

APPEALS COMMITTEE

At a meeting of the Appeals Committee held in Meeting Room 2, Council Offices, Garshake Road, Dumbarton on Thursday 15 March 2012 at 9.35 am.

Present: Councillors George Black, James Bolland, Jim Brown and David McBride.

Attending: Nigel Ettles, Principal Solicitor; and Geraldine Lyden, HR Business Partner, Educational Services Department

Councillor George Black in the Chair

DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest.

MINUTES OF PREVIOUS MEETINGS

The Minutes of Meetings of the Committee held on 11 August 2011, 18 August 2011, 8 September 2011, 15 September 2011, 27 October 2011 and 10 November 2011 were submitted and approved as a correct record.

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/10/23)

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 represented by Charlie McDonald of Unite. Management were represented by Raymond Lynch, Senior Solicitor.

After hearing submissions from Mr Lynch and Mr McDonald, the Committee decided that the Appeal Hearing would be restricted to issues 1 and 2 in the Appellant's Notification of Stage 3 Grievance Appeal as the other issues in that document had not proceeded through Stages 1 and 2.

Mr McDonald and the Appellant presented the case for the Appellant and were then questioned by Mr Lynch and members of the Committee.

Mr Lynch called as witnesses JD, MF and SMcG. The witnesses were questioned by Mr Lynch, Mr McDonald, the Appellant and members of the Committee.

Mr Lynch and then Mr McDonald summed up their respective cases and thereafter both parties withdrew from the meeting. At the request of the Committee, Ms Lyden 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 found that the Grievance was justified in part and that the Appeal had been upheld to the extent that:-

- 1) the Committee had found that one of the Appellant's timesheets had been changed by Management without his consent. The amount of money which had been deducted from the Appellant's wages as a result of that change was now to be paid to him.
- 2) the Committee agreed with the comments already expressed by Management that the timing of the letter dated 7 October 2010 was unfortunate. The Committee apologised on behalf West Dunbartonshire Council for any stress caused by the timing of that letter.

The meeting closed at 1.40 pm.