

EMPLOYMENT APPEALS COMMITTEE

Meeting: 26 September 2005
At: 9.00 am

PRESENT

Councillors Richard Coaton, Christine Corris and Roy Weaver.

1. ELECTION OF CHAIR

RESOLVED – That in the absence of Councillor Brendon Jones, Councillor Christine Corris be elected Chair for the duration of this meeting.

[Councillor Christine Corris in the cChair](#)

2. MINUTES

The minutes (copies of which had been circulated) of the meeting held on 14 September 2005 were approved as a correct record and signed by the Chair.

3. DECLARATIONS OF INTEREST

No declarations were made.

4. PUBLIC QUESTION TIME

No public questions were asked.

5. EXCLUSION OF THE PUBLIC

RESOLVED - That in order to prevent the disclosure of information not for publication relating to a particular employee, former employee or applicant to become an employee or a particular office holder, former office holder or an applicant to become an office holder under the Council, the public be excluded from the meeting during consideration of agenda item 5 (see Minute 6 below).

[Item not for publication](#)

6. APPEAL A215

The Committee considered an appeal against dismissal from an employee of the Environment & Economy Directorate. The employee and his representative attended the meeting and presented his case. The Committee considered all the documentation and heard the information and evidence provided to them at the meeting.

It was then

RESOLVED - (1) That in respect of the six grounds for appeal as outlined by the Appellant:-

- (i) The Panel did not give sufficient weight to the background – failed to appreciate depth of injustice and hurt.

The Committee considered that the Panel had given appropriate consideration to this matter which was reflected in the provision of an additional 13 weeks to the redeployment process; paid leave of absence and the offer of £2,000 towards any training the Appellant deemed necessary to equip him to seek alternative employment.

- (ii) The Panel failed to give sufficient weight to the extent to which the Appellant had continued to receive unfair treatment

The Committee considered that in the circumstances, the Appellant was fairly treated throughout the redeployment process.

- (iii) The Panel placed the worst possible interpretation on the Appellant's actions regarding engagement with the redeployment process

The Committee considered that the Panel's view that the Appellant was not fully engaging with the redeployment process was reasonable.

- (iv) The Panel failed to take account of the fact that posts identified were unsuitable for acceptable reasons

The Committee considered that the process had been correctly followed by Management and that the Appellant had failed to fully engage with it.

- (v) The Panel concluded on balance, without demonstrable evidence, that the Appellant had leaked material to the press

The Committee was advised that the Panel had not accorded any significant weight to the leak of information to the press in arriving at its decision.

The Committee accepted that in arriving at its decision, the Panel had not accorded any significant weight to the leak of information to the press, and that Management's trust and confidence in the Appellant had in any event already broken down, and agreed that the Panel had acted correctly in not according the issue any significant weight.

- (vi) The decision to prevent application to posts within Environmental Health was unfair

The Committee was satisfied that posts within Environmental Health were not deliberately held back

(2) The Committee considered that the redeployment process and treatment of the Appellant during the process had been fair and supportive and consequently, the decision of Management to dismiss was upheld.

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The meeting closed at 11.34 am.

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