

APPEALS COMMITTEE

At a Meeting of the Appeals Committee held in Committee Room 2, Council Offices, Garshake Road, Dumbarton on Thursday, 12 January 2017 at 9.40 a.m.

Present: Councillors Jim Brown, David McBride, Tommy Rainey and Kath Ryall.

Attending: Vicki Rogers, Strategic Lead – People & Technology; Darren Paterson, Strategic HR Manager; Nigel Ettles, Section Head – Litigation; and Nuala Quinn-Ross, Committee Officer.

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”.

MINUTES OF PREVIOUS MEETINGS

The Minutes of the Meetings of the Appeals Committee held on 14 January 2016; 11 February and 7 March 2016; 18 February, 24 May, 27 May, 20 July, 21 July and 25 August 2016; 17 March 2016 and 28 April 2016 were submitted and approved as correct records.

PROCEDURE

The Committee agreed to note the Appeals Committee Hearings - Dismissal Appeals Process that would be followed at this Hearing of Appeal.

ADJOURNMENT

At 9.42 a.m. having heard the Chair, Councillor Rainey, the Committee agreed to adjourn the meeting for 30 minutes as the Appellant and their Trades Union representative were not in attendance.

APPEAL AGAINST DISMISSAL (REF: APP/16/04)

The meeting reconvened at 9.55 a.m. with all those Members shown on the sederunt in attendance and in addition the Appellant and her Trades Union representative.

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

The Appellant was in attendance and was represented by Mr David Smith of Unison. Ms Annie Ritchie, Field Work Manager was in attendance to present the case on behalf of Management. Serena Barnatt, Head of People and Change, HSPC, was in attendance as an adviser to Ms Ritchie.

Ms Ritchie presented the case for Management and called EK and MM as witnesses. EK and MM were heard in answer to questions from Ms Ritchie, Mr Smith and Members of the Committee. Ms Ritchie was also heard in answer to questions from Mr Smith and Members of the Committee.

Mr Smith presented the Appellant's case. Mr Smith and the Appellant were heard in answer to questions from Ms Ritchie and Members of the Committee.

Ms Ritchie and then Mr Smith 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 Committee did not believe the Appellant had deliberately withheld notification of the offence to which she had pled guilty. However, the Committee accepted that the nature of the offence, the number of instances of the offence and the penalty imposed rendered the Appellant wholly unsuitable for the post from which she had been dismissed. Therefore, the Committee was unable to uphold the appeal which was accordingly not upheld.

The meeting closed at 1.12 p.m.