

# APPEALS SUB-COMMITTEE

Wednesday, 10 December 2008

Present:

Councillor IO Coates (Chair)

Councillors G Ellis

P Williams

## 1 EXEMPT INFORMATION - EXCLUSION OF MEMBERS OF THE PUBLIC

**Resolved - That, under section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined by paragraph 1 of Part I of Schedule 12A (as amended) to that Act.**

## 2 DISMISSAL APPEAL

The Sub-Committee convened to consider the appeal by an employee in the Adult Social Services Department against the decision of the Director of Adult Social Services to dismiss the employee on the grounds of capability. The appellant was represented by Mr Blundell of UNISON.

**Resolved - That,**

**(i) Having considered carefully all the evidence, the Appeals Sub-Committee disallows the appeal on the ground that the Director was acting reasonably in terminating the appellant's employment on the grounds of the employee's long term ill health.**

**(ii) The appeal for voluntary severance payment be disallowed on the ground that to award such a payment would be treating the appellant more favourably than other employees in a comparable position whose applications had not yet been determined.**

**(iii) That an ex gratia payment of £2000 be made to the appellant in recognition that the employee should have been given an opportunity to apply for a voluntary severance payment and have that application determined on the same criteria as any other employee regardless of the fact that the appellant was absent from work on account of sickness.**