

APPEALS COMMITTEE

At a Meeting of the Appeals Committee held in the Council Chambers, Municipal Buildings, Station Road, Dumbarton on Thursday 14 February 2008 at 9.30 a.m.

Present: Councillors George Black, James Bolland, Margaret Bootland, Jim Brown, Jim Finn, William Hendrie and John Millar.

Attending: Nigel Ettles, Principal Solicitor.

Apologies: Apologies for absence were intimated on behalf of Councillors Gail Casey and Willie McLaughlin.

Councillor George Black in the Chair**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/07/11)**

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 Tom Morrison of Unison. The department in which the Appellant was employed was represented by Raymond Lynch, Solicitor.

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

Mr Lynch called as a witness Agnes Trotter, Assistant Principal Officer (Community Care). Ms Trotter was questioned by Mr Lynch, Mr Morrison and Members of the Committee.

Mr Lynch and then Mr Morrison 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 findings of the Committee were as follows:-

1. The one third enhancement was to be paid for the whole period in which the Appellant acted up to Care Worker Senior on night duty (with the exception of the first two weeks as the enhancement had already been paid for those weeks).
2. The emergency cover for nightshift had been extended by Management due to absence of staff.
3. Management had had an opportunity to consider other forms of cover.
4. The agreement which had been referred to by Management could not be produced.
5. There had been a communication failure on the part of Management.
6. The length of time for which the grievance had been outstanding was unacceptable.
7. All parties should work together to ensure that there was no re-occurrence of such a situation.

The meeting closed at 11.49 a.m.