

APPEALS COMMITTEE

At a meeting of the Appeals Committee held in Meeting Room 3, Council Offices, Garshake Road, Dumbarton on Thursday 28 February 2013 at 9.30am.

Present: Councillors Tommy Rainey, David McBride, Jonathan McColl, Lawrence O'Neill and Kath Ryall.

Attending: Nigel Ettles, Principal Solicitor, and Paul McGowan, HR & Workforce Development Manager.

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/13/01)

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 Charlie McDonald of Unite. Laura Mason, Head of Service, was in attendance to present the case for Management. Geraldine Lyden, HR Business Partner, Educational Services, was in attendance as an Adviser to Ms Mason.

Vicki Rogers, Head of People and Transformation, was in attendance as an observer.

Having heard Ms Mason and Mr McDonald in relation to additional papers which had been submitted by Mr MacDonald but which had not been issued with the

background papers, the Committee agreed that the additional papers should be admitted and circulated.

Ms Mason presented the case for Management and called HB as a witness. HB was questioned by Ms Mason, Mr McDonald and Members of the Committee. Ms Lyden was questioned by Members of the Committee and Mr McDonald. Ms Mason was then questioned by Members of the Committee.

Mr McDonald presented the case for the Appellant and called the Appellant as a witness. The Appellant was questioned by Mr McDonald, Ms Mason and Members of the Committee. Mr McDonald was then questioned by Members of the Committee.

Ms Mason and then Mr McDonald summed up their respective cases and thereafter both parties withdrew from the meeting. At the request of the Committee, Mr McGowan 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 grounds of the Appeal had been substantiated and the Appeal had been upheld. The Appellant was to be reinstated as a Learning Assistant with effect from the date of the dismissal. The Appellant was to be reinstated at Formal Stage 3 of the Attendance Management Procedure and the Final Review Period was to run for 12 calendar months from 28 February 2013.

The meeting closed at 2.10pm.