

APPEALS AGAINST DISMISSAL COMMITTEE

Minutes of a meeting held at the Council Offices, Narborough

TUESDAY, 7 MAY 2013

Present:-

Cllr. L. M. Breckon (Chairman)

Cllr. I. M. Hewson

Cllr. P. L. Moitt

Cllr. B. J. Welsh

Substitutes:-

Cllr. A. V. Greenwood (Planning, Economic Development & Housing Strategy Portfolio Holder and Deputy Leader) (In place of Cllr. J. A. Dickinson)

Officers present:-

Mrs D. Johnson	- Democratic Services Officer
Ms. E. Page	- Democratic Services and Governance Manager
Mrs. H. Seed	- HR Advisor

The Council's Representatives

Mr. S. Beard – Director
Mr. R. Back – Planning & Economic Development Group Manager

Appellant and Appellant's Representative

The Appellant and Appellant's Representative in person

Apologies:-

Cllr. J. A. Dickinson

1. DISCLOSURES OF INTERESTS FROM MEMBERS

No disclosures were received.

2. **EXEMPT INFORMATION**

Considered – A proposed resolution to exclude members of the public from the meeting.

DECISION

“That under Section 100 (A) (4) of the Local Government Act, 1972, the public be excluded from the meeting for the following item on the grounds that the item involves the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the said Act.

Exemption Category: 1 & 2

Reason for Exemption: The report contains personal information about a member of staff.

3. RECONVENED MEETING OF 23 APRIL 2013 - DISMISSAL APPEAL HEARING

Considered – Further information that had been requested by the Committee at the meeting held on 23 April 2013 in respect of the Appellants interview:

- Typed Interview Notes & Scoring
- Anonymised Answers
- Hand Written Interview Notes

The Chairman welcomed everyone to the reconvened meeting to hear the appeal against dismissal.

Management responded to the information provided in respect of the interview.

The Appellant put questions to the Management.

Members of the Committee asked questions of the Management.

Management then summarised their response.

The Appellant summarised their case and the Chair allowed Management to respond to questions raised by the Appellant.

The Appellant then made a closing statement.

The meeting adjourned at 11.00am to enable the Committee to consider it's findings, and both the Appellant, the Appellant's Representative and Management withdrew from the meeting.

The meeting reconvened at 12.25.

The Appellant, the Appellant's Representative and Management were invited back to the meeting.

DECISION

The Committee have deliberated at length about the evidence that has been presented and considered one by one the matters raised in the Appellants Grounds for Appeal Against the Outcome of the Selection Process.

The Committee agreed that the Appeal be dismissed.

Reasons:

1. Failure to follow the Council's Organisational Change & Policy Procedure Document.

This point was rejected.

Reason: The Committee found that the Managements decision not to follow job matching and slotting in process was appropriate, but found that this was clearly documented to staff.

The Committee found that Section 6 of the Organisation Policy & Procedure was the relevant section as it was a recruitment process and not a redundancy selection as covered under Section 9 of the policy document.

2. Selection Process

This point was upheld.

Reason: The Committee found that Management's decision to only interview candidates for their top two preferences was not in accordance with best practice. The Committee strongly felt that all individuals should have been given the opportunity to be interviewed for all of the preferences that they had listed.

Following on from this, and based on the supplementary evidence requested by the Committee from the Management, it was mathematically possible that the Appellant could have been successful in securing the Obligations Officer post if the Appellant had been given the opportunity to be interviewed for the post.

The Committee therefore acknowledged this element of the Appeal, however the Committee also noted that based on all evidence presented it was unlikely that the Appellant would have been successful in securing the Obligations Officer post.

3. Major Schemes

This point was rejected.

Reason: The Committee found that the appointment of Major Schemes Officer was fair.

4. Inappropriate Scenario

This point was rejected.

Reason: The Committee were satisfied that were differences between the scenario and the same assessment criteria were applied to all candidates

and therefore the Appellant was not disadvantaged.

5. Interview Questions

This point was rejected.

Reason: the Committee were satisfied that the interview questions used as part of the selection process and that the questions were applied to all candidates and appropriate to the roles that they were related to. The Committee acknowledged that subjective views do have to be taken into account as part of a recruitment process.

6. Misinterpretation of Answers

This point was rejected.

Reason: The Committee found no evidence to support the claim and note that as part of the recruitment processes subjective views of the recruitment panel do have to be taken into account when scoring and assessing an individual's performance. The same recruitment panel interviewed and assessed all candidates and therefore the Appellant would not have been at a disadvantage.

The Committee made recommendations to the Council for consideration/implementation which were as follows:

- When considering any future organisational change the relevant section of the Organisational Change Policy and Procedure applicable should be communicated and provided to all individuals involved with the process at an early stage to avoid any confusion.
- During any Appeal Against Dismissal process there should be full disclosure of relevant documentation to the Committee when the initial management pack is collated. This would avoid any unnecessary delay and assist the Committee in their consideration of the case.

THE MEETING CONCLUDED AT 12.28 P.M.