

EXTRAORDINARY GENERAL PURPOSES COMMITTEE

Wednesday, 17 May 2017 at 8.05 p.m. OR at the rise of the Annual Council Meeting, whichever is later.

Council Chamber, 1st Floor, Town Hall, 5 Clove Crescent, London E14 2BG.

This meeting is open to the public to attend.

Members:

To be determined at the Annual Council Meeting.

[The quorum for this body is 3 Members]

Contact for further enquiries:

Joel West, Democratic Services
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Web: <http://www.towerhamlets.gov.uk/committee>

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Public Information

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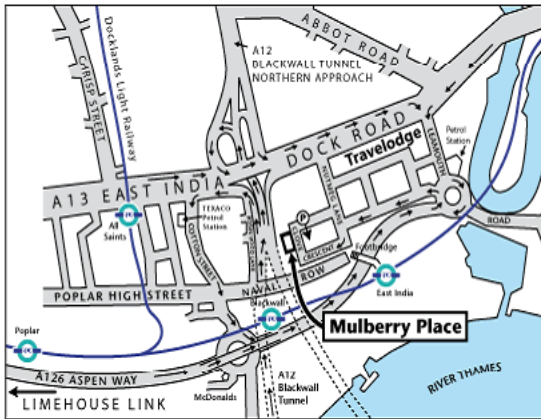
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APOLOGIES FOR ABSENCE

1. ELECTION OF CHAIR

To elect the Speaker of the Council as administrative Chair of the Committee, for the purposes of this Extraordinary Meeting only.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

1 - 4

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992.

See attached note from the Monitoring Officer.

3. REPORTS FOR CONSIDERATION

3.1 Establishment of Appointments Sub Committee 2017/18

5 - 10

The terms of reference of the General Purposes Committee include the determination of criteria for the Appointments Sub-Committees established from time to time to consider the appointment of statutory and non-statutory Chief Officers and Deputy Chief Officers.

This report recommends the establishment of the Appointments Sub-Committee for the current municipal year and the process for Chief Officer/Deputy CO appointments and proposes criteria for membership of the Sub-Committee in accordance with the Constitution and agreed procedures.

3.2 Establishment of Employee Appeal Sub Committee 2017/18

11 - 20

The terms of reference of the General Purposes Committee include the determination of employees' appeals against dismissal. Appeals Sub-Committees are established as required to consider these appeals.

This report recommends the establishment of the Appeals Sub-Committee for the current municipal year.

Next Meeting of the Committee:

Subject to decisions of Annual Council Meeting, Wednesday, 5 July 2017 at 7.00 p.m. in Council Chamber, 1st Floor, Town Hall, 5 Clove Crescent, London E14 2BG.

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Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

Interests and Disclosable Pecuniary Interests (DPIs)

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

Effect of a Disclosable Pecuniary Interest on participation at meetings

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

Further advice

For further advice please contact:-

Graham White, Acting Corporate Director, Governance and Interim Monitoring Officer – 020 7364 4800.

APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) 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 the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

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Non-Executive Report of the: General Purposes Committee 17 June 2017	
Report of: Matthew Mannion, Committee Services Manager	Classification: Unrestricted
Establishment of Appointments Sub-Committee	

Originating Officer(s)	Joel West, Committee Services Officer
Wards affected	All Wards

Summary

The terms of reference of the General Purposes Committee include the determination of criteria for the Appointments Sub-Committees established from time to time to consider the appointment of statutory and non-statutory Chief Officers and Deputy Chief Officers.

This report recommends the establishment of the Appointments Sub-Committee for the current municipal year and the process for Chief Officer/Deputy CO appointments and proposes criteria for membership of the Sub-Committee in accordance with the Constitution and agreed procedures.

Recommendations:

The General Purposes Committee is recommended to:

1. Agree the terms of reference for Appointments Sub-Committees for the remainder of the municipal year 2017/18 as set out at paragraph 4.1 below;
2. That the arrangements for nominating Councillors to serve on an Appointments Sub-Committee be agreed as set out at paragraph 4.2 below and the Divisional Director, Legal or the Head of Governance and Democratic Services (or their respective nominee) be authorised to agree the dates of Appointments Sub-Committee meetings and the membership of the Sub-Committee for each appointment that is required in accordance with nominations from the Group Leaders and Mayor; and
3. That the Committee note the process for appointment to Chief Officer and Deputy Chief Officer posts as set out at paragraph 5 below.

