously determined that the allegation of gross misconduct by Mrs LS is proven and that the decision to dismiss her be upheld.

The meeting ended at 2.30pm

CHAIR