

(Approved by Council 5 November 2013)

APPEALS PANEL NO. 3

MONDAY 7 OCTOBER 2013 AT 2.00 PM

PRESENT: Councillors Boaden, Collier and Mrs Luckley

OFFICERS: Director of Community Engagement
HR Advisory Service Team Leader
HR Advisor
Appellant's Line Manager

ALSO

PRESENT: Appellant
Mr D Armstrong (Unison – representing the appellant)

1. APPOINTMENT OF CHAIRMAN

Consideration was given to the role of Chairman of Appeals Panel 3 for the remainder of the 2013/14 Municipal Year.

It was moved, seconded and:

RESOLVED – That Councillor Collier be appointed as Chairman of Appeals Panel 3 for the 2013/14 Municipal Year.

Councillor Collier thereupon took the Chair.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. 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.

4. APPEAL AGAINST DISMISSAL

Consideration was given to an appeal against dismissal.

The Chairman introduced the Panel and outlined the purpose of the hearing, together with the procedure to be followed. He gave an assurance that the hearing would be conducted fairly and that all parties would be afforded the time necessary to put their case, following which the Panel would reach a decision.

It was noted 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 indicated that she felt the nature of her dismissal to be unfair. It had come to light that certain colleagues had been dismissed, for reasons which she deemed to be worse, and subsequently had the opportunity to get their jobs back.

The Appellant added that the City Council had failed to put in place a Social Media Policy as per ACAS guidelines and she had received no training, as a consequence of which she did not know that what she was doing was wrong.

She also alleged that the City Council had failed to adhere to the Disciplinary Policy on a number of counts, and that some of the Officers involved were biased and compromised by certain things which had taken place within the work place.

The Appellant confirmed that she had nothing further to add at that stage.

The Chairman invited the Council's representative to present the management case.

The Council's representative replied that he had given consideration to the papers circulated for the Appeal Hearing and, in particular, document number 6 which set out the Appellant's grounds for Appeal.

The Council's representative had prepared a written statement, copies of which were circulated to the Panel, the Appellant and her representative.

He then read out the statement, which outlined in some detail the context of dismissal; the investigation undertaken; and subsequent Disciplinary Hearing. The Appellant had raised a number of issues in her appeal against dismissal and several other matters as part of her appeal note, and the Council's representative summarised his response to those issues.

The Council's representative indicated that, in his view and having considered the evidence at the Disciplinary Hearing, the allegations were proven and he considered them serious enough to justify immediate dismissal on the grounds stated.

In conclusion, the Council's representative said that he was not aware of any other comparable cases. Subsequent to the Disciplinary Hearing he had become aware that the Appellant had a track record of attending safeguarding courses run by the City Council.

The Council's representative responded to a question from the Appellant's representative.

The Appellant; the Council's representative; the HR Advisory Service Team Leader; the HR Advisor; and the Appellant's Line Manager answered questions and clarified various points raised by Members in relation to the appeal.

The Chairman asked whether anyone present had any further questions to raise. None were forthcoming.

Accordingly, the Chairman invited the various parties to sum up.

At the request of the Chairman, the Appellant and her representative confirmed that they were satisfied with the manner by which the Appeals Panel hearing had been conducted and that she had received a fair hearing by the Panel.

The Chairman thanked the Appellant, her representative and Officers for their input and asked that they leave the hearing while the Panel considered their decision.

The parties left the room (at 3.12 pm) whilst the Panel considered their decision.

After considering all of the evidence presented at length the Panel invited the parties back into the meeting room (at 4.12 pm) to be informed of the decision.

On their return the Chairman advised that the Panel had:

RESOLVED – That, having considered all of the evidence presented, both prior to and at the hearing, the Panel had decided to uphold the Appeal. The Panel felt that the sanction imposed by management was disproportionate.

However, Members were very concerned about:

- the unacceptable and derogatory nature of the tweet of Monday 10 June 2013 at 1.52 pm regarding a particular client group of which the Appellant was employed to support; and
- the number of tweets which appear to have been made during work time.

The Panel was disappointed that as an Officer with four years experience at that level, working within that field, the Appellant failed to consider the impact and consequences of her actions.

The Panel felt that, if under work pressure, the Appellant should have availed herself of all of the many opportunities available to support her whilst employed by the City Council.

The Panel further felt that a Social Media Policy should be introduced within the City Council. The lack of a Social Media Policy did not justify the Appellant's actions.

In conclusion, the Panel recommended that the Appellant's actions warranted the issue of a final written warning.

[The meeting ended at 4.14 pm]