

APPEALS PANEL NO. 2

WEDNESDAY 25 APRIL 2012 AT 2:00PM

PRESENT: Councillors Layden, Harid and Nedved

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 A GRIEVANCE DECISION

(Public and Press excluded by virtue of Paragraph 1)

Consideration was given to an appeal against a grievance decision.

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

The appellant had left the authority due to redundancy as a result of a Directorate restructure as part of the Council's transformation programme. The appellant had raised a grievance prior leaving the authority based on three elements that had been considered by the relevant Director and then the Chief Executive.

The process for determining the selection and appointment process for new posts established as part of the restructure was set out in the Council's Assimilation Protocol. The appellant had been ring fenced to a post along with another member of staff but was not successful in the application for the post. The appellant was issued with a formal notice of redundancy. During the notice period the appellant applied for another post within the Directorate but was again unsuccessful. A further post was identified and following discussion with a senior directorate officer, who decided that the appellant was not suited to the position, the appellant chose not to apply for the post.

The appellant met with the Director to discuss the grievance in more detail; the grievance was not upheld. The appellant appealed against that decision and the appeal was heard by the Chief Executive who dismissed the appeal. At that stage the appellant requested that the appeal be elevated to appeal by Members.

The appellant outlined the background to his appeal and the circumstances that had led to the appeal being brought to the Appeal Panel. The appellant was shocked that he had not been successful for posts for which he had applied or intended to apply, as, in his opinion, he was more than qualified for the roles. The appellant queried whether the correct information had been considered in the determination of whether he could be matched or ring fenced to the posts.

The Chairman invited the management representatives to ask any questions of the appellant and his representative. The management representatives asked a number of questions which were answered by the appellant and his representative.

The Chairman invited the management representatives to submit their evidence in respect of the appeal. The Director outlined the background to the grievance and advised Members of the reasons why the appellant was not offered the posts for which he had applied. The Director stated that support had been offered on a number of occasions both prior to and following the interviews. The Director explained the reasons why the one of the posts referred to could not be matched to the appellant's post. The Director also reminded Members that the appellant had not appealed against redundancy following the initial interview for a senior post.

The Chief Executive explained that he had been involved in the case from when the grievance was escalated to his level. He had asked the appellant what he would wish for to no longer feel aggrieved. The Chief Executive confirmed that the appellant's past performance would not have been considered as part of the interview process for the posts for which he had applied.

The Chairman invited the appellant to ask any questions of the management representatives. The appellant and his representative responded to a number of points that had been raised.

The Chairman invited the management representatives to sum up their case. On completion of that summary the Chairman invited the appellant to sum up his case. On completion of that summary the Chairman requested clarification on an issue that had been raised as part of the hearing. He then advised all parties that the Panel would consider the evidence in private and requested that they leave the room during those deliberations.

All parties left the meeting room at 3:50.

At 5:00 the Chairman invited all parties to return to the meeting room to be advised of the Panel's decision.

The Chairman stated that the Panel had considered the evidence at length from all parties, both written and verbal, and the length of the appellant's employment and loyalty to the Council. However, the Panel have decided to dismiss the appeal for the following reasons:

1. the Panel were satisfied that proper procedures had been followed.
2. the redundancy period was extended to provide the opportunity for the appellant to apply for a second post.

3. the appellant was given opportunities to discuss that role as part of preparation for interview, and debriefing following the interview, but failed to take those opportunities.
4. the Panel were satisfied that a third role was a new role and it was up to management to decide if you could be offered that on a redeployment basis. It was open to the appellant to apply when advertised externally.

RESOLVED – That the appeal be dismissed for the reasons stated

[The meeting ended at 5:10]