



Minutes

Name of meeting	GENERAL PURPOSES (APPEALS) SUB COMMITTEE
Date and time	THURSDAY, 5 NOVEMBER 2009 COMMENCING AT 9.00 AM
Venue	COMMITTEE ROOM TWO, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllr Susan Scoccia (Chairman), Jonathan Bacon, Ivan Bulwer
Officers Present	Julie Martin, Mary Snaith

35. Minutes

RESOLVED :

THAT the Minutes of the meetings held on [12](#) and [19 October 2009](#) be confirmed.

36. Declarations of Interest

There were no declarations at this time.

37. Exclusion of Public and Press

RESOLVED:

THAT, under Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business, namely minute item number 38, on the grounds that there is likely to be disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

38. Confidential Report of the Director of Resources

To consider the outcome of a grievance at stage 3

The Chairman welcomed those present and introduced Members of the Committee. She confirmed that all members had read the papers and outlined the procedure that was to be followed.

The appellant and her union representative outlined their case highlighting several points from the documentation that had previously been submitted. The management representative and members of the Sub Committee asked questions of the appellant.

The committee adjourned for a short break.

Upon reconvening and following representations from the management representative, the appellant, her representative and the Sub Committee asked questions.

The committee adjourned for a short break.

Upon reconvening both parties were given the opportunity to sum up their case.

All parties withdrew, whilst the Sub Committee adjourned to consider the appeal.

It was then agreed with all parties that the decision would be confirmed in writing by the Head of Human Resources within the next five working days.

RESOLVED :

(i) Ground (a) - THAT a separate letter be sent.

(ii) Ground (b) (i) – Grievance upheld

Reason: The Sub Committee found that the intention was there but no evidence was provided that the creation of a return to work package was being initiated.

(iii) Ground (b) (ii) – Grievance dismissed

The Sub Committee did not believe this was a reason to prevent the appellant from returning, so did not uphold the grievance as worded. However the Sub Committee did acknowledge that requests for staff to provide allegations were made as a result of the Governing Body deciding to suspend for a second time.

(iv) Ground (b) (iii) – Grievance upheld

Reason: No evidence was provided to show that the allegations were adequately communicated in a reasonable time.

(v) Ground (c) – Point 1 – Grievance dismissed

Reason: There was no evidence that this constituted unprofessional behaviour and it was found that such arrangements were common place.

(vi) Ground (c) – Point 2 – Grievance upheld

Reason: The Sub Committee found the fact that the second suspension was known to the meeting on 26 March 2008 yet the appellant was still invited to attend without prior warning which the Sub Committee agreed was unreasonable behaviour.

(vii) Ground (d) – Grievance upheld

Reason: The Sub Committee found that the procedure was flawed and the appellant was subjected to inappropriate procedures.

(viii) **Redress:** A formal letter of apology and a letter of admission to the shortcoming and poor working methods to be sent to the appellant within 21 days of the date of this hearing, the contents of the letter to be agreed with the Sub Committee prior to issue.

CHAIRMAN