

Regulation and Review Committee Panel

9 March 2017

Present: Councillor John Hunter (In the Chair)
Councillors P Earley, M Madden, T Mulvenna and J O'Shea.

RQ56/03/17 Apologies for Absence

There were no apologies for absence received.

RQ57/03/17 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

RQ58/03/17 Exclusion Resolution

Resolved that under Section 100A(4) of the Local Government Act 1972 (as amended) and having applied a public interest test in accordance with Part 2 of Schedule 12A the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Act.

RQ59/03/17 Appeal against dismissal

The committee met to consider an appeal lodged by Ms K against her dismissal from the Authority in January 2017 because her attendance was below the required standard.

Ms K was in attendance and accompanied by a Union representative to present the case that immediate dismissal was too severe.

The Chair and HR advisor for the Formal Improvement Meeting which had dismissed Ms K from her position attended the meeting and set out the background to the case and the reasons for the decision. The information presented included the Authority's Procedure for Managing Under Performance and Attendance; a summary of the appellant's employment record with the Council; the full pack of information considered at the final Formal Improvement Meeting (FIM) in January 2017; information submitted by the appellant to this meeting; the notes from one earlier FIM which had not been included in the pack considered at the final FIM; the notes from the final FIM; and a copy of the dismissal letter.

Ms K, her union representative and Members of the Committee were then given an opportunity to ask questions of the Chair and HR advisor for the FIM and did so. During questioning it was clarified that the Acas Absence Management Guide was taken into account by officers when considering absence management cases but it was not a formal part of the Authority's agreed policies and procedures.

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The committee then heard representations from Ms K and her union representative why in their view the decision to dismiss with immediate effect was too severe, this included amongst other things the request to appeal the decision to the committee and Ms K's written submission to the meeting.

The Chair of the FIM, the HR advisor and members of the committee were then given an opportunity to ask questions of Ms K and her union representative and did so.

After questions from Members the committee adjourned for a 10 minute break.

Upon resumption, both parties were given the opportunity to sum up their cases and then withdrew from the meeting to allow the committee to consider the representations and make a decision.

RESOLVED that (1) the appeal against the decision of Chair of the Formal Improvement Meeting held in January 2017 to dismiss Ms K from her role within the Environment, Housing and Leisure Service be rejected and the original decision confirmed because the decision was fair, reasonable and followed the appropriate procedures; and (2) the Head of Human Resources and Organisational Development be recommended to consider formally adopting Acas guidance as part of the Authority's Procedure for Managing Under Performance and Attendance.