

APPEALS COMMITTEE

At a meeting of the Appeals Committee held in Meeting Room 2, Council Offices, Garshake Road, Dumbarton on Thursday, 18 August 2011 at 9.30 a.m.

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

Attending: Nigel Ettles, Principal Solicitor.

Apology: An apology for absence was intimated on behalf of Councillor Jim Bollan.

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”.

GRIEVANCE APPEAL (REF: APP/10/11)

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 present and was represented by Charlie McDonald of Unite. Management were represented by Gavin Walsh, Solicitor.

Mr McDonald and the Appellant presented the case for the Appellant and were then questioned by Mr Walsh and members of the Committee.

Mr Walsh called as witnesses GL, SP and PMcG. The witnesses were questioned by Mr Walsh, Mr McDonald and members of the Committee.

Mr Walsh and then Mr McDonald 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 Grievance was justified in part and the Appeal had been upheld to the extent that the Committee had found that the Council's Recruitment and Selection Policy had not been followed. The permanent post in question should have been advertised. However, the Committee had found that, given the lapse of time since that error, it could not offer any further resolution to the Appellant.

The Committee noted that, after the Appellant's Grievance had reached Stage 2 of the Grievance Procedure, advice that all future permanent appointments should be made in accordance with the Recruitment and Selection Policy had been given to the Executive Director of Education and Cultural Services in a memorandum dated 31 August 2010.

The Committee instructed that its findings in relation to the Appeal be forwarded to the Corporate Management Team for their attention to ensure that in future good practice would be followed throughout the Council.

The meeting closed at 12.50 p.m.