

## **APPEALS COMMITTEE**

At a Meeting of the Appeals Committee held in Committee Room 3, Council Offices, Garshake Road, Dumbarton on Friday, 24 October 2014 at 9.50 a.m.

**Present:** Councillors Jonathan McColl, Kath Ryall and Hazel Sorrell.

**Attending:** Vicki Rogers, Head of People and Transformation; Raymond Lynch, Senior Solicitor and Nuala Quinn-Ross, Committee Officer, Legal, Democratic and Regulatory Services.

**Councillor Kath Ryall 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/14/04)**

Councillor Ryall advised that this case had been continued from 14 August 2014 to allow management to consider an additional submission from the Appellant. There were submitted further background papers relating to the Appeal.

The Appellant was in attendance and was represented by Tom Morrison of Unison. Chris McNeil, Head of Community Health & Care Services, was in attendance to present the case for management. Paul McGowan, HR & Workforce Development Manager, was in attendance as an Adviser to Ms McNeil.

Mr Morrison and the Appellant presented their case and called KD as a witness. KD was questioned by Mr Morrison and Members of the Committee. P O'N was then called as a witness. P O'N was questioned by Mr Morrison and Members of the Committee. Ms McNeill advised that she had no questions for the witnesses. Mr Morrison was questioned by Members of the Committee, Ms McNeill had no questions for Mr Morrison.

Ms McNeil presented the case for management. Ms McNeill was questioned by Members of the Committee and Mr Morrison.

Ms McNeil and then Mr Morrison and 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 grievance was justified in part and the Appeal had been upheld to the extent that the Committee agreed that the manner in which the Attendance Review Meeting had been conducted was unacceptable. The Committee welcomed management's acceptance that this was unacceptable regardless of the Appellant's emotional state on the day. It was noted by the Committee that management had already rolled out refresher training on Attendance Review Meetings to relevant managers.

The Committee also instructed the Head of Service to write to the Appellant to apologise for the mis-managed Attendance Review Meeting.

The Committee also agreed that the Department should write to the officer concerned inviting them to offer an apology to the Appellant for their role in this matter.

The meeting closed at 3.33 p.m.