

APPEALS COMMITTEE

At a meeting of the Appeals Committee held in Meeting Room 2, Council Offices, Garshake Road, Dumbarton on Thursday, 9 February 2012 at 9.30 am.

Present: Councillors George Black, Jim Bollan, Jim Brown, Gail Casey and Ronnie McColl.

Attending: Nigel Ettles, Principal Solicitor; and Paul McGowan, HR Business Partner, Corporate Services Department.

Apology: An apology for absence was intimated on behalf of Councillor Jonathan McColl.

Councillor George Black in the Chair

DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest.

EXCLUSION OF PRESS AND PUBLIC

The Committee approved the following resolution:-

“That under Section 50A(4) of the Local Government (Scotland) Act 1973, the press and public be excluded from the meeting for the following item of business on the grounds that it may involve the likely disclosure of exempt information as defined in Paragraph 1 of Part I of Schedule 7A to the Act”.

DIGNITY AT WORK APPEAL (REF: APP/10/17)

There were submitted background papers relating to an Appeal which had been submitted to the Council in relation to a Dignity at Work Complaint. There was also submitted a note of the procedure to be followed at the Hearing of the Appeal.

The Appellant was present and was represented by Brian Johnstone of the GMB. Management was represented by Raymond Lynch, Senior Solicitor.

Mr Johnstone and the Appellant presented the case for the Appellant. The Appellant was then questioned by Mr Lynch and members of the Committee.

Mr Lynch called as witnesses FY and DE. The witnesses were questioned by Mr Lynch, Mr Johnstone, the Appellant and members of the Committee.

Mr Lynch and then Mr Johnstone summed up their respective cases and thereafter both parties withdrew from the meeting. At the request of the Committee Mr McGowan remained at the meeting.

After the Committee had deliberated the matter in private, both parties were re-admitted to the meeting and advised that the Committee had found that the complaint was justified and the Appeal had been upheld.

The Committee agreed that the Council should write to the Appellant apologising for the infringement of his right to be treated with dignity. The Committee also agreed that the Council should write to JG inviting him to offer an apology to the Appellant.

The Committee recommended that both the Appellant and JG engage in mediation with a view to preventing any ongoing or further problems.

The Committee instructed officers to action the terms of the letter sent to the Appellant on 11 February 2011 by LMCA.

The Committee also instructed officers, in consultation with the Trades Unions, to consider how the Dignity at Work Policy and Procedure could be improved given the Committee's concerns regarding the framework and timescales for dealing with dignity at work issues.

The meeting closed at 12.50 p.m.