

## DISCIPLINARY/DISMISSAL/GRADING APPEALS COMMITTEE

Tuesday 2nd October, 2012, at 10.00 a.m.  
in Committee Room 3

### PRESENT

Councillor J Martin (Chair)  
Councillor Hale (Vice-Chair)  
Councillors A Aston, Ms Nicholls and Mrs Rogers, together with Ms K Jesson - Head of Human Resources, Miss S Riaz – Solicitor for the Council, Mrs J Hartley – Senior Solicitor and Miss K Fellows (all Directorate of Corporate Resources)

### ALSO IN ATTENDANCE (AS INDICATED)

An Assistant Director of Adult, Community and Housing Services and Ms JW Mrs B (Appellant's representative)  
Ms L Graham - Advocate (POHWER)  
Mrs T Reilly – Assistant Director Corporate Resources (Human Resources and Organisational Development)

---

#### 6. APOLOGY FOR ABSENCE

An apology for absence from the meeting was submitted on behalf of Councillor J Woodall.

---

#### 7. 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.

---

#### 8. MINUTES

That, subject to the inclusion of Councillor A Aston in the list of apologies for absence, the Minutes of the meeting of the Committee held on 30<sup>th</sup> May, 2012, be approved as a correct record and signed.

---

#### 9. 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 Ms JB	1

---

10. APPEAL BY MS JB

The Committee considered an appeal on behalf of Ms JB against her dismissal from the employment of the Council. Ms JB chose not to attend the Appeal but to send her mother, Mrs JB, to represent her. The Council's procedure was followed.

There followed an initial adjournment in order for the Panel to consider and determine the request of Mrs JB to tape record the hearing.

The Panel denied the request of Mrs JB on the basis of grounds of confidentiality. This was conveyed to Mrs JB.

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

Mrs JB, the Appellant's mother, was in attendance at the meeting to represent her daughter Ms JB, together with Ms L Graham (POHWER Representative).

The Appellants representative presented Ms JB's case and responded to the Panels questions.

The Council's representative, Mrs J Hartley, then presented the Council's case in the presence of the Appellant's representative and responded to questions from the Panel and the Solicitor for the Council.

There followed a short adjournment in order for the Appellant's representative to consider whether she wished to put forward any new medical evidence on the basis that the Panel had noted that the reasons for Ms JB's absence from work had changed on the Statement of Fitness for Work notes.

The meeting was re-convened and the Appellant's representative advised the Panel that she did not wish to introduce new medical evidence.

The Council's representative, Mrs J Hartley called an Assistant Director of Adult, Community and Housing Services and a Ms JW from the Directorate of Adult, Community and Housing Services as witnesses and Ms JW responded to a question asked by a Panel Member.

Both parties made their final submissions. Following their submissions the parties left the meeting, at which point the Committee continued its deliberation. Following its deliberation it was

RESOLVED

That the Committee determine that the allegation of gross misconduct by Ms JB is proven and that the decision to dismiss her be upheld.

The meeting ended at 1.20pm

CHAIR