

## **APPEALS COMMITTEE**

At a Meeting of the Appeals Committee held in Committee Room 3, Council Offices, Garshake Road, Dumbarton on Thursday 19 March 2015 at 9.35 a.m.

**Present:** Councillors Jonathan McColl, John Millar, Tommy Rainey and Kath Ryall.

**Attending:** Peter Hessett, Head of Legal, Democratic & Regulatory Services; Vicki Rogers, Head of People & Transformation and Craig Stewart, Committee Officer, Legal, Democratic and Regulatory Services.

### **Councillor Tommy Rainey 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”.

#### **GRIEVANCE APPEAL (REF: APP/15/01)**

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

The Appellant was in attendance and was accompanied by Jacqueline Cavan of GMB. Angela Terry, Organisational Development & Change Manager, was in attendance to present the case for management. Tracy Keenan, HR Business Partner, was in attendance as an Adviser to Ms Terry.

The Appellant presented his case and were questioned by Ms Terry and members of the Committee.

Ms Terry then presented the case for Management and called PMcG and PK as witnesses. Both were questioned by Ms Terry and the Appellant. Ms Terry was

questioned by Members of the Committee and the Appellant. Ms Keenan was also heard in response to Members' questions.

Ms Terry and then the Appellant 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 Committee had found that the grounds of the Appeal had been justified in part and the Appeal upheld to the extent that, the investigation could have been more thorough, including the follow up questioning of an officer of the Council. Accordingly, it was the opinion of the Committee that given the length of time that had elapsed and the nature of the grievance, there was no remedy that could be offered to the Appellant other than to apologise on behalf of the Council for not replying to the email. There would be no way of establishing with absolute certainty, the reason the email was not responded to.

The meeting closed at 3.00 p.m.