

APPEALS PANEL NO. 3

TUESDAY 16 APRIL 2013 AT 10:00AM

PRESENT: Councillors Allison (as substitute for Councillor Mrs Luckley), Boaden and Collier

OFFICERS: Deputy Chief Executive
Audit Manager
HR Manager
HR Advisor
Appellant's Line Manager

ALSO

PRESENT: Appellant
Steve Gibbon (GMB – representing the appellant)

1. APOLOGIES FOR ABSENCE

An apology was submitted on behalf of Councillor Mrs Luckley as she knew and had worked with the appellant.

2. PUBLIC AND PRESS

RESOLVED - That in accordance with Section 100A(4) of the Local Government Act 1972, the Public and Press were excluded from the meeting during consideration of the following item of business on the grounds that it involved the likely disclosure of exempt information, as defined in Paragraph Number 1 of Part 1 of Schedule 12A of the 1972 Local Government Act.

3. APPEAL AGAINST DISMISSAL

Consideration was given to an appeal against dismissal.

The Chairman introduced the Panel and outlined the purpose of the meeting and procedure to be followed. He confirmed that all those present had seen the relevant documentation, copies of which had been circulated.

Members and Officers, the appellant and her representative introduced themselves.

The Chairman asked the appellant to summarise the reason for her appeal. The appellant explained that she believed that the sanctions imposed as a result of a disciplinary investigation were excessive.

The Deputy Chief Executive advised that he in his deliberation of the investigation he had tried to be fair and balanced and had given a lot of time to the evidence which had been presented at the disciplinary hearing.

Mr Gibbon queried whether it was appropriate that the Line Manager should have been part of the investigation team. The Deputy Chief Executive advised that it was the Line Manager who had first raised the issues who undertook an investigation and invited

officers from Audit, HR and Finance. In that respect it was appropriate for the Line Manager to be involved.

The Deputy Chief Executive took the Panel through the allegations and gave the reasons for his decision to uphold the allegations. The Deputy Chief Executive was aware of areas where management had not been as robust as it could have been and measures would be taken to improve those areas.

The Audit Manager confirmed that investigations had previously been undertaken in respect of the completion of timesheets as part of the regular anti fraud initiative and had spoken previously, as part of those investigations, with the appellant.

With regard to undertaking work outside of the Council the appellant believed that the Council were aware that she was working with another organisation and stated that while a previous line manager was aware of the facts she had never been requested to complete any paperwork in relation to that matter. The Deputy Chief Executive stated that it was inappropriate to be commissioning work for the Council that was then undertaken by the appellant.

The appellant stated that, with regard to booking leave, officers had taken flexi when they could and on the occasion in question it was not possible for her to call the office to book leave as she was in a meeting and for that reason she had e-mailed a colleague to book the time off. At no time had there been any intention to defraud the Council in that regard.

With regard to the lone working the appellant advised that at no time had the casual worker in question stated that she was concerned about working on her own with the groups and had she done so the appellant stated that she would have advised that the session be ended immediately.

There was a short adjournment between 11:15 and 11:25 for the comfort of all present.

The Audit Manager explained the financial irregularities that she had investigated. As a result of the investigations a report had been produced regarding the management of external funding. The Audit Manager explained the basis of the allegation and outlined the reasons for the investigation. The Deputy Chief Executive stated that he did not believe that the appellant had intended to use any monies for personal gain but funds were used to support a club with which the appellant was involved.

Mr Gibbon queried whether the Council had been brought into disrepute as a result of the appellant's actions. The Deputy Chief Executive advised that it had not but that he believed that there was the potential for that to happen.

The Deputy Chief Executive confirmed that for the reasons stated in his letter to the appellant dated 29 January 2013 he had decided to uphold the decision for dismissal.

The meeting was adjourned between 12:30 and 1:20 to allow all present to take lunch.

The Chairman invited the appellant to present her case for appeal.

The Appellant explained the background to the setting up of the clubs with which she was involved. The Appellant was upset at the allegation that it had been her intention to bring

the Council into disrepute as she had done a lot of work outside of work for the Council, working with young people as well as disability and multicultural groups.

With regard to the alleged financial irregularities the Appellant explained the background to the groups involved and her relationship with those groups. The Appellant was concerned that since her suspension some of the groups had ceased and some of the people involved in those groups had no alternative groups in which to take part. She advised that one of the payments had been signed by the Director of Community Engagement but, in discussion with him following the disciplinary hearing he was not able to recall that he had signed the white form that the appellant alleged he had signed. There was no evidence of the form and the matter had not been raised at the disciplinary hearing.

The appellant summarised how her role had changed during her time with the City Council due to a number of restructures. She further outlined the details the clubs which she had set up and their links to the Sheepmount Development Plan.

Mr Gibbon believed that there had been a blurring of roles and that it was difficult for the appellant to separate her roles within the City Council and in the community. He stated that the major point raised had been the potential for the Council to be brought into disrepute. He reminded Members that the appellant had done a lot more work within the City Council than the football groups that had been discussed.

The appellant advised that at her appraisal, her previous Line Manager had recognised that she had a heavy workload and congratulated her on what she had achieved. The Line Manager had never questioned how the appellant worked. The appellant stated that she loved her job and believed that if she didn't do as much as she did the issues that had led to her dismissal would not have arisen.

The appellant alleged that the Council had failed to abide by its policies in respect of the time taken over the investigation and disciplinary. She stated that groups with which she had worked in the past had been in touch as they would still be happy to work with her.

The appellant confirmed that she was satisfied with the manner that the Appeals Panel hearing had been conducted and that she had received a fair hearing by the Panel.

The Chairman thanked the appellant and Officers for their input and requested them to leave the hearing while the Panel considered their decision.

On their return the Chairman advised that the Panel had

RESOLVED – :That the appeal would not be upheld and outlined the reasons for that decision which were:

- The Panel were concerned about irregular practices in relation to financial matters and in particular the completion of timesheets whilst receiving payment from an external body
- The Panel were concerned about the manner in which timesheets had been completed on behalf of casual employees including a member of the appellant's family, and countersigning them as the responsible Officer.

[The meeting ended at 15.40]