

APPEALS COMMITTEE

At a Meeting of the Appeals Committee held in Committee Room 2, Council Offices, Garshake Road, Dumbarton on Monday, 5 December 2016 at 9.30 a.m.

Present: Councillors John Mooney, Tommy Rainey and Kath Ryall.

Attending: Vicki Rogers, Strategic Lead – People & Technology; Darren Paterson, Strategic HR Manager; Nigel Ettles, Principal Solicitor and Craig Stewart, Committee Officer, 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”.

PROCEDURE

The Committee agreed to note the Appeals Committee Hearings – Dismissal Appeals Process would be followed at this Hearing of Appeal.

APPEAL AGAINST DISMISSAL (REF: APP/16/05)

There were submitted background papers relating to an Appeal which had been submitted to the Council in relation to a Dismissal.

The Appellant was in attendance and was represented by Charlie McDonald of Unite. Rodney Thornton, Fleet & Waste Services manager was in attendance to present the case on behalf of Management. Tracy Keenan, HR Business Partner, was in attendance as an Adviser to Mr Thornton.

Mr Thornton presented the case for Management and called FM, LH and JD as witnesses. FM, LH and JD were questioned by Mr Thornton, Mr McDonald and Members of the Committee. Mr Thornton was questioned by Mr McDonald and Members of the Committee.

Mr McDonald and the Appellant presented the case for the Appellant. Mr McDonald and the Appellant were then questioned by Mr Thornton and Members of the Committee.

Mr Thornton 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, although the Committee was of the view that Management had acted correctly, the grounds of the appeal had been substantiated in part and the Appeal had been upheld to the extent that the Appellant was to be reinstated at Stage 3 of the Council's Attendance Management Policy and Procedure. The Stage 3 Review Period was to run for 24 calendar months from 5 December 2016.

The meeting closed at 2.07 p.m.