

Minutes of the Meeting of the Employment Committee held in the Committee Room One, Tedder Hall, Manby Park, Louth on Thursday, 16th April, 2009 at 2.00 pm.

PRESENT

Councillor S.M. Avison (Chairman)

Councillors G. Allan, Mrs. S. Campbell-Wardman, Mrs. S. Gorst, J.D. Hough, Mrs. F.M. Martin and K.S. Smith.

OFFICER IN ATTENDANCE:

Tony Lascelles	- Business Manager, Workforce and Organisational Development
Katie Odling	- Senior Member Services Officer
Roy Ormsby	- Business Manager, Street Scene
Rachel Spencer	- HR Officer

Also in Attendance:

Mr. Waldock – Dismissed Employee
Mrs. R. Wilkins – GMB Representative

1. APOLOGIES FOR ABSENCE:

Apologies for absence were received from Councillors Mrs. Watson, Dr. L.D. Taffinder and D. Smith.

2. DECLARATIONS OF INTEREST (IF ANY):

At this point in the Meeting, Members were invited to declare any relevant interests. No such interests were received.

3. MINUTES:

The Open Minutes of the Meeting held on 1st October 2007, the Exempt Minutes of the Meeting held on 1st October 2007, and the Minutes of the Special Meeting held on 21st May 2008, were confirmed and signed as a correct record.

4. EXEMPT INFORMATION:

RESOLVED

That under Section 100(a)(4) of the Local Government Act 1972, the press and public be excluded from the Meeting for the following item on the grounds that, if they were present, there could be disclosed to them exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act (as amended).

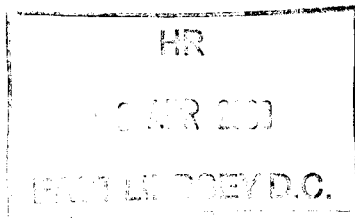
5. APPEAL AGAINST DISMISSAL:

Members considered a confidential report regarding an Appeal against dismissal from an employee who was dismissed on Friday 12 December 2008.

RESOLVED

That the Appeal against dismissal as detailed in the exempt report presented be not upheld.

The meeting closed at 4.50 pm



Mark Waldock
30 Swallow Drive
Louth
Lincs
LN11 0DN
8th April 2009

Dear Rachel

please could you forward this statement as evidence in support of my decision to appeal against the councils decision to dismiss me on 12th December 2008. Thank you.

Yours sincerely

Handwritten signature of Mark Waldock in cursive script.

Mark Waldock

My statement in support of my decision to appeal against my dismissal

In support of my appeal against my dismissal from my job as a Refuse collection vehicle (R.C.V) driver for East Lindsey District Council I would like it known at the appeal that other R.C.V drivers have caused damage to the R.C.V's and to public property whilst driving the R.C.V's but have not had to attend disciplinary hearings or received any warnings for their actions unlike myself. One driver called Chris Bromfield caused quite extensive damage to his Dennis R.C.V in 2006 in which it had to have the cab rebuilt when he hit the large branch of a tree. He received no disciplinary hearing for this, less than a month later whilst his vehicle was being repaired he had another accident in another R.C.V, again no action was taken. He then had another accident in the following month in which he asked to be taken off driving because he felt unsafe but Nick Davis insisted he carried on with his job as a driver and later when the council received two new Dennis R.C.V's he gave Chris one. Also just two weeks before my collision in the yard another driver called Phil Hewson collided his R.C.V with a brand new Mercedes car belonging to a member of the public in Skegness, again this driver didn't face a disciplinary hearing or any warning. These are just two of others that didn't get disciplined for incidents involving R.C.V's.

On the day of the collision which resulted in my second disciplinary, after my days work, I was asked to make a statement regarding the incident by my line manager Nick Davis. Before I made the statement he said to me that the extent of the damage would not have usually resulted in disciplinary proceedings but because of an accident I had in July 2008 he felt he had no choice but to suspend me from my job and carry out disciplinary proceedings. As far as I am aware I am the only driver to have been suspended after an accident in the waste collection department even for something in Nick's own words "as minor as this". I believe I have been punished twice for the accident I had in July 2008, an accident the investigating police officer said was common and could potentially happen to anyone which is why I didn't get charged with any driving offenses. Also the similarities between the causes of my second collision and Phil Hewsons' were very similar. Both were caused by the blind spots on the left (passenger) side of the vehicles. I couldn't see the vehicle parked to my left when I set off on the morning of the 28th November 2008 so I wasn't aware it was there, when I turned to avoid another R.C.V from my right which had taken all of my attention away from my left, I collided with the corner of the vehicle parked on my left. Whereas Phil was reversing with the vehicle in a right hand lock and was unable to see the Mercedes car in his left mirror, so he consequently swung the front of his vehicle into the side of the car. As I have already stated Phil didn't get any warnings or proceedings against him. I had hoped to get some evidence to prove that damage or collisions to the R.C.V's happen on a regular basis by showing either a list of repairs made or an inventory of parts replaced on the vehicles, which may have been compared to the disciplinary records but none of this information was offered to me when I requested information in a letter which I sent to Rachel Spencer on the 24th February 2009. This again would prove that not everyone gets warned about damaging the vehicles.

After my first disciplinary I had intended on appealing against the final written warning that I received, but due to the trauma and stress caused by the accident and the long drawn out process before the hearing, added to that the worry that I thought I might have lost my job or my driving license I didn't appeal. The police also had to re investigate the incident because the loader who was travelling with me when the accident happened, who had also tried to sue the council for compensation for alleged injuries sustained during the collision, had complained they hadn't done their job properly and had made a false and exaggerated statement relating to my driving prior to the incident. Although the police had already determined at the scene the accident wasn't serious enough for court proceedings. I just wanted it all to over with so I decided not to appeal, a decision I now regret as up to that point my employment record was good and it was just down to a lapse in concentration on the day.

Another reason why I feel my dismissal was unfair was that apart from the two mistakes I made whilst driving, my conduct, attendance and work ethics were always good and I always carried out my work efficiently. I was always polite and helpful to residents and members of the public even

when they were abusive whilst doing my rounds, I looked after my vehicle properly by keeping it clean and reporting defects (and making sure they were rectified) and I was always mindful that we were the face of the council. It was just my driving that was at fault so why didn't I just get taken off driving the R.C.V's and be put on loading the vehicles. It is written in the disciplinary procedures that dismissal is the very last option and that a change of position or demotion should be considered before dismissal. The waste collection service has been employing agency staff to make up the loaders numbers for the past two years because they were always short staffed. There also were always spare drivers that were on loading duties more than driving, so why didn't they put me on loading and put one of the spare drivers on my driving duties rather than go down the route of dismissing me.

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