LONDON BOROUGH OF SUTTON

APPEALS COMMITTEE

MONDAY, 2 JUNE 2008

9.30 am at the

Civic Offices, St Nicholas Way, Sutton, SM1 1EA

To all members of the Appeals Committee:-

The Committee will comprise three members from the following panel.

Councillors: Richard Bailey, Dave Callaghan, Stuart Gordon-Bullock, Joan Hartfield, Janet Lowne, Jayne McCoy, Pamela Picknett, Sue Stears, Graham Whitham and Misdaq Zaidi

Paul Martin
Chief Executive
Civic Offices
St Nicholas Way
SUTTON
SM1 1EA

23 May 2008

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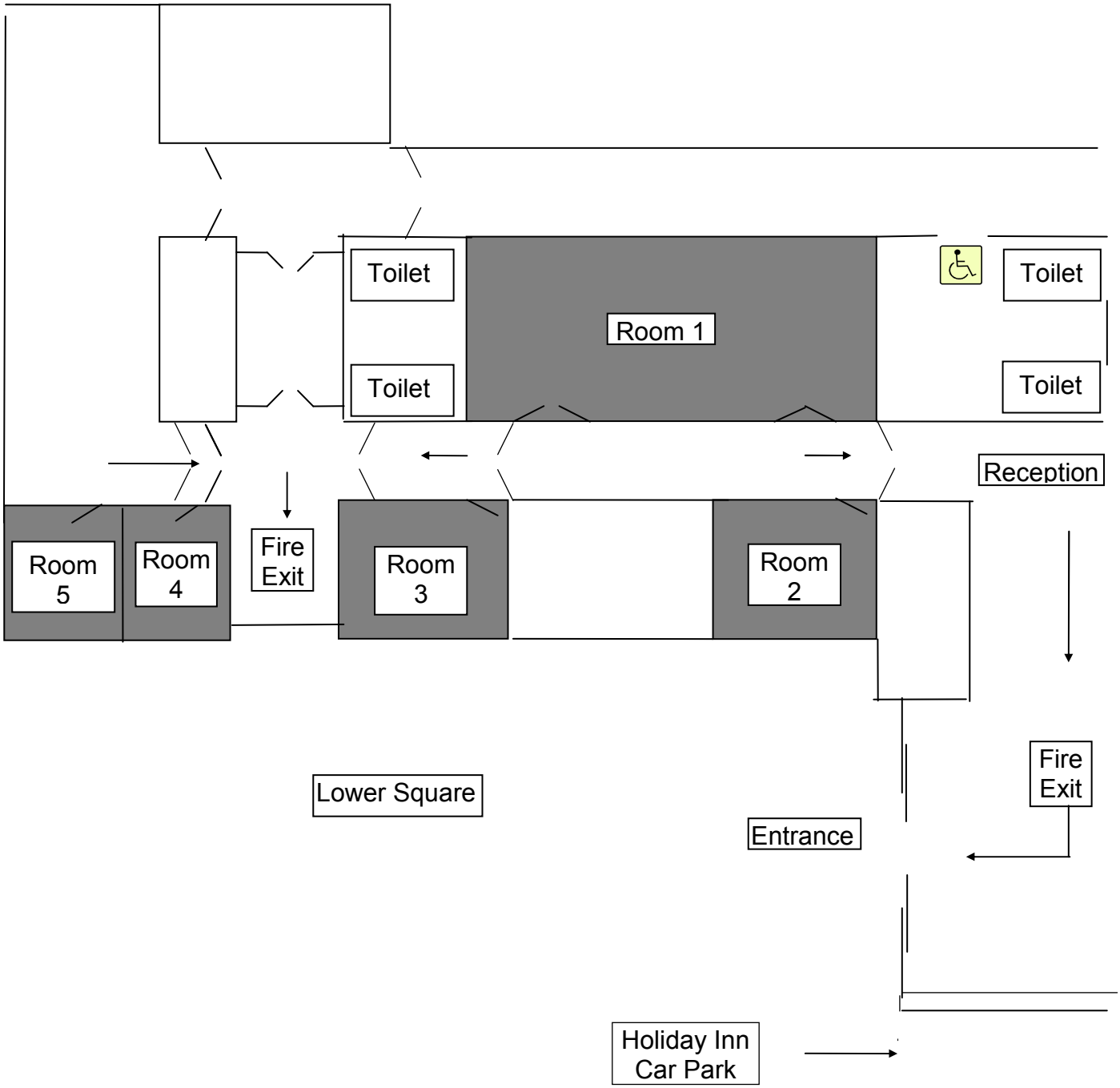

AGENDA

1. MINUTES (Pages 1 - 2)

of the meeting held on 7 April 2008 (ENCLOSURE).