1. REASONS FOR THE DECISIONS

- 1.1 The Constitution requires that the General Purposes Committee sets up Appointment Sub-Committees to determine senior officer appointments.

2. ALTERNATIVE OPTIONS

- 2.1 None as if the Appointment Sub-Committees are not set up then the Council will not be able to proceed with appointments to senior officer posts.

3. DETAILS OF REPORT

- 3.1 Under the Officer Employment Procedure Rules at Part 4.9 of the Council's Constitution, the Appointments Sub-Committee will be established on criteria approved by the General Purposes Committee comprising relevant Councillors to make appointments to Chief Officer and Deputy Chief Officer posts.
- 3.2 The criteria and an appointment process designed to meet the requirements of the Constitution, to be clear and transparent for Councillors and officers, and to follow recruitment best practice resulting in a successful and fair appointments process have previously been agreed.
- 3.3 This report sets out the process for Chief Officers and Deputy Chief Officers. The process for the appointment of a Chief Executive is agreed separately.

4. APPOINTMENTS SUB-COMMITTEE

Terms of reference

- 4.1 It is proposed that in accordance with the Council's Constitution, the Committee establish an Appointments Sub-Committee with the following terms of reference:- "To make appointments to Chief Officer and Deputy Chief Officer posts in accordance with the Council's Constitution and the agreed Recruitment and Selection Procedures."

Membership

- 4.2 In accordance with the proportionality rules for all Council Committees, it is proposed that the following arrangements, should apply;
- a) For a **Chief Officer** (Corporate Director level) appointment, the Appointments Sub-Committee shall comprise of **six Councillors** as follows:-
- Three Members nominated by the Leader of the Labour Group, at least one of whom must either be the Mayor or a member of the Executive;
 - One Councillors nominated by the Leader of the Independent Group;

- One Councillor nominated by the Leader of the Conservative Group.
 - One Councillor nominated by the Leader of the People's Alliance for Tower Hamlets Group.
- b) For Deputy Chief Officer (Divisional Director level) appointments, the Sub- Committees historically consisted of five Councillors. However, it is not possible to ensure that all political groups are properly represented on a five person Sub-Committee whilst maintaining a majority for the Majority Group as required. Whilst, it is not ideal to have a larger Sub-Committee for Deputy Chief Officer appointments, it is seen as the best solution available. It is therefore proposed to amend the proposed allocations to increase the size of the Sub-Committee to six in line with Chief Officer Appointments:-
- Three Members nominated by the Leader of the Labour Group, at least one of whom must either be the Mayor or a member of the Executive;
 - One Councillors nominated by the Leader of the Independent Group;
 - One Councillor nominated by the Leader of the Conservative Group.
 - One Councillor nominated by the Leader of the People's Alliance for Tower Hamlets Group.
- c) The Divisional Director Legal or the the Head of Governance and Democratic Services (or their respective nominee) to liaise with the Mayor and Group Leaders to receive their nominations, in accordance with the above allocation of places, and to agree the date of the first Sub Committee in each Chief Officer/ Deputy CO appointment cycle.
- d) The Mayor and political groups are expected to assist in achieving a Sub-Committee whose overall composition is diverse in terms of gender and ethnicity wherever possible. In the event that the initial nominations do not produce such a Sub-Committee, the Divisional Director Legal or the Head of Governance and Democratic Services (or their respective nominee) after consultation with the Divisional Director HR & Transformation will discuss with the respective group leaders and the Mayor options for amending one or more of those nominations as necessary to achieve sufficient diversity.
- e) Members can only sit on an Appointments Sub-Committee if they have received training at this Council on recruitment and selection.
- f) The quorum for the Appointments Sub-Committee shall be at least three members.

5. PROCESS FOR APPOINTMENT OF CHIEF OFFICERS AND DEPUTY CHIEF OFFICERS

- 5.1 The rules governing the appointment of Chief Officers/Deputy Chief Officers are set out in the Council's Officer Employment Procedure Rules (Part 4.9 of the Constitution), which are in turn substantially derived from statutory provisions (primarily the Local Authorities (Standing Orders) (England)

Regulations 2001). In practical terms the following is an outline of the process. This may be abbreviated or some elements of the process may not be required in the case of an internal-only recruitment or interim appointment.

