

Human Resources Appeals Committee

Tuesday, 14th March 2023, 9.30 am
Committee Room 1

Agenda

Apologies

1 **Declarations of Any Interests**

Members are reminded of their responsibility to declare any pecuniary interest in respect of matters contained in this agenda.

If you have a pecuniary interest you must withdraw from the meeting. Normally you should leave the room before the business starts to be discussed. You do, however, have the same right to speak as a member of the public and may remain in the room to enable you to exercise that right and then leave immediately. In either case you must not seek to improperly influence a decision on the matter.

2 **Exclusion of the Public and Press**

To consider the exclusion of the press and public for the following items of business on the ground that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972.

By Virtue of Paragraph 1: Information relating to any individual.

Condition:

Information is exempt to the extent that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Information is not exempt if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to Regulation 3 of the Town & Country Planning General Regulations 1992(a).

3 **Procedure for Hearing**

An appeal has been lodged by a Council employee against being made compulsorily redundant / dismissed.

The Committee will be required to hear the representations from the appellant and the Council's Officers and determine whether the appeal should be upheld or disallowed.

The enclosed appendices will be referred to and will need to be considered during the course of the hearing.

A note outlining the procedure to be followed in the conduct of the appeal Meeting contact Matthew Pawlyszyn on matthew.pawlyszyn@chorley.gov.uk

(Pages 3 - 4)

hearing is attached.

4 **Appeal against Dismissal - Statement Case for the Appellant**

(To follow)

5 **Appeal against Dismissal - Management Response**

(To follow)

Chris Sinnott
Chief Executive

Electronic agendas sent to Members of the Human Resources Appeals Committee Councillor Adrian Lowe (Chair), and Councillors Adrian Lowe, Alistair Morwood and John Walker.

If you need this information in a different format, such as larger print or translation, please get in touch on 515151 or chorley.gov.uk

DISCIPLINARY POLICY

APPENDIX 2

PROCEDURE FOR DISCIPLINARY APPEALS AT HUMAN RESOURCES APPEALS COMMITTEE

Normally the conduct of a hearing will be as detailed below. However, if a departure from the procedure would assist in revealing the full facts this is not precluded at the discretion of the Chair.

Both sides should produce and distribute a Statement of Case to the appeals panel at least 5 working days prior to the date of the hearing.

Introduction

At the hearing, the Chair of the Appeals Committee will explain briefly the following procedure to appellant and their representative.

Employee's Case

The appellant or representative will present the case including any documentary and/or evidence from witnesses in the presence of the Council's representative. If the representative presents the case, the employee will be given the opportunity to add comments, as necessary.

The Council's representative will have the opportunity to ask questions of the appellant or representative and any witnesses on the evidence given.

The Appeals Committee will have the opportunity to ask questions of the appellant(s) or representative and any witnesses on the evidence given.

The Council's Case

The Council's representative who will usually be the disciplinary officer will present the case including any documentary evidence and/or evidence from witnesses in the presence of the appellant and representative.

The appellant or representative will have the opportunity to ask questions of the Council's representative and any witnesses present on the evidence given.

The Appeals Committee will have the opportunity to ask questions of the Council's representative and any witnesses on the evidence given.

General Questions

The Committee will have a final opportunity to ask any further questions of either parties in the presence of both parties.

Summing-up

The Council's representative and the appellant or representative will have the opportunity to sum-up their case if they wish. The appellant or representative will sum-up last and no new evidence will be introduced at this stage.

DISCIPLINARY POLICY

Decision

The Council's representative and the appellant and representative will withdraw to enable the Committee hearing the appeal to consider the matter. The person advising the Committee will remain.

The Committee will consider the matter in private, only recalling the Council's representative and the appellant or representative to clear points of uncertainty on evidence already given. If a recall is necessary, both parties will return even if only one party may be concerned with the point giving rise to doubt.

Both parties will be asked to return when a decision has been reached.

The Chair of the Committee will announce the decision and inform the appellant and representative that it will be confirmed in writing within 5 working days.

Adjournments

The Chair of the Committee has the discretion to adjourn the hearing at any time he/she feels appropriate.

Either party may request an adjournment. They must give the reason(s) for their request and inform the Chair of the Committee of the length of adjournment required. The Chair of the Committee has the discretion to allow or deny any request.