

(Approved by Council 8 November 2011)

**APPEALS PANEL NO. 2**

**THURSDAY 8 SEPTEMBER 2011 AT 2:30 PM**

PRESENT: Councillors Harid, Layden and Nedved

**1. APPOINTMENT OF CHAIRMAN**

Consideration was given to the role of Chairman of Appeals Panel 2 for the remainder of the 2011/12 municipal year.

It was moved and seconded that Councillor Layden be appointed as Chairman of Appeals Panel 2 for the remainder of the 2011/12 municipal year.

RESOLVED – That Councillor Layden be elected as Chairman of Appeals Panel 2 for the 2011/12 municipal year.

Councillor Layden 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. COMPLAINT REGARDING A STAFF GRIEVANCE**

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 Personnel Manager responded to requests for clarification on points of procedure raised by the appellant's representative and the Council's representative.

The appellant had submitted a letter dated 2 August 2011 detailing the grounds for her grievance which related to her selection for redundancy (a form of dismissal) under the Council's Redundancy Policy and Selection Procedures.

The appellant's representative took the Panel through the documentation supporting the grievance. In addition, and with the agreement of the Panel, he tabled six references from elected (cross-party) Members in support of the appellant.

The representative then outlined the background to the grievance before explaining that there were two issues to be determined:

- Whether or not there was a redundancy; and
- Whether the selection decision had been made fairly.

The appellant's representative drew the Panel's attention to specific appendices within the documentation provided for the hearing. He raised a number of concerns, including the workload implications upon the remaining staff as a result of the reduction in posts; whether volunteers had been sought from other work areas across the Council to avoid the need for compulsory redundancy; the validity of an elected Member's role as the "appropriate person" to provide evidence as part of the redundancy selection assessment; and the narrowness of the fact finding exercise. He alleged that the Council had failed to follow its own Policy.

The appellant explained why she felt that the process had been unfair, subjective and inconsistent. She quoted from ACAS guidelines and, in particular, the selection criteria which emphasised the importance of objectivity, fairness and consistency, contending that there was no justification for her dismissal. She alleged that this was the first time that the Council's Redundancy Policy and Selection Procedures had been put into action meaning that the opportunity for challenge had never previously arisen. The appellant further commented upon implementation of the Council's Appraisal Scheme as it applied to her.

The Chairman invited questions to be put to the appellant and the representative by Members and the Council's representative.

The appellant and the appellant's representative answered questions and clarified various points within the grievance.

The Chairman thanked the appellant and the appellant's representative for their input and invited the Council's representative to submit their case.

The Council's representative outlined in detail the background to the matter, which had been approached from a purely business perspective, together with his understanding of and response to the grievance. He also clarified the approach that had been taken in the assessment and its application. He added that the process followed had been in accordance with the agreed Redundancy Policy and the criteria applied correctly, fairly and objectively.

The Chairman invited questions to be put to the Council's representative by the appellant, her representative and Members.

The Council's representative answered questions and clarified various points within the grievance.

The Chairman invited an elected Member, in attendance to support the Council's representative, to present their evidence.

The Member explained his role in terms of the day-to-day management of the appellant, together with her attitude to work as he perceived it. He further outlined details of the level of support which he had provided to her over a number of years.

The Chairman invited questions to be put to the elected Member by the appellant, her representative and Members.

The elected Member and the Council's representative responded to questions and clarified a number of points.

The Chairman asked the various parties to sum up.

The Chairman thanked all parties for their input. All parties left the room (at 4.10 pm) while the Panel considered their decision.

After considering all the evidence at length the Panel invited the parties back into the meeting room (at 4.52 pm) to be informed of the decision.

RESOLVED – That, having considered very carefully the points made by both parties, the Panel had reached the conclusion that the Appeal be dismissed. In so doing the Panel believed that there was a redundancy situation and that the correct procedures had been followed.

[The meeting ended at 4.54 pm]