

## **EMPLOYMENT APPEALS COMMITTEE**

Meeting: 2 November 2005  
At: 2.00 pm

PRESENT

Councillors Wendy Meikle, Chris Murphy and Ingrid Shaw

### **1. ELECTION OF CHAIR**

RESOLVED - That Councillor Chris Murphy be elected Chair for the duration of this meeting.

Councillor Chris Murphy in the Chair

### **2. MINUTES**

The minutes (copies of which had been circulated) of the meetings held on 26 September and 12 October 2005 were approved as correct records 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RESOLVED - That in order to prevent the disclosure of information not for publication relating to a particular employee, former employee or applicant to become an employee or a particular office holder, former office holder or an applicant to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Item not for publication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 A216**

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

The Committee considered that there was insufficient evidence to allow them to make a decision and suggested that the meeting be adjourned to allow the Appellant to obtain a current prognosis from Company Health detailing:-

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- (i) any current restrictions on the ability of the Appellant to carry out the duties of her post.
- (ii) any reasonable adjustments that could be made to allow the Appellant to satisfactorily carry out the duties of her post.
- (iii) if or when the Appellant would be fit to return to work.

The Committee also considered that the Appellant should obtain a written statement from her Consultant detailing her fitness to return to work.

### **7. ADJOURNMENT**

*At 3.55 pm the meeting adjourned.*

*The meeting reconvened on 13 February 2006 at 1.50 pm.*

PRESENT

Councillor Chris Murphy (Chair) in the chair; Councillor Wendy Meikle.

### **8. APPEAL A216** (Cont'd)

The Committee received additional information from Company Health detailing the Appellant's ability to return to work.

It was then

RESOLVED - (1) That subject to the Appellant's GP confirming within a fortnight that she was fit to return to work, the Committee considered that in light of the evidence received by the Committee from Company Health, the Appellant should be reinstated and undertake a phased return to work over a period of four weeks, after which the Appellant would return to full-time employment. After a period of three months, the Committee expected that the Appellant would be able to perform the full range of duties required by her post with or without reasonable adjustments, and that Management would undertake performance appraisals on a three-monthly basis for the next twelve months which would take account of the Appellant's attendance during this time.

(2) The Committee considered the payment in lieu of notice must be repaid over an agreed period of time. However, in acknowledgement of Management's comments in respect of the taking of holidays within the current leave year, the Committee recommended that both parties consider offsetting the repayment of payment in lieu by outstanding occupational holiday entitlement. Any remaining holiday entitlement thereafter could be carried forward to the next leave year with the agreement of both parties. In all other respects the Council's agreed HR policies and procedures must be followed.

The meeting closed at 3.00 pm

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