

DISCIPLINARY/DISMISSAL/GRADINGS APPEALS COMMITTEE

Wednesday, 11th March, 2009 at 1.30 p.m. in Committee Room 3
in the Council House, Dudley

PRESENT

Councillor Harley (Chairman)

Councillor Jones (Vice Chairman)

Councillors: D Blood, Ms Harris, J Martin, Mottram and Perry together with the Head of Personnel and Support Services (Chief Executive's Directorate), Ms H Kidd, Senior Solicitor, Mrs R Colegate, Solicitor, (Directorate of Law and Property) Mrs M Venables (Assistant Director, Directorate of Adult, Community and Housing Services); Mr G Gibbs (GMB Union Representative) and Mrs Joan Rees (Directorate of Law & Property).

7 APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were submitted on behalf of Councillors Mrs Greenaway, and Ms Partridge

8 APPOINTMENT OF SUBSTITUTE FOR THE MEETING OF THE COMMITTEE

It was reported that Councillor D Blood had been appointed as a substitute for Councillor Mrs Greenaway, for this meeting of the Committee only.

9 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.

10 MINUTES

RESOLVED

That the minutes of the meeting of the Committee held on 3rd June 2008 be approved as a correct record and signed.

11 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:-

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

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APPEAL BY MR GH

The Committee considered an appeal by Mr GH against his dismissal from the employment of the Council. The Council's procedure was followed.

Mr GH was in attendance at the meeting together with Mr G Gibbs (GMB Union Representative), who presented the case on behalf of Mr GH.

In presenting the case, Mr Gibbs expressed concerns that evidence of a previous allegation of gross misconduct for which Mr GH had been exonerated, had been resubmitted to a disciplinary hearing on 15th January, 2009. He also expressed concerns that the recommendation of the Hearing Panel that the incident of Mr GH contravening a minor traffic offence be reinvestigated, had not taken place. Mr Gibbs questioned the number of allegations for which Mr GH had been dismissed.

The Council's representative, then asked questions on Mr GH's case.

Mr Gibbs also questioned the severity of the sanction against Mr GH and asked the Committee to reconsider the sanction, taking into account the mitigating facts put forward for the actions taken by Mr GH.

Ms Kidd, who called one witness Mrs M Venables, Assistant Director Older People and Disabilities (Directorate of Adult, Community and Housing Services), presented the Council's case. Mr GH and the Committee then asked questions on the Council's case.

In response to comments from Mr Gibbs relating to the grounds of the appeal, the Assistant Director, Directorate of Adult, Community and Housing Services reported that she had, before coming to her decision to dismiss Mr GH, given full consideration to all the facts of the case, including the mitigating circumstances put forward by Mr GH, but that she had not considered the mitigating circumstances to be exceptional and therefore stood by her decision that his

actions had amounted to gross misconduct, thereby resulting in his dismissal. The Assistant Director, Directorate of Adult, Community and Housing Services also confirmed that the reasons, as set out in her letter to Mr GH were correct, advising that the letter referred to four bullet points, rather than four allegations, as suggested by Mr GH.

She acknowledged that the recommendation of the Hearing Panel that the incident of Mr GH contravening a minor traffic offence be reinvestigated had not taken place.

Mr Gibbs also questioned the severity of the sanction against Mr GH and asked the Committee to reconsider the sanction, taking into account the mitigating facts put forward for the actions taken by Mr GH.

Following an adjournment to enable clarification to be given on a particular point, the meeting then reconvened to continue its deliberations in respect of the appeal.

Following final submissions, the parties left the meeting.

In making its decision, the Committee considered that all senior officers in any organisation would be party to information which they had to put to the back of their minds when making important decisions.

RESOLVED

That the Committee determine that the allegation of gross misconduct by Mr GH is proved and that the decision to dismiss him be upheld.

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MR STEVE WOODALL

The Committee expressed their appreciation of his work in the past and wished him a long, healthy and happy retirement.

The meeting ended at 3.55pm

CHAIRMAN