

APPEALS COMMITTEE

At a Meeting of the Appeals Committee held in the Council Chambers, Municipal Buildings, Station Road, Dumbarton on Thursday 9 December 2010 at 9.45 a.m.

- Present:** Councillors George Black, James Bolland, Jim Brown and Jonathan McColl.
- Attending:** Nigel Ettles, Principal Solicitor and Francine Ewen, HR Manager.
- Apology:** An apology for absence was intimated on behalf of Councillor Ronnie 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 items of business on the grounds that they may involve the likely disclosure of exempt information as defined in Paragraph 1 of Part I of Schedule 7A to the Act”.

MINUTES OF PREVIOUS MEETING

The Minutes of Meeting of the Committee held on 18 November 2010 were submitted and approved as a correct record.

GRIEVANCE APPEAL (REF: APP/10/06)

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 Tom Rainey, assisting Unison. Management were represented by Raymond Lynch, Solicitor.

In response to a question from the Chair, Mr Rainey confirmed that the Appellant was seeking, for the period covered by the grievance, a 1/3rd enhancement of the salary which had been paid to her.

Mr Rainey and the Appellant presented the case for the Appellant and were then questioned by Mr Lynch and Members of the Committee.

Mr Lynch called as a witness Anne Ritchie, Head of Children's Services and Criminal Justice. Ms Ritchie was questioned by Mr Lynch, Mr Rainey and Members of the Committee.

Mr Lynch and then Mr Rainey summed up their respective cases and thereafter both parties and Ms Ewen withdrew from the meeting.

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

The Committee found that, in the absence of any formal Local Agreement, Clause 40(d) of Appendix 2 to Part 3 of the National Agreement applied to the Appellant's post of Care Worker Plus (Nights).

The Appellant was to be paid the 1/3rd enhancement from the date she commenced employment as a Care Worker Plus (Nights) to the date of commencement of her new Contract of Employment under Single Status.

While it would not have been competent for the Committee to extend its ruling beyond this individual case, the Committee asked that Management take cognisance of the Committee's decision when considering any other Stage 1 or Stage 2 Grievances of a similar nature.

The Committee when reaching its decision made no criticism of Management as the Committee recognised the complexity of the issues involved in this Grievance.

The meeting closed at 12.45 p.m.