

## **APPEALS COMMITTEE**

At a Meeting of the Appeals Committee held in the Council Chambers, Municipal Buildings, Station Road, Dumbarton on Thursday 17 April 2008 at 10.25 am.

**Present:** Councillors George Black, Jim Brown, Jim Finn, Ronnie McColl and Jonathan McColl.

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

**Apology:** An apology for absence was intimated on behalf of Councillor James Bollan.

**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/06/15)**

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 accompanied by Pat Whitelaw of the GMB. The department in which the Appellant was employed was represented by Raymond Lynch, Solicitor.

The Appellant presented his case and was then questioned by Mr Lynch and Members of the Committee.

Mr Lynch called as witnesses Bill Clark, Executive Director of Social Work & Health and Tricia O'Neill, Head of Human Resources and Organisational Development. Mr Clark and Ms O'Neill were questioned by Mr Lynch, the Appellant and Members of the Committee.

Mr Lynch and then 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 findings of the Committee in relation to the grievance stated by the Appellant in Form PER/GP/1/01, dated 8 May 2006, were as follows:-

- Point Number 1      The Appeal in relation to this point was not upheld.
- Point Number 2      The Appeal in relation to this point was not upheld.
- Point Number 3      The Appeal in relation to this point was not upheld.
- Point Number 4      The Appeal in relation to this point was upheld to the extent that the Committee were of the view that the grievance proceedings had taken an unconscionable time. The Committee did accept, however, that the grievance concerned very complex matters and involved a large amount of documentation.

Although the Committee were of the view that Management had acted appropriately, they emphasised that Officers and Trade Unions need a clear protocol for dealing with each other and recommended that the question of such a protocol be referred to the Joint Consultative Forum.

The meeting closed at 5.35 pm.