

Employee Appeals Sub Committee

Agenda

CONFIDENTIAL

**Tuesday, 3 December 2024 at 6.00 p.m.
Whitechapel Town Hall, 160 Whitechapel Road
E1 1BJ**

Members:

Three Councillors selected by group leaders on a proportional basis.

Contact for further enquiries:

Democratic Services,
committee.services@towerhamlets.gov.uk
020 7364 4651
2nd Floor, Town Hall, 160 Whitechapel Road, E1 1BJ



Public Information

Viewing or Participating in Committee Meetings

As the substantive business on the agenda is exempt/confidential, the usual arrangements for public attendance do not apply. If you wish to attend the brief open part of the meeting, please report to reception at the town hall before the start time of the meeting.



Notes for attendees

If you have a printed copy of these papers they are Exempt/Confidential (Pink) Committee papers and will contain information, which is commercially, legally or personally sensitive and should not be divulged to third parties. If you do not wish to retain these papers after the meeting, please hand them to the HR Advisor to the Panel.

If you require any further information relating to this meeting or would like to discuss access arrangements or any other special requirements, please contact the officer shown above.

If the fire alarm sounds please leave the building immediately by the nearest available fire exit without deviating to collect belongings. Fire wardens will direct you to the exits . If you are unable to use the stairs, a member of staff will direct you to a safe area. The meeting will reconvene if it is safe to do so, otherwise it will stand adjourned.

London Borough of Tower Hamlets

Employee Appeals Sub Committee

Tuesday, 3 December 2024

6.00 p.m.

Apologies for Absence

1. **ELECTION OF CHAIR FOR THE MEETING**
2. **DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS (PAGES 7 - 8)**

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. **APPEAL HEARING STRUCTURE (PAGES 9 - 10)**

To note the Appeals Hearing Structure.

4. **EXCLUSION OF THE PRESS AND PUBLIC**

Before the commencement of the Interview process the Committee is recommended to adopt the following recommendation:

“That, under the provisions of Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985, the press and public be excluded from the remainder of the meeting for the consideration of the Section Two business on the grounds that it contains information defined as Exempt in Part 1 of Schedule 12A to the Local Government Act, 1972.”

5. **APPEAL AGAINST EMPLOYEE DISMISSAL - APPELLANT CASE (PAGES 11 - 16)**
6. **APPEAL AGAINST EMPLOYEE DISMISSAL - MANAGEMENT CASE (PAGES 17 - 142)**
7. **HR POLICY DOCUMENTS (PAGES 143 - 154)**



8. ADJOURNMENT

The panel will adjourn to deliberate. The Chair will inform the appellant whether a decision will be possible after the adjournment or later in writing.



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DECLARATIONS OF INTERESTS AT MEETINGS– NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Code of Conduct for Members at Part C, Section 31 of the Council's Constitution

(i) Disclosable Pecuniary Interests (DPI)

You have a DPI in any item of business on the agenda where it relates to the categories listed in **Appendix A** to this guidance. Please note that a DPI includes: (i) Your own relevant interests; (ii) Those of your spouse or civil partner; (iii) A person with whom the Member is living as husband/wife/civil partners. Other individuals, e.g. Children, siblings and flatmates do not need to be considered. Failure to disclose or register a DPI (within 28 days) is a criminal offence. Members with a DPI, (unless granted a dispensation) must not seek to improperly influence the decision, must declare the nature of the interest and leave the meeting room (including the public gallery) during the consideration and decision on the item – unless exercising their right to address the Committee.

DPI Dispensations and Sensitive Interests. In certain circumstances, Members may make a request to the Monitoring Officer for a dispensation or for an interest to be treated as sensitive.

(ii) Non - DPI Interests that the Council has decided should be registered – (Non - DPIs)

You will have 'Non DPI Interest' in any item on the agenda, where it relates to (i) the offer of gifts or hospitality, (with an estimated value of at least £25) (ii) Council Appointments or nominations to bodies (iii) Membership of any body exercising a function of a public nature, a charitable purpose or aimed at influencing public opinion.

Members must declare the nature of the interest, but may stay in the meeting room and participate in the consideration of the matter and vote on it **unless:**

- A reasonable person would think that your interest is so significant that it would be likely to impair your judgement of the public interest. **If so, you must withdraw and take no part in the consideration or discussion of the matter.**

(iii) Declarations of Interests not included in the Register of Members' Interest.

Occasions may arise where a matter under consideration would, or would be likely to, **affect the wellbeing of you, your family, or close associate(s) more than it would anyone else living in the local area** but which is not required to be included in the Register of Members' Interests. In such matters, Members must consider the information set out in paragraph (ii) above regarding Non DPI - interests and apply the test, set out in this paragraph.

Guidance on Predetermination and Bias

Member's attention is drawn to the guidance on predetermination and bias, particularly the need to consider the merits of the case with an open mind, as set out in the Planning and Licensing Codes of Conduct, (Part C, Section 34 and 35 of the Constitution). For further advice on the possibility of bias or predetermination, you are advised to seek advice prior to the meeting.

Section 106 of the Local Government Finance Act, 1992 - Declarations which restrict Members in Council Tax arrears, for at least a two months from voting

In such circumstances the member may not vote on any reports and motions with respect to the matter.

Further Advice contact: Linda Walker, Interim Director of Legal and Monitoring Officer, Tel: 0207 364 4348

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	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. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	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— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
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	Any tenancy where (to the Member's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (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.

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
- 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. *(20 mins)*

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 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 their case, explaining why the original decision was considered appropriate. *(20 mins)*

6. **MEMBERS HEARING THE APPEAL MAY ASK** questions of the Manager and their witnesses.

7. **THE APPELLANT** (or their representative) may ask for points of clarification from the Manager or their witnesses.

8. **APPELLANT'S CONCLUDING REMARKS** (if any) *(5 mins)*

9. **MANAGER'S CONCLUDING REMARKS** (if any) *(5 mins)*

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. In any event, 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 should consider the following –
 - i. Has any new evidence been presented which was not heard by the Chair / Deciding Manager?
 - ii. Was the decision procedurally correct?
3. If the Appeal is on the grounds of 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 the 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.

Agenda Item 5

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Agenda Item 6

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Agenda Item 7

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