

## **APPEALS PANEL NO. 2**

**MONDAY 29 SEPTEMBER 2014 AT 10.00am**

**PRESENT:** Councillors Bloxham, Caig and Harid (Chairman).

**OFFICERS:** Deputy Chief Executive  
Director of Economic Development  
HR Advisory Service Team Leader  
Committee Clerk

### **1. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

### **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 HR Advisory Service Team Leader advised that the appellant had informed her that she would not be attending the hearing, nor would she be sending a representative, and wished the hearing to continue in her absence.

The HR Advisory Service Team Leader further advised that the Principal Auditor, who had undertaken the investigation, would not be in attendance at the meeting but was available to attend if Members wished any clarification of any of the issues raised.

The Chairman invited the Director of Local Environment to summarise the events leading up to the appellant's dismissal.

The Director of Local Environment outlined the circumstances that had alerted colleagues that a colleague may have been using the Council's purchasing systems inappropriately. The Director sought advice from HR and audit and an investigation was initiated. The appellant was advised that whilst the investigation was underway she would be suspended and not allowed onto the premises or to contact colleagues as that could have an impact upon the investigation. The appellant was advised that suspension in no way implied guilt but was purely a measure to ensure a fair and independent investigation.

A management report was produced which was submitted to the dismissal hearing which was chaired by the Deputy Chief Executive who had had no involvement in the case. That hearing determined that the appellant should be dismissed for gross misconduct.

Members were concerned that employees were unaware or unclear about Council procedures relating to financial systems and declarations of interest and suggested that further training should be included for new employees and when employees are promoted or

required to undertake financial responsibilities. There was also concern regarding an allegation that other employees were using the Council's purchasing systems in a similar manner.

Members suggested that there should also be a tightening of the procedures with regard to ordering and receiving items and signing of invoices.

The appellant had stated that she had advised her line manager that she was involved with an external company but that she did not work for them. The appellant had provided evidence that the company had its own ordering systems in place.

As part of the investigation carried out by audit the Principal Auditor had provided a statement from a colleague of the appellant in respect of ordering goods through Council suppliers and paying for the goods received. Members were satisfied that there was no case to answer in that respect but that the Council should be transparent about discounts offered to employees. The HR Advisory Service Team Leader confirmed that the matter would be discussed with colleagues in the finance section.

Members suggested that the matter should be discussed with the Director of Governance in respect of the legal issues.

The Chairman thanked the Deputy Chief Executive and the Director of Local Environment for the input and they left the hearing at 11.03am.

Members considered the information that had been submitted prior to the meeting and the responses to questions asked of the Deputy Chief Executive and Director of Local Environment and:

RESOLVED – That, having considered all of the evidence presented, both prior to and at the hearing, the Panel had decided not to uphold the Appeal. The reasons Members reached that decision were:

- The Panel felt that there was a clear indication of a conflict of interest and the evidence supplied at 1.4 in the disciplinary management report highlighted this aspect.
- The Panel were concerned with the number of items ordered that appeared to have no relation to Carlisle City Council's need.
- The Panel acknowledged the processes and systems in place at the business in which the appellant was involved for ordering and purchasing items for that business and felt that this confirmed the view that there was no legitimate reason for the appellant to have used the Council's ordering process.

[The meeting ended at 11.22 am]