

## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Staff Appeals Panel **Date:** 14 November 2001

**Place:** Training Room, Epping Depot, Epping **Time:** 9.30 a.m. – 12.55 p.m.  
1.30 p.m. – 4.15 p.m.  
(adjourned session)

**Members:** Councillors S Barnes (Chairman), Mrs P Smith (Vice-Chairman), L Harris, K Wright

**Apologies:** Councillor M Welch

**Appearing for the Council:** Miss C O'Boyle (Head of Legal and Administration)

**Officers Present:** A Tidey (Head of Human Resources), S G Hill (Policy Unit)

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### 6. MINUTES

#### RESOLVED:

That the minutes of the meeting of the Panel held on 28 September 2001 be taken as read and signed by the Chairman as a correct record.

### 7. PROCEDURE

The Panel noted the agreed procedure for its conduct in determination of staff appeals. It was noted that the Council's Constitution provided for the Panel to consist of all five members (or substitute members). In the absence of one of the members of the Panel because of illness, the Council Side, the Appellant and the Panel agreed to proceed with the hearing with only four members of the Panel.

### 8. EXCLUSION OF PUBLIC AND PRESS

#### RESOLVED:

That, in accordance with Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the item of business set out below as it will involve the likely disclosure of exempt information as defined in the paragraph of Part 1 of Schedule 12A of the Act indicated:

<u>Agenda Item No.</u>	<u>Subject</u>	<u>Exempt Information Paragraph Number</u>
5	Staff Appeal 2/2001-02	1

### 9. STAFF APPEAL 2/2001-02

The Panel considered an appeal by Mr M Farthing, an employee of Leisure Services, against the determination of a grievance against the Council relating to promotion and

recruitment processes within Leisure Services. The appellant was in attendance at the meeting, accompanied by Mr D Powell of the GMB Union, who assisted in the presentation of his case. The Council's case was presented by Miss C O'Boyle (Head of Legal and Administration), who called Mr A Clear, Ms C Andrews, Mrs K Barnes, Mr D Goodey, Mrs L MacNeill, Mr D Macnab as Witnesses. Mrs S Fox was called in support of the appellant's case. Mr A Tidey (Head of Human Resources) advised the Panel as required, on details of employment policies relevant to the appeal.

Following consideration of submissions from both parties and appropriate cross-examination, the Panel determined the appeal in private session. Mr Farthing, Mr Powell and Miss O'Boyle were subsequently recalled to the meeting and advised of the Panel's decision by the Secretary.

**RESOLVED:**

- (1) That it is the unanimous decision of the Panel that on the basis of the evidence presented to the Panel by and on behalf of the appellant and the Head of Legal and Administration in writing and orally, the grievance be dismissed on the following grounds:
  - (a) no evidence has been presented to substantiate any claims as to why the appellant had not obtained a Duty Manager's position other than failure to interview effectively and obtain the standard required;
  - (b) no evidence has been provided to prove any flaw in the Leisure Services recruitment procedures given agreed arrangements prevailing in the run up to the closure of Loughton Swimming Pool; and
  - (c) claims of victimisation are not proven by reference to recent SDR's and management support post interviews; and
- (2) That the Council, through the Assistant Head of Leisure Services, offers appropriate advice and support to help the appellant move forward including personal coaching if required.

**CHAIRMAN**