Advertisement and longlisting

- 5.2 The Council may use recruitment consultants to assist with senior appointments. The Divisional Director HR & Transformation will work with the recruitment consultants and the Head of Paid Service or the relevant Corporate Director to establish a timeline for the recruitment process and agree any advertisements in accordance with Council policy.
- 5.3 Following advertisement, the Divisional Director HR & Transformation, the recruitment consultants and the Head of Paid Service or relevant Corporate Director will agree a long-list of candidates and details of the process to follow this may include information visits, the use of assessment tools such as in-tray and other testing. Long-listed candidates will then undergo an assessment process.

Shortlisting and interviews

- 5.4 If necessary, the Appointments Sub-Committee may then meet to consider the results of the long-list process and the recruitment consultants' and officers' recommendations; and agree a shortlist of candidates for interview.
- 5.5 The Appointments Sub-Committee will then meet again to interview the shortlisted candidates. The officers will table suggestions for questions at the start of the meeting. References for candidates will be available for consideration but will only be considered once the ASC has decided who to appoint.

Appointment

- 5.6 If the Appointments Sub-Committee agrees on a candidate suitable for the post of Chief Officer/Deputy Chief Officer, it must inform the Mayor and each member of the Executive of its 'provisional intention to make an offer' to the preferred candidate. The Mayor and Executive members then have a two day period in which they may notify any objection to the making of the appointment. If no such objection is received within that period, a firm offer will be made. Should an objection be received the Appointments Sub-Committee would be required to reconvene to consider any objection and make a determination.

Note: Sub-Committee membership throughout the appointment process must remain the same

- 5.7 The Committee has previously agreed that the membership of the ASC must remain the same throughout the process for an appointment and there can be no substitutions once the process has commenced for a particular appointment. A member of the ASC who ceases his/her participation after the

Sub-Committee has started to meet may not be replaced. Rather the Sub-Committee would continue with a reduced number of members, subject to remaining quorate. Equally, a member of the ASC who does not participate in a stage of the process (e.g. shortlisting) may not then take part in a subsequent stage (e.g. interviews).

- 5.8 These provisions represent good recruitment practice. However, there may be occasions when their strict application could work against other aspects of best practice - for example by reducing the diversity of the Sub-Committee in terms of gender or ethnicity. In such exceptional circumstances the Divisional Director HR & Transformation may waive the requirement at 5.7 above in order to ensure a sufficiently diverse membership of the Sub-Committee, provided that consistency is maintained within each distinct stage of the appointment process.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 The costs of senior officer recruitment and the associated administering of the Appointments Sub-Committee will be contained within existing budget allocations for Human Resources and Workforce Development and related functions.

7. LEGAL COMMENTS

- 6.1 Under the Council's Constitution it is for the General Purposes Committee to determine criteria for the appointment of statutory and non-statutory Chief Officers and Deputy Chief Officers for Appointments Sub-Committees, which may be established from time to time to consider such appointments.
- 6.2 The Local Authorities (Standing Orders) (England) Regulations 2001 require that an Appointments Sub-Committee include at least one member of the Executive. The regulations also set out a statutory 'objection' procedure under which an appointment may only be confirmed if there is no well-founded objection to the proposed appointment by the Mayor or a member of the Executive.
- 6.3 When considering the criteria for Appointments Sub Committees, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't (the public sector equality duty). There is information in section 8 below relevant to these considerations.

8. ONE TOWER HAMLETS CONSIDERATIONS

- 8.1 The recruitment process will follow equalities best practice to ensure a diverse range of potential candidates. Members of the Appointments Sub-Committee will be trained on appointments and on equalities practices.

9. BEST VALUE (BV) IMPLICATIONS

- 7.1 Agreeing appropriate procedures for the appointment of senior officers is important in ensuring the Council recruits the best leadership team available to support the Best Value obligations.

10. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 8.1 There are no direct implications on sustainable action for a greener environment.

11. RISK MANAGEMENT IMPLICATIONS

- 11.1 There is a risk that the Council will not be successful in securing the best staff and its reputation will suffer if the recruitment and selection process for senior staff does not operate smoothly and effectively. The recommendations detailed above will ensure the Council complies with the statutory requirements for the appointment of Chief Officers and Deputy Chief Officers.

12. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 10.1 There are no direct implications on crime and disorder reduction.

Linked Reports, Appendices and Background Documents

Linked Report

- None

Appendices

- None

Local Government Act, 1972 Section 100D (As amended)


List of “Background Papers” used in the preparation of this report

List any background documents not already in the public domain including officer contact information.

