

APPEALS COMMITTEE

At a meeting of the Appeals Committee held in Committee Room 3, Council Offices, Garshake Road, Dumbarton on Thursday 30 May 2013 at 9.35 am.

Present: Councillors Tommy Rainey, David McBride, Hazel Sorrell and Michelle Stewart.

Attending: Nigel Ettles, Principal Solicitor, Paul McGowan, HR & Workforce Development Manager, and Nuala Quinn-Ross, Committee Officer, Legal, Democratic and 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”.

GRIEVANCE APPEAL (REF: APP/13/03)

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 Appellants were represented by Brian Johnstone of the GMB and James O’Connell of Unite. Duncan Borland of the GMB and one of the Appellants were also in attendance. David Elliott, General Manager, Learning Disability, CHCP, was in attendance to present the case for Management. Linda McAlister, Interim HR Business Partner, was in attendance as an adviser to Mr Elliott.

Mr Johnstone and Mr O’Connell presented the case for the Appellants and were questioned by Mr Elliott and Members of the Committee.

Mr Elliott presented the case for Management and he and Ms McAlister were questioned by Mr Johnstone, Mr O'Connell and Members of the Committee.

Mr Elliott and then Mr Johnstone and Mr O'Connell summed up their respective cases and thereafter both parties withdrew from the meeting. At the request of the Committee, Mr McGowan remained at 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 had some sympathy for the Appellants, the Committee had found that the grievances were not justified in relation to the allowances claimed and the Appeal had not been upheld.

As regards the claim for an irregular hours/unsocial hours allowance, the Committee agreed with Management's interpretation of the period outwith which hours must be worked in order to qualify for an allowance.

As regards the claim for an alternating shift allowance, the Committee had found that the shifts worked by the Appellants did not cover an operational period of more than eleven hours and the Appellants therefore could not qualify for an allowance.

As regards the terms of the Appellant's Contracts of Employment, the Committee had found that an eligibility for an allowance did not amount to an entitlement to that allowance. The criteria for payment of the allowance still had to be met. The Committee had found that the payment of the allowances had been made in error.

The meeting closed at 11.53 am.