

EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Staff Appeals Panel **Date:** Friday, 2 November 2007

Place: Committee Room 1, Civic Offices, High Street, Epping **Time:** 10.00 am - 4.50 pm

Members Present: P House (Chairman), Mrs H Harding, B Rolfe, J Wyatt and T Richardson

Other Councillors:

Apologies:

Officers Present: A Hendry (Democratic Services Officer)

1. Substitute Members (Council Minute 39 - 23.7.02)

No substitute members were reported.

2. Declarations of Interest

There were no declarations of interest pursuant to the Council's Code of Member Conduct.

3. Minutes

RESOLVED:

That the minutes of the meeting held on 26 January 2007 be taken as read and signed by the Chairman as a correct record.

4. Staff Appeals Panel Procedure

The Panel noted the agreed procedure for its conduct in determination of staff appeals.

5. Exclusion of Public and Press

RESOLVED:

That, in accordance with Section 100(A)(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 would involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12(A) of the Act indicated and the exemption is considered to outweigh the potential public interest in disclosing the information:

<u>Agenda Item No</u>	<u>Subject</u>	<u>Exempt Information Paragraph Number</u>
6	Staff Appeal No 01 – 2007/08	1 and 2

6. Staff Appeal No. 01 - 2007-08

The Panel considered an appeal by an employee of Finance Services against a decision by the Head of Finance Services acting under delegated authority to dismiss her.

The appellant was in attendance along with Mr M Harding from the RMT Union to present her case. The Council's Case was presented by C O'Boyle, Director of Corporate Support Services and Solicitor to the Council, who called J Twinn (Assistant Head of Finance) and B Palmer (Director of Finance and ICT) as witnesses. Mr Harding called the applicant and Mr K Sandwell (an acquaintance of the applicant) as witnesses.

The Panel was advised on details of employment law and policies relevant to the appeal by J Cox, Acting Head of Human Resources at Rochford District Council.

Following consideration of submissions from both parties and appropriate cross-examination, the Panel determined the appeal in Private session.

RESOLVED:

That it is the unanimous decision of the Panel that, on the basis of the evidence presented on behalf of the appellant and on behalf of the Council, in writing and orally, the appeal against dismissal from the service be not upheld for the following reasons:

(a) that the argument that the Council did not follow its own procedures correctly be dismissed as it was clear that the Council's Disciplinary/Capability Procedure and Staff Appeals Panel Hearings Procedure were followed throughout this process;

(b) that honesty and integrity is a key attribute for an officer of the Council, especially for an officer dealing with benefit claims and related issues. The appellant did not address the core issues of the case but raised matters, at length, which the Panel considered irrelevant to the case and which did not provide credible reasons for the actions of the appellant. This was despite relevant questioning by the Council's representative and the Panel. Thus the evidence was uncontested;

(c) that the Panel found that all of the points considered by the Head of Finance in his letter of dismissal dated 2 July 2007 had not been answered by the appellant nor denied by the appellant. Indeed the appellant accepted she had breached the e-mail policy, filled in part of her sister's Housing Benefit/Council Tax application form without signing to indicate this and that she had incorrectly filled in her date of birth on 17 medical certificates;

(d) that the Panel heard no satisfactory explanation for her conduct.

(e) that the proven allegations amounted to Gross Misconduct under the Council's Disciplinary/Capability Procedure.

(f) The Panel noted that the act of suspending the appellant was a neutral act to enable an investigation to take place.

CHAIRMAN