

## **APPEALS COMMITTEE**

At a meeting of the Appeals Committee held in the Council Offices, Rosebery Place, Clydebank on Tuesday 12 February 2002 at 9.45 am.

**Present:** Councillors James Bollan, Mary Campbell, Ian McDonald and James McElhill.

**Attending:** Nigel Ettles, Principal Solicitor.

## **ELECTION OF CHAIRMAN**

Having heard from the Principal Solicitor that the Committee required to elect a Chairman, the Committee agreed that Councillor Ian McDonald should take the Chair for this meeting of the Committee. Accordingly, Councillor McDonald took the Chair for the duration of the meeting.

## **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".

## **APPEAL AGAINST DISMISSAL**

There were submitted background papers relating to an Appeal which had been submitted to the Council in relation to a dismissal. 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 Tom Morrison of UNISON. The Department in which the Appellant had been employed was represented by Jeanette Maclean, Solicitor.

Ms Maclean called as witnesses Lucy Geddes, Personnel Adviser, and Frank Newall, Head of Children's Services. After giving evidence the witnesses were questioned by Mr Morrison and members of the Committee.

Mr Morrison presented the case for the Appellant. The Appellant was then questioned by Ms Maclean and members of the Committee.

Ms Maclean and then Mr Morrison summed up their respective cases and thereafter both parties withdrew from the meeting.

After the Committee had deliberated the matter in private, both parties were re-admitted to the meeting and advised that the grounds of the Appeal had been substantiated in part and the

Appeal had been upheld to the extent that the Appellant would be re-engaged in suitable alternative employment to be agreed between management and his Trade Union and, as a condition of re-engagement, the Appellant would be required to access appropriate counselling. The period between the date of dismissal and the date of re-engagement would be a period of broken service and so the Appellant would not be entitled to any wages for that period.

The meeting closed at 12.55 pm.