

## APPEALS COMMITTEE

At a Meeting of the Appeals Committee held in the Council Offices, Garshake Road, Dumbarton on Thursday 24 February 2005 at 9.30 a.m.

**Present:** Councillors Margaret Bootland, Linda McColl, James Bollan, Jackie Maceira and Connie O'Sullivan.

**Attending:** Nigel Ettles, Principal Solicitor.

**Councillor Margaret Bootland in the Chair**

### EXCLUSION OF PRESS AND PUBLIC

5296 The Committee approved the following resolution:-

5297 "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/05/02)

5298 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.

5299 The Appellant was present and was represented by Tom Rainey, Branch Secretary, Unison. The department in which the Appellant was employed was represented by Raymond Lynch, Solicitor.

5300 Mr Rainey presented the case for the Appellant and he and the Appellant were then questioned by Mr Lynch and Members of the Committee.

5301 Mr Lynch called as witnesses David McMillan, Director of Housing and Technical Services and Tricia O'Neill, Head of Personnel. The witnesses were questioned by Mr Lynch, Mr Rainey, the Appellant and Members of the Committee.

5302 Mr Lynch and then Mr Rainey 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 found that the grounds of the complaint had been substantiated and recommended:-

- (1) that every effort be made to find the Appellant suitable alternative employment;
- (2) that preservation of the Appellant's existing salary for three years be attached to the current, or any other, offer of alternative employment;  
and
- (3) that both management and unions prioritise efforts to agree redeployment procedures.

The meeting closed at 1.25 p.m.