

FAREHAM

BOROUGH COUNCIL

Minutes of the Appeals Committee

(to be confirmed at the next meeting)

Date: Monday, 25 June 2018

Venue: Collingwood Room - Civic Offices

PRESENT:

Councillor: K A Barton (Chairman)

Councillor: Ms S Pankhurst (Vice-Chairman)

Councillors: S Cunningham, Mrs T L Ellis and Mrs C Heneghan

**Also
Present:**



1. APOLOGIES FOR ABSENCE

2. MINUTES

It was AGREED that the Minutes from the Appeals Committee meeting held on the 28 July 2017 be confirmed as a correct record.

3. CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's announcements.

4. DECLARATIONS OF INTEREST AND DISCLOSURES OF ADVICE OR DIRECTIONS

There were no declarations of interest made at this meeting.

5. DEPUTATIONS

There were no deputations made at this meeting.

6. PRESENTATION ON THE ROLE AND RESPONSIBILITIES OF THE COMMITTEE

The Committee received a presentation from the Head of Democratic Services and the Head of HR and ICT on the role and responsibilities of the Appeals Committee. The presentation included: -

- the purpose & functions of the Committee
- key points to note
- what happens if an Appeals Committee is called
- a brief summary & Members questions

A copy of the presentation is appended to these Minutes.

RESOLVED that the officers be thanked for their presentation.

(The meeting started at 6.00 pm
and ended at 6.20 pm).

Appeals Committee

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Sarah Robinson – Head of HR and ICT
Leigh Usher – Head of Democratic Services

Minute Item 6

Agenda

Appeals Committee

- Purpose
- Functions
- Points to Note
- What happens if an Appeals Committee is called?
- Summary

Appeals

- Purpose – What is it for?
 - To deal with objections to the outcome of disciplinary or grievance procedures for the Council's most senior employees.
 - To deal with other statutory rights of appeal
 - Local Govt & Housing Act 1989

Functions of Appeals Committee

- According to the Constitution...

Points to Note

- **Confidentiality** – Exempt from publication and Data Protection rules
- It is a quasi-judicial role and therefore the principles of natural justice must be observed
- The Chairman (or another member of the committee) may be required to attend as a witness at an Employment Tribunal

What happens before a meeting?

- Chairman and Vice-Chairman briefing with Head of Democratic Services will set out process and procedures for the meeting.
- All will be invited to a briefing session with the Head of HR and ICT at which the case will be explained in full with relevant legislation explained and you will be able to ask procedural questions.
- All will receive a bundle of papers in advance of the meeting which will contain copies of all evidence submitted as part of the original disciplinary or grievance hearing.
- The summons to the Appeals Committee meeting will be sent out as per normal agenda timescales.

Who is at the Hearing?

- Hearings will be held in a formal setting, will be in private session and will most likely be held during the daytime.

Attendees will include:

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- Members of the Appeals Committee
 - Legal Representative
 - Head of Democratic Services
 - Head of HR and ICT
 - Council's Management Representative
 - Employee and their representative
 - Witnesses to be called in as necessary

What happens at the meeting?

- Management case presented
- Witness(es) called upon to give evidence
 - Witness questioned by employee (or representative) and then by Members
- After management case presented
 - Invite employee (or representative) and then Members to question management
- Invite employee (or representative) to present case
- Witness(es) called upon to give evidence
 - Witness questioned by management representative and then by Members

What happens at the meeting?

- After employee case presented
 - Invite management representative and then Members to question employee
- Invite management to sum up Council's case
- Invite employee to sum up case
- All parties to withdraw to allow Members to deliberate

The deliberation

- The Committee's advisers will remain in the room:
 - Head of HR and ICT
 - Head of Democratic Services
 - Legal adviser
- The Committee may confirm, amend or reject the original decision.
- Once agreed, the decision will be announced to both parties who will be recalled to the hearing.
- The decision must also be confirmed in writing.

In summary

- Committee sits to consider an employment appeal at Director level or above on a disciplinary or grievance matter.
- All hearings will contain personal sensitive data and therefore are exempt from publication.
- Don't tell anyone about it.
- Don't disclose the details of the case – or you may breach the Data Protection Act.
- You will be guided through the entire process by Sarah and Leigh.

Any Questions?