

EMPLOYMENT APPEALS COMMITTEE

Meeting: 17 March 2009

At: 9.30 am

PRESENT

Councillors Christine Corris (Chair) in the Chair; Councillors Philip Harding and Jenny Humphreys.

1. MINUTES

The minutes (copies of which had been circulated) of the meeting 2 March 2009 were approved as a correct record and signed by the chair.

2. DECLARATIONS OF INTEREST

No interests were declared.

3. PUBLIC QUESTION TIME

No public questions were submitted.

4. EXCLUSION OF THE PUBLIC

RESOLVED - That the public be excluded from the meeting during consideration of agenda item 5 (Minute 5 below refers) to prevent the disclosure of information relating to an individual. It would not, on balance, be in the public interest to disclose this information to the public because disclosure of the personal information would not be fair to the appellant and therefore be in breach of Data Protection.

Item not for publication

5. APPEAL A239

The Committee considered an appeal against dismissal from an employee of the Adults & Communities Directorate. The appellant and her representative attended the meeting and presented her case.

It was then

RESOLVED – That having listened to all that was said at the meeting and having read all the written evidence submitted, the Committee determined that they could not uphold the appeal.

On balance of probabilities the Committee believes that the appellant's alleged abuse of a manager did take place, but that on its own this would not normally be sufficient cause for your dismissal.

The Committee also believes that on the evidence that has arisen that the appellant lied during a formal investigation procedure. Again, this may not on its own have been sufficient to result in the appellant's dismissal.

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In relation to the mileage claim, the Committee believes that the appellant had submitted these fraudulently and that the appellant's actions accordingly constituted gross misconduct. The Committee therefore upheld management's decision to summarily dismiss the appellant for gross misconduct in accordance with management's letter.

The meeting closed at 10.26 am.

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