

DISCIPLINARY/DISMISSAL/GRADING APPEALS COMMITTEE

Thursday, 26th January, 2012 at 10.00 a.m.
In Committee Room 3

PRESENT

Councillor James (Chairman)
Councillor Ms Nicholls (Vice-Chairman)
Councillors A Aston, Ms Harris, Mottram, Ms Partridge and J Woodall,

Together with

The Assistant Director, Law and Governance, Mrs M Worton – Head of Human Resources, supporting the central directorates, and Mr J Jablonski (all Directorate of Corporate Resources)

ALSO IN ATTENDANCE

Mr D W (Appellant)
Mr P Byrne (Representative of Appellant)
Mr B Etheridge – appropriate adult engaged by Mr Byrne
Mr M D and Mrs I B as witnesses

Miss E Kerrigan – Solicitor for the Council
Ms H M-G, Mr D A, Mr T C, Mr M S, Mr L H, Mr P J and Mr N B as witnesses;
and

Mrs T Reilly – Assistant Director Corporate Resources (Human Resources and Organisational Development)

17 APOLOGIES FOR ABSENCE

Apologies for absence from the meeting was submitted on behalf of Councillors Banks and Mrs Cowell.

18 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.

19 MINUTES

RESOLVED

That the minutes of the meeting of the Committee held on 16th November, 2011, be approved as a correct record and signed.

20 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>
Re-hearing of case of Mr D W	1

21 RE-HEARING OF CASE OF MR D W (MINUTE 16/MEETING 16TH NOVEMBER, 2011)

Arising from the decision of the Committee at its last meeting, the Committee considered a re-hearing of the case of Mr D W against his dismissal from the employment of the Council.

A guidance note, previously circulated, entitled "Guidance Note: For Appellants/the Applicant's Representatives and Presenting Officers regarding the process relating to Re-hearings" was circulated at the meeting.

In accordance with the process relating to re-hearings Mr Byrne put the case for the Appellant in the presence of the Council's Representative, details of which had previously been circulated, and called witnesses, Mr M D and Mrs I B and then the Appellant Mr D W. Each of the witnesses were asked questions by Mr Byrne and the Council's representative, Members of the Committee, and the Human Resources and Legal Advisers.

The Council's representative then put the case in the presence of the Appellant and his representative and, following a break for lunch, then called witnesses Mr P J, Ms H M-G, Mr T C, Mr D A, Mr N B, Mr L H and Mr M S. Ms H M-G was accompanied by Gordon Gibbs of the GMB Union and other witnesses were accompanied by Mr Scott Martin of the UNITE Union. Each witness responded to questions asked by the Council's representative, the Appellant's representative, Members of the Committee and the HR and Legal Advisers.

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

RESOLVED

- (1) That the decision to dismiss Mr D W on the basis that his behaviour constituted gross misconduct be upheld.
- (2) That the Head of Human Resources be requested to write to all Directors requesting that managers are instructed to endeavour to hold investigative interviews with principal witnesses within two working days of an incident occurring.

The meeting ended at 6.15 p.m.

CHAIRMAN