

APPEALS COMMITTEE

At a Meeting of the Appeals Committee held in Committee Room 3, Council Offices, Garshake Road, Dumbarton on Thursday, 7 August 2014 at 2.00 p.m.

Present: Councillors Jim Brown, 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.

Apologies: An apology for absence was intimated on behalf of Councillor Tommy Rainey.

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”.

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

Councillor Ryall advised that as this case had been continued from 1 May 2014 to consider medical reports, the procedure for hearing Appeals Against Disciplinary Action and Non-Disciplinary Dismissals would be applied at this hearing.

There were submitted papers relating to the Appeal which had been submitted to the Council in relation to a dismissal.

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. Kirsty Connor, HR Advisor, was in attendance as an Adviser to Ms McNeill.

Ms McNeill presented the case for Management. Ms McNeill was questioned by Members of the Committee and Mr Morrison advised that he had no questions for Ms McNeill.

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.

After the Committee had deliberated the matter in private, both parties were re-admitted to the meeting and advised that the grounds of the Appeal had not been substantiated and the Appeal had not been upheld. However, the Committee instructed Management, for the next four months, to identify vacancies for posts within the Council which might be suitable for the appellant. This would give the appellant the possibility of re-engagement, subject to advice from Occupational Health. The Committee advised the appellant that it was her decision whether or not to engage with Management in this exercise but the Committee hoped that the appellant would do so and further hoped that the exercise will be successful.

The meeting closed at 4.32 p.m.