



Leicester  
City Council

Minutes of the Meeting of the  
EMPLOYEES COMMITTEE (APPEALS)

Held: FRIDAY, 1 MARCH 2019 at 10.15am

P R E S E N T :

Councillor Shelton (Chair)

Councillor Cank  
Councillor Westley

\* \* \* \* \*

**50. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**51. DECLARATIONS OF INTEREST**

No declarations of interest were made.

**52. 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

**53. APPEAL AGAINST DISMISSAL**

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

Louise Pinnock (HR Team Manager) and Chris Burgin (Director of Housing) were present as advisors to the Committee.

The management representative was Caroline Carpendale, (Head of Service, Housing). Alan Faulkner (Human Resources Advisor) was present as HR advisor to management.

The appellant was present and was accompanied by Bill Smith (Industrial Workers of the World trades union).

The appellant called four witnesses. As one of these was unable to attend the meeting, he submitted a written statement, which was circulated to all parties to the appeal before the meeting. Management called two witnesses.

The Committee read and considered all of the documentation submitted as part of the process, listened carefully and considered the representations made and the evidence put to it. The Committee also had the opportunity to ask questions of all parties, including witnesses present at the meeting, to fully understand the background to the case.

The Committee considered the written submissions and discussed and took into account the evidence from management and the appellant in coming to its decision.

**RESOLVED:**

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

Reasons:

1. Management had applied reasonable adjustments where appropriate and obtained occupational health advice in order to determine the adjustments required.
2. Based on the evidence presented, there was no evidence that the appellant suffered a detriment due to his disability. The Committee therefore was confident that the appellant was dismissed due to his conduct and not his disability.
3. The Committee fully appreciated the appellant's health issues and expressed the hope that these continued to improve. However, the Committee believed that the City Council's Disciplinary Procedure had been fairly applied and the decision to dismiss was reasonable and proportionate given the circumstances of the case.
4. Given the evidence presented, the Committee unanimously concluded that the City Council's Disciplinary Procedure had been fairly applied by management. As a result, the Committee upheld management's decision to dismiss.

**54. CLOSE OF MEETING**

The meeting closed at 3.20 pm