2. ELECTION OF CHAIR

To elect a Chair for the meeting.

3. EXCLUSION OF THE PRESS AND PUBLIC

To consider a motion to exclude the press and public.

4. APPEALS COMMITTEE PROCEDURE (Pages 3 - 4)

The procedure to be followed at meetings of the Appeals Committee when considering a grievance (ENCLOSURE).

5. GRIEVANCE - HOLDER OF POST NO. 595626

The documents submitted by the Executive Head of Construction and Property Services and the employee (ENCLOSURE). **[A/02/08 para.1/2]**

NOTE: Where any of the above mentioned items or enclosures contain a reference within square brackets thus [/para.] this indicates that they include matter of an exempt nature by virtue of the paragraphs contained in Part 1 of Schedule 12A of the Local Government Act 1972 and it may be necessary for representatives of the press and other members of the public to be excluded from the meeting during the consideration of such items. Any exempt items on this agenda are indicated below.

Item No.	Subject	Reason for Exemption
5.	Grievance - Holder of Post No. 595626	Information relates to an employee of the Council.

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APPEALS COMMITTEE

7 April 2008 at 9.30 am

MEMBERS: Councillors Richard Bailey, Stuart Gordon-Bullock and Sue Stears.

339. ELECTION OF CHAIR

Resolved: That Councillor Sue Stears be elected Chair for the duration of the hearing.

340. MINUTES

The Minutes of the meeting held on 10 December 2007 were approved as a correct record, and signed by the Chair.

341. EXCLUSION OF THE PRESS AND PUBLIC

Resolved: That, under section 100(A)(4) of the local Government Act 1972, the press and other members of the public be excluded from the meeting during consideration of the following item of business on the ground that it involves the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Schedule 12A of the Act, which would not be in the public interest.

342. APPEALS COMMITTEE PROCEDURE

Resolved: To note the procedure to be followed for the hearing of appeals against dismissal under the Council's disciplinary procedure.

343. APPEAL AGAINST DISMISSAL - HOLDER OF POST NO. 542731

The Committee considered an appeal against dismissal by the holder of post No. 542731 on the ground of gross misconduct; namely (1) her repeated and significant failure to follow a legitimate and reasonable management instruction, (2) her serious breaches of Council policies and procedures, including those relating to health and safety and the protection of vulnerable adults, (3) negligence or failure to carry out her duties which could have a serious effect on the Council or service users, and (4) dishonesty with her manager during the course of her employment.

The management case was presented by the Executive Head of Older and Disabled People Services, who called three witnesses, and the appellant was represented by her trade union representative, who also called three witnesses.

The hearing adjourned from 10:00 am until 10:20 am and again from 1:07 pm until 2:00 pm.

Resolved: That the Committee finds:

(i) That allegations (1), (2) and (3) referred to above are proven and accordingly the appeal be not upheld and the appellant be dismissed on the ground that the allegations constitute gross misconduct in breach of paragraphs 4.10.1, 4.10.6 and 4.10.7 of the Council's General Standards of Behaviour and Disciplinary Rules.

(ii) That in respect of allegation (4) referred to above, the appellant misled her manager but that it was not intentional or wilful.

The meeting ended at 5.39 pm

Chair: .....

Date: .....

LONDON BOROUGH OF SUTTON
APPEALS COMMITTEE

PROCEDURE TO BE FOLLOWED AT
GRIEVANCE APPEAL HEARINGS*

It is important to recognise that the purpose of such a hearing is to resolve the grievance and that the manner in which it is conducted will facilitate this. The procedure set out below is intended to provide a structure for grievance appeal hearings but should not be used rigidly.

The Committee conducting the appeal hearing will have before them the written grievance on the relevant form. Further written clarification from either side can be requested at any level. Any documentation will be copied to both sides.

PROCEDURE

1. At the commencement of the hearing both sides will be given the opportunity to make a brief opening statement should they wish.

2. The complainant (or the trade union or employee side representative or work colleague) shall explain the grievance indicating the desired solution and may call witnesses.

3. The management representative, and those hearing the grievance will have the opportunity to question the complainant and the witnesses.

4. The management representative will respond concerning the grievance, indicating a solution if possible, calling witnesses as appropriate.

5. The complainant (or trade union or employee side representative or work colleague) and those hearing the grievance, will have the opportunity to question the management representative and the witnesses.

6. The complainant (or the representative) and the management representative will have the opportunity to sum up their case if they so wish.

7. The Committee conducting the hearing may explore solutions through discussions in the hearing to attempt to achieve resolution.

8. The outcome of the hearing will be confirmed in writing within five working days of the hearing.

* or at a grievance hearing where the grievance is against another Council employee.

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