

APPEALS PANEL NO 2

WEDNESDAY, 31 MARCH 2004 AT 2.15 PM

PRESENT: Councillor Dodd (Chairman), Councillor Glover, Councillor  
Mrs Rutherford

The Appellant and his Trade Union Representative were also present together with the Head of Commercial and Technical Services and the temporary Principal Personnel Officer.

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 involves the likely disclosure of exempt information as defined in Paragraph No 1 of Part 1 of Schedule 12A of the 1972 Local Government Act.

3. STAFFING APPEAL

The Head of Member Support and Employee Services introduced the Members of the Panel and the Council's Officers, the Appellant and his Trade Union Representative. The Head of Member Support and Employee Services, in noting that the Appellant was accompanied, sought clarification that the Appellant was happy to proceed.

Consideration was given to an Appeal lodged by AB against the decision of the Head of Commercial and Technical Services to terminate a member of staff's contract. The Appeals Panel had been circulated with a copy of the Procedure for hearing Appeals against dismissal, the Management Statement of Case, various letters, notes of meetings and City Council Policy Documents, together with copies of correspondence and notes of meetings from the Appellant's Solicitors as particularised in covering report ME.4/04. The Appellant indicated that he had received copies of all the papers referred to and was agreeable to the procedure for considering the Appeal, a copy of which had been circulated.

The Appeals Panel heard the submissions made by the Head of Commercial and Technical Services and responses by the Head of Commercial and Technical Services to the questions by Members of the Panel. The Appeals Panel then heard the submission made on behalf of the Appellant, and the Appellant and his representative responded to questions from the Council's representatives and Members of the Appeals Panel.

Following the summing up by the Council's representative and by the Appellant, the parties concerned then withdrew from the meeting to enable the Panel to give detailed consideration to the matter.

The Panel, after having considered all the evidence put before them, was reconvened at 4.10 pm and

RESOLVED (1) That the Panel, after considering all the evidence given, has arrived at a unanimous decision to uphold the decision of the Head of Commercial and Technical Services to dismiss AB on the grounds of incapability to attend work.

(2) The reason as to why the Panel arrived at the decision is that the Head of Commercial and Technical Services, having considered all available options and after having taken specialist advice from the Authority's Occupational Health Service, is considered to have acted fairly and reasonably in the circumstances.

(3) A written confirmation of the Panel's decision will be sent to AB as soon as possible with a fuller note of the proceedings sent in due course.

(4) The Panel also extended their best wishes to AB for the future.

(The meeting ended at 4.15 pm)