- None

Officer contact details for documents:

- N/A

Non-Executive Report of the: General Purposes Committee 17 June 2017	
Report of: Matthew Mannion, Committee Services Manager	Classification: Unrestricted
Establishment of (Employee) Appeals Sub-Committee	

Originating Officer(s)	Joel West, Committee Services Officer
Wards affected	All Wards

Summary

The terms of reference of the General Purposes Committee include the determination of employees' appeals against dismissal. Appeals Sub-Committees are established as required to consider these appeals.

This report recommends the establishment of the Appeals Sub-Committee for the current municipal year.

Recommendations:

The General Purposes Committee is recommended to agree:

To establish an Employee Appeals Sub Committee for the municipal year 2017/18 with the attached terms of reference (Appendix A) and hearing structure (Appendix B).

1. REASONS FOR THE DECISIONS

- 1.1 The Constitution requires that employee appeals against dismissal be determined at Member level.

2. ALTERNATIVE OPTIONS

- 2.1 None as if the Sub-Committees are not set up then the Council will not be able to discharge this function.

3. DETAILS OF REPORT

- 3.1 The Council's Constitution (Part 3 - Responsibility for Functions - as approved by Full Council 22nd March 2017), makes provision for the General Purposes Committee to consider and determine appeals by employees under human resources procedures requiring a Member level decision and to establish Employee Appeals Sub-Committees to determine such appeals. The Corporate Director, Governance is authorised to convene meetings of the Sub-Committees.
- 3.2 For appeals by employees under human resources procedures that require a Member-level decision, the Employee Appeals Sub-Committee comprises of an ad hoc panel for each appeal dependent on availability. This panel will include in each case a Chair and two other Councillors drawn from the Committee Members and their appointed substitutes. Once appointed for a particular appeal, the membership of the Sub-Committee must remain the same throughout all stages of that appeal.
- 3.3 Members can only sit on an Appeals Sub-Committee if they have received annual training at this Council on policies and procedures relevant to the consideration and determination of the appeal which the sub – committee is charged.
- 3.3 The Terms of reference and membership arrangements for the Employee Appeals Sub-Committee are attached at Appendix A. Also attached is the Appeals hearing structure (Appendix B).
- 3.4 Meetings are scheduled to take place at 6.30pm in accordance with the programme of meetings for principal meetings.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 There are no direct financial implications arising from this report. The costs of administering the Employee Appeals Sub-Committee and related training requirements will continue to be contained within existing budgets.

7. LEGAL COMMENTS

- 7.1 As the Sub-Committee acts in a quasi-judicial capacity it is imperative that all its proceedings are conducted strictly in accordance with the provisions of the law and the Council's Constitution in order to obviate any procedural challenge in the courts.

8. ONE TOWER HAMLETS CONSIDERATIONS

- 8.1 It is essential that in relation to appeals by employees under the authority's human resources procedures that best practice is adhered to in terms of equalities. As far as possible panels are appointed that are representative of gender and ethnic diversity; and Members must be fully equipped and trained to ensure that all relevant issues are given proper consideration.

9. BEST VALUE (BV) IMPLICATIONS

- 9.1 Agreeing appropriate procedures for the appointment of senior officers is important in ensuring the Council recruits the best leadership team available to support the Best Value obligations.

10. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 10.1 There are no direct implications on sustainable action for a greener environment.

11. RISK MANAGEMENT IMPLICATIONS

- 11.1 The proposals seek to minimise the risk to the authority both of any possible safeguarding failure in relation to children or vulnerable adults; and of adverse Employment Tribunal findings should the process for employee appeals not be sufficiently robust.

12. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 12.1 There are no direct implications on crime and disorder reduction.

Linked Reports, Appendices and Background Documents

Linked Report

- None

Appendices

- Appendix A – Terms of Reference
- Appendix B – Hearing Structure

Local Government Act, 1972 Section 100D (As amended)

List of “Background Papers” used in the preparation of this report

List any background documents not already in the public domain including officer contact information.

- None

Officer contact details for documents:

- N/A

EMPLOYEE APPEALS SUB-COMMITTEE

Terms of reference:

1. That the General Purposes Committee establish an Employee Appeals Sub-Committee with the following terms of reference:-
 - To consider and determine appeals by employees under human resources procedures requiring a member level decision.

