

APPEALS COMMITTEE

At a Meeting of the Appeals Committee held in Committee Room 3, Council Offices, Garshake Road, Dumbarton on Thursday, 1 May 2014 at 9.38 a.m.

Present: Councillors Jim Brown, Tommy Rainey, Kath Ryall and Hazel Sorrell.

Attending: Vicki Rogers, Head of People and Transformation; Nigel Ettles, Principal Solicitor 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”.

APPEAL AGAINST DISMISSAL (REF: APP/14/02)

There were submitted background papers relating to an Appeal which had been submitted to the Council in relation to a dismissal. There was also submitted a note of the procedure to be followed at the Hearing of the Appeal.

The Appellant was in attendance and was represented by Tom Morrison of Unison. Chris McNeill, 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 McNeill.

Ms McNeill presented the case for Management and called PD as a witness. PD was questioned by Ms McNeill, Mr Morrison and Members of the Committee. Ms McNeill was questioned by Members of the Committee and Mr Morrison.

Mr Morrison and the Appellant presented their case and were both questioned by Ms McNeill and Members of the Committee.

Ms McNeill and then Mr Morrison and the Appellant summed up their respective cases and thereafter both parties withdrew from the Meeting. At the request of the Committee, Ms Rogers remained at 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 decided that:-

- (1) the decision of Management to dismiss on the ground of capability was reasonable given the information available to Management at the time;
- (2) in view of the evidence submitted by the Appellant at the Hearing and in view of the assertion that the appellant is potentially fit for work, a final decision on the Appeal Against Dismissal will be postponed until further medical investigations involving Occupational Health and relevant specialist(s) have been undertaken; and
- (3) that the Committee will reconvene and consider the results of the medical investigations when they become available.

The meeting closed at 2.00 p.m.