

## EMPLOYMENT APPEALS COMMITTEE

November 2005

Meeting: ~~26~~ September 11

At: ~~29.000~~ pam

PRESENT

Councillors Brendon Jones (Chair) in the chair; Councillor Christine Corris  
~~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.~~

### 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.~~

### 31. DECLARATIONS OF INTEREST

No declarations were made.

### 24. PUBLIC QUESTION TIME

No public questions were asked.

### 35. 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RESOLVED - That in order to prevent the disclosure of information not for publication relating to a particular employee, former employee or applicant to become an employee or a particular office holder, former office holder or an applicant to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 ~~45 (see Minute 6 below)~~ (See Minutes 4 and 6 below).

Item not for publication

### 46. APPEAL A2125

~~whether or not the in the presence of the , isor should he fail to be. T, in his absence he Committee will have regard to any evidence or representations submitted by or on behalf of the Appellant whether in based onany iteg or in person orby his ttivesions submitted to the Committee~~  
~~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 toward 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.~~

~~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.~~

~~The Committee considered an appeal against dismissal from an employee of Stockport Direct Services. The employee and his representatives attended the meeting and presented his case.~~

## **5. ADJOURNMENT**

*At 3.06 pm the meeting adjourned.*

*At 3.21 pm the meeting reconvened.*

## **6. APPEAL A212 (Cont'd)**

It was then

RESOLVED - (1) That in respect of the four incidents of physical assault reported, ~~the Committee considered that three of the incidents were did not constitute~~ horseplay ~~but constituted and amounted to~~ gross misconduct on the part of the Appellant ~~. The Committee also considered and~~ that the three incidents collectively constituted emotional abuse.

(2) ~~That e Committee did not consider that it was not~~ appropriate to redeploy the Appellant or ~~to substitute any other sanction for the original dismissal decision, for any other sanction,~~ and therefore the ~~Committee upheld the~~ decision of Management to dismiss the Appellant ~~be upheld.~~

The meeting closed at 11.34 am.

The meeting closed at 3.40 pm.