Membership:

2. That the membership of the Employee Appeals Sub-Committee comprise:-
 - 2.1 A panel of **three members** to be appointed by the Corporate Director, Governance on an ad hoc basis for each employee appeal from a pool of all Members of the Appeals Committee or, should they be unavailable, their appointed substitutes.
 - 2.2 The first item of business at each Employee Appeals Sub-Committee shall be to appoint, from amongst the Sub-Committee Members, a Chair for the appeal hearing.
 - 2.3 The quorum for the Employee Appeals Sub-Committee shall be three Members.
 - 2.4 Members may serve on an Employee Appeals Sub-Committee panel only after they have received annual training at this Council on policies and procedures relevant to the consideration and determination of the appeal with which the Sub-Committee is charged.
 - 2.5 In the case of an appeal which gives rise to any issues relating to safeguarding of adults or children, no Member may sit on the Employee Appeals Sub-Committee to consider that appeal unless they have previously received training in safeguarding matters to the satisfaction of the Corporate Director, Governance and the Corporate Director, Children's or the Corporate Director, Health, Adults and Community as appropriate.
 - 2.6 The Corporate Director, Governance shall be authorised to convene meetings of the Employee Appeals Sub-Committee, established by the Appeals Committee, to discharge functions on its behalf, subject to the criteria set out in paragraphs 2.1 to 2.5 above.

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APPEAL HEARING STRUCTURE

1. **Introduction of parties and explanation of structure.**
 - In attendance:
 - Members hearing the Appeal
 - Human Resources Adviser
 - Legal adviser to the Panel
 - Committee Clerk or other note taker
 - Manager presenting case.
 - Appellant
 - Appellant's Representative (only one representative will be allowed to attend the hearing and this may be a Trade Union Representative or a work colleague.
2. **APPELLANT'S CASE** will be put first using supportive evidence, documentation and witnesses.
3. **MEMBERS HEARING THE APPEAL** will ask any points regarding the Appellant's case, including questions to witnesses.
4. **THE MANAGER PRESENTING THE CASE may ask** points of clarification only of Appellant or witnesses. If either side does not wish to check any points with the witnesses, they may leave the hearing at this stage.
5. **THE MANAGER** will then present his / her case, explaining why the original decision was considered appropriate.
6. **MEMBERS HEARING THE APPEAL MAY ASK** questions of the Manager and his / her witnesses.
7. **THE APPELLANT** (or his / her representative) **may ask** points of clarification only from the Manager or his / her witnesses.
8. **APPELLANT'S CONCLUDING REMARKS** (if any)
9. **MANAGER'S CONCLUDING REMARKS** (if any)
10. **AFTER AN ADJOURNMENT** if the Members are able to come to a decision within a reasonable timescale the Chair of the Sub Committee hearing the Appeal will give the decision. If the decision is likely to take some time the parties will be offered the option of being notified of the decision the following working day by the Human Resources Adviser. The decision will be confirmed in writing to the Appellant.

APPEALS UNDER THE DISCIPLINARY PROCEDURE

1. The function of the Appeal is to consider the evidence in the light of the submissions made by the Appellant, together with the Council's response and to decide upon the fairness and reasonableness of the decision. It is not a rehearing. It is a review process.
2. In reaching a decision, the Panel of Members should consider the following: -
 - (i) Has any new evidence been presented which was not heard by the Chair of the original Panel? New evidence will only be considered if it was not available to the deciding officer and is relevant to the matter.
 - (ii) Was the decision procedurally correct.
3. If the Appeal grounds are on procedural irregularities, the Panel must decide whether there were any such irregularities and, if so, whether these prejudiced the disciplinary decision to such an extent that a fair hearing was not possible.
4. Appeals against disciplinary action will only be considered on one or more of the following reasons:
 1. The PROCEDURE, - the grounds of appeal should detail how procedural irregularities prejudiced the disciplinary decision.
 2. The FACTS, - Failure to take account of material evidence.
 3. The DECISION, The decision did not justify the level of disciplinary sanction imposed. The Panel will decide if the decision was a decision a reasonable employer could reasonable make.

APPEALS UNDER THE SICKNESS PROCEDURE

APPEALS AGAINST DISMISSAL UNDER THE SICKNESS PROCEDURE:

THE STRUCTURE OF THE HEARING FOLLOWS THE DISCIPLINARY CODE.

THE GROUNDS FOR APPEAL ARE: -

1. That the medical opinion was wrong
2. That redeployment was a viable option
3. That having regard to operational requirements, financial constraints and personal circumstances, it would have been reasonable to allow a longer period to recover before a final decision was made.
4. That there were procedural irregularities by the Council in the operation of the scheme, and these irregularities prejudiced the case to such an extent that a fair hearing was not possible.

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