

Employment and Appeals Panel

Wednesday, 10th June 2015
at 2.00 pm

PLEASE NOTE TIME OF MEETING

Conference Room 3 - Civic Centre

This meeting is open to the public

Members

Councillor McEwing (Chair)
Councillor Chamberlain
Councillor Claisse
Councillor B Harris
Councillor Noon
Councillor Whitbread
Councillor White

Contacts

Democratic Support Officer
Ed Grimshaw
Tel 023 8083 2390
Email: ed.grimshaw@southampton.gov.uk

Head of Legal and Democratic Services
Richard Ivory
Tel. 023 8083 2794
Email: richard.ivory@southampton.gov.uk

PUBLIC INFORMATION

Role of the Employment and Appeals Panel

The Panel is responsible in general terms for determining appeals against decisions of the Council, other than where the matter falls within the terms of reference of another Panel, including in particular appeals arising from a decision: -

The Panel also

- deals with all matters relating to hearings and determination of any employee grievance or appeal under the Council's disciplinary, grievance, dismissal and other employee relations procedure.
- has power to appoint staff and to determine the terms and conditions on which staff hold office.
- is responsible for functions relating to local government pensions etc.

Southampton City Council's Priorities:

- Jobs for local people
- Prevention and early intervention
- Protecting vulnerable people
- Affordable housing
- Services for all
- City pride
- A sustainable Council

Public Representations

At the discretion of the Chair, members of the public may address the meeting on any report included on the agenda in which they have a relevant interest. Any member of the public wishing to address the meeting should advise the Democratic Support Officer (DSO) whose contact details are on the front sheet of the agenda.

Smoking policy – the Council operates a no-smoking policy in all civic buildings.

Mobile Telephones:- Please switch your mobile telephones to silent whilst in the meeting

Use of Social Media:- The Council supports the video or audio recording of meetings open to the public, for either live or subsequent broadcast. However, if, in the Chair's opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council's Standing Orders the person can be ordered to stop their activity, or to leave the meeting.

Fire Procedure – in the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

Access – access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

Dates of Meetings: Municipal Year 2015/16:

2015	2016
10 June	13 January
1 July	24 February
22 July	23 March
12 August	13 April
2 September	
23rd September	
14th October	
4th November	
2nd December	

CONDUCT OF MEETING

Terms of Reference

The terms of reference of the Panel are contained in the Council's Constitution.

Business to be discussed

Only those items listed on the attached agenda may be considered at this meeting.

Rules of Procedure

The meeting is governed by the Council Procedure Rules as set out in Part 4 of the Constitution.

Quorum

The minimum number of appointed Members required to be in attendance to hold the meeting is 3.

DISCLOSURE OF INTERESTS

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Pecuniary Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

DISCLOSABLE PECUNIARY INTERESTS

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

- (i) Any employment, office, trade, profession or vocation carried on for profit or gain.
- (ii) Sponsorship:

Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

(iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.

(iv) Any beneficial interest in land which is within the area of Southampton.

(v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.

(vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.

(vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:

- a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
- b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

Other Interests

A Member must regard himself or herself as having an, 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

AGENDA

Agendas and papers are available via the City Council's website

1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)

To note any changes in membership of the Panel made in accordance with Council Procedure Rule 4.3.

2 ELECTION OF VICE-CHAIR

To elect a Vice-Chair for the municipal year 2015/16.

3 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

NOTE: Members are reminded that, where applicable, they must complete the appropriate form recording details of any such interests and hand it to the Democratic Support Officer.

4 STATEMENT FROM THE CHAIR

5 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)

(Pages 1 - 2)

To approve and sign as a correct record the Minutes of the meeting held on 22nd April 2015 and to deal with any matters arising, attached.

6 EXCLUSION OF PRESS AND PUBLIC

Chair to move that in accordance with the Council's Constitution, specifically the Access to Information Procedure Rules contained within the Constitution, the press and public be excluded from the meeting in respect of the following items based on Categories 1, 2 and 3 of paragraph 10.4 of the Access to Information Procedure Rules.

The information contained therein is potentially exempt as it relates to individual personal details and information held under the Data Protection Act 1998. Having applied the public interest test it is not appropriate to disclose this information as the individuals' legal expectation of privacy outweighs the public interest in the exempt information.

7 APPEAL AGAINST DISMISSAL
(Pages 3 - 204)

Confidential report of the Head of Legal and Democratic Services, seeking the Panel's consideration in regard to an appeal against dismissal from an individual in the People Directorate, attached.

Tuesday, 2 June 2015

Head of Legal and Democratic Services

SOUTHAMPTON CITY COUNCIL
EMPLOYMENT AND APPEALS PANEL
MINUTES OF THE MEETING HELD ON 22 APRIL 2015

Present: Councillors B Harris (Vice-Chair), Chamberlain, Mintoff, Noon, Tucker and White

27. **APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)**

It was noted that following receipt of the temporary resignation of Councillors McEwing and Whitbread from the Committee, the Head of Legal and Democratic Services, acting under delegated powers, had appointed Councillors Tucker and Mintoff respectively to replace them for the purposes of this meeting.

28. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

RESOLVED that the minutes of the meeting held on 11th March 2015 be approved and signed as a correct record.

29. **EXCLUSION OF PRESS AND PUBLIC**

RESOLVED that in accordance with the Council's Constitution, specifically the Access to Information Procedure Rules contained within the Constitution, the press and public be excluded from the meeting in respect of the confidential items below.

This is based on Categories 1, 2 and 3 of paragraph 10.4 of the Access to Information Procedure Rules. The information contained therein is potentially exempt as it relates to individual personal details and information held under the Data Protection Act 1998.

Having applied the public interest test it is not appropriate to disclose this information as the individual's legal expectation of privacy outweighs the public interest in the exempt information.

30. **REDUNDANCY AND/OR PREMATURE RETIREMENT PAYMENTS TO SCHOOL STAFF WOODLANDS COMMUNITY COLLEGE**

The Panel considered the confidential report of the Head Teacher on behalf of Governing Body for Woodlands Community College seeking approval in four specific cases, for the costs of redundancies and premature retirement to be met by central Council funds.

The Panel considered the decision in confidential session in accordance with Categories 1, 2 and 3 of Paragraph 10.4 of the Council's Access to Information Procedure Rules.

RESOLVED

- (i) that the Panel agreed that the current policy for the funding of redundancy and premature retirement for teaching and support staff in schools, had been correctly applied in reaching the individual calculations set out in the confidential Appendix 1;
- (ii) that the Panel agreed that the Authority would pay the cost of the voluntary redundancy but not the costs associated with the pension payment for Employees A and C, as the Panel believed that, had a compulsory redundancy selection process been undertaken, neither of these employees would have been selected but an individual with a less costly redundancy package;
- (iii) that the Panel agreed that the Authority would pay the cost for the Employee B detailed in Appendix 1, as per the figures presented in line with the voluntary redundancy calculations; and
- (iv) that the Panel agreed that the Authority would pay the cost for the Employee D detailed in Appendix 1, as per the figures presented in line with the compulsory redundancy calculations.

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