



Leicester
City Council

Minutes of the Meeting of the
EMPLOYEES COMMITTEE (APPEALS)

Held: FRIDAY, 9 NOVEMBER 2018 at 10.15am

P R E S E N T :

Councillor Westley (Chair)

Councillor Cank
Councillor Khote

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25. APOLOGIES FOR ABSENCE

Apologies for absence were received from the appellant.

26. DECLARATIONS OF INTEREST

No declarations of interest were made.

27. PRIVATE SESSION

RESOLVED:

that the press and public be excluded during consideration of the following item in accordance with the provisions of Section 100A(4) of the Local Government Act 1972, as amended, because it involves the likely disclosure of exempt information, as defined in the paragraph detailed below of Part 1 of Schedule 12A of the Act, and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information:

PARAGRAPH 1

Information relating to any individual

28. APPEAL AGAINST DISMISSAL

The Committee considered an appeal against dismissal from employment with the City Council under the Council's attendance management policy.

Louise Pinnock (HR Team Manager) and Caroline Tote (Director of Children's Social Care and Early Help) were present as advisors to the Committee.

The management representative was David Thrussell (Head of Service, Looked After Children). Parvathi Jaganmohan (Human Resources Advisor) was present as HR advisor to management.

The appellant was not present at the meeting, but at his request the appeal was heard in his absence. As the appellant was not present, his representative did not attend the meeting.

Management called Ellen Collier as a witness. No witnesses were called on behalf of the appellant.

The Committee considered the written submissions and discussed and took into account the evidence from management and the witness in coming to its decision. The appellant had requested that an additional document, (entitled "Appeal Nov 2018"), be taken as his evidence to the Committee and read in conjunction with the previously submitted grounds of appeal and statement of case. This was accepted by the Committee and included in its consideration of written submissions.

It was acknowledged that the appellant continued to dispute allegations made against him by his former partner, but the Committee considered that his ongoing failure to co-operate with professionals in respect of those allegations raised significant concerns regarding his ability to undertake his professional role, placing him in a position of conflict with that role.

The Committee noted that it was not explicitly outlined in the professional Code of Conduct that the appellant should have reported being voluntarily interviewed by the Police. However, it felt that the nature and seriousness of the allegations meant that at the very least the appellant should have notified, and sought advice from, his manager in view of the circumstances and the role the appellant was in. It was noted that steps had now been taken to amend the wording of the Code of Conduct.

RESOLVED:

That the appeal be rejected and the management decision to dismiss the appellant upheld.

Reasons:

- 1) The Committee did not have confidence in the appellant continuing to work safely in the role from which he was dismissed. His conduct whilst employed by the Council had led to a breakdown in trust and confidence in the relationship

- with his employer and left the authority in a vulnerable position with the potential to damage the reputation of the City Council.
- 2) Based on the evidence presented, the City Council's Disciplinary Policy had been fairly applied and the decision to dismiss was reasonable given the circumstances of the case.

29. CLOSE OF MEETING

The meeting closed at 12.20 pm