

# **LARGER PRINT COPY AVAILABLE PLEASE TELEPHONE: 01493 846325**

## **APPEALS COMMITTEE**

**3 October 2013 – 13.00 am**

### **PRESENT:**

Councillor Holmes (in the Chair); Hanton, Pettit, Plant and H Wainwright.

Mr S Duncan (Management), Mrs Emma Plane (HR Advisor), Miss Linda Andrews, Miss Georgette Kent (HR Advisor), Mr A Brett (nplaw– Legal Advisor to the Appeals Committee) and Mrs K Smith (Senior Member Services Officer).

The Appellant and the UNISON representative were present.

### **1. EXCLUSION OF PUBLIC**

#### **RESOLVED:**

That under Section 100(A)(4) of the Local Government Act, 1972, the public be excluded from the meeting for the following item(s) of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part I of Schedule 12(a) of the said Act.

### **2. APPELLANT 2**

The Committee considered the appeal against dismissal.

#### **RESOLVED:**

The Appellant was a senior Civil Enforcement Officer. This is an important position which involves the highest degree of trust and integrity. This is consistent with the Officer code of conduct. The Council's disciplinary rules state that theft, loss or misappropriation of cash and that serious negligence or misconduct omission, or in certain situations, failure in performance to a reasonable standard (including serious breach of the Council's code of conduct) can all amount to gross misconduct.

The Council has an anti-Fraud and Corruption Policy and recognises its employees as an important element in its fight against fraud and corruption. Employees are therefore positively encouraged to raise any concerns that they may have. This policy states that 'staff are expected to conduct themselves in ways which are beyond reproach, above suspicion and are fully open accountable and that it is in the duty of all staff members to take steps to prevent, fraud, corruption and bribery.

The Appellant had no issues with the procedure that had been conducted at the previous disciplinary and did not raise any procedural issues at this appeal. This appeal was on the substance.

The Appeals Committee has made its decision on the balance of probabilities. It heard submissions from the Appellant, the Management Representative, evidence from the Appellant and Management and has read the documents contained in the Appeal pack.

The Appeals Committee felt that there was collusion between Antony Crooks, Gary Greensmith and the Appellant in relation to both charges.

Given his experience and severity the Appeals Committee found it concerning that the Appellant did not :-

- a) Report this to more senior management such as Mike Chillingworth
- b) Dealt with this informally with a 'rollocking' given the disciplinary rules
- c) He didn't count the money

The Appeals Committee having heard the evidence believes it was more likely that the Appellant had to be involved in relation to both charges.

The Appeals Committee had agreed to uphold the management decision of Seb Duncan of 19<sup>th</sup> August 2013 and agrees with his reasoning.

#### **4. CLOSURE OF MEETING**

The meeting ended at 3.00 pm.