



Leicester  
City Council

Minutes of the Meeting of the  
EMPLOYEES COMMITTEE (APPEALS)

Held: FRIDAY, 22 MARCH 2019 at 10.15am

P R E S E N T :

Councillor Cutkelvin (Chair)

Councillor Cank  
Councillor Cleaver

\* \* \* \* \*

**55. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Shelton.

**56. DECLARATIONS OF INTEREST**

No declarations of interest were made.

**57. 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

**58. APPEAL AGAINST DISMISSAL**

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

Karen Demmer (HR Team Manager) and Ivan Browne (Director of Public Health) were present as advisors to the Committee.

The management representative was Andrew Beddow, (Head of Sports). Wendy Webster (Human Resources Advisor) was present as HR advisor to management.

The appellant was present and was accompanied by Anil Patel (GMB trades union).

The appellant called five witnesses. Management called two witnesses.

The Committee carefully considered all the representations made to it, CCTV footage, and the written evidence submitted and upon which it was able to ask questions.

In coming to its decision, the Committee took into account the long service, previous good record and the high regard that many of the appellant's colleagues held her in. However, it supported management's view that this in itself was not sufficient to mitigate the severity of the management failings exhibited in the incident included in its considerations.

**RESOLVED:**

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

Reasons:

1. The Committee was satisfied overall that management had reached a reasonable decision in considering the appellant blameworthy of the allegations that they had behaved inappropriately and failed in their management responsibility and duty of care to employees at Leicester City Council.
2. Whilst the Committee took a view that it could not be definitively established whether or not the appellant fully observed the incident of assault that took place on the alleged victim, it did not consider that this in itself was the sole factor under consideration.
3. Overall, the Committee felt that there was sufficient evidence to satisfy it that the appellant's lack of control and intervention on that day resulted in the poor behaviour from an employee under her direction escalating to a more serious incident and a physical assault on the alleged victim. On balance, the Committee was satisfied that management were reasonable in considering this failure to be a complete breach of trust and confidence which constituted gross misconduct for which dismissal was an appropriate sanction.
4. It was the unanimous decision of the Committee to uphold management's decision to dismiss the appellant and consequently to reject the appeal.

## **59. CLOSE OF MEETING**

The meeting closed at 5.30 pm without a decision on the appeal being given to the appellant.

RESOLVED:

That the appellant under minute 58, "Appeal Against Dismissal", above be notified in writing of the Committee's decision on the appeal considered under that minute.