

**EDUCATIONAL SERVICES GRIEVANCE AND
DISCIPLINARY APPEALS SUB-COMMITTEE**

At a Meeting of the Educational Services Grievance and Disciplinary Appeals Sub-Committee held in the Council Chambers, Municipal Buildings, Station Road, Dumbarton on Monday 22 September 2008 at 9.45 am.

Present: Councillors May Smillie, Jonathan McColl and John Millar and Mrs Barbara Barnes.

Attending: Nigel Ettles, Principal Solicitor.

Apology: An apology for absence was submitted on behalf of Councillor Patrick McGlinchey.

APPOINTMENT OF CHAIR

There being no Chair, it was agreed that the meeting be chaired by Councillor Jonathan McColl. Accordingly, Councillor McColl assumed the Chair for the duration of the meeting.

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

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 copy of the Disciplinary Procedures for Teaching Staff.

The Appellant was present and was represented by Stewart Paterson of the EIS. The department in which the Appellant had been employed was represented by Raymond Lynch, Solicitor.

Mr Lynch called as a witness Gus Macdonald, Head Teacher, Vale of Leven Academy. Mr Macdonald was questioned by Mr Lynch, Members of the Sub-Committee, Mr Paterson and again by Mr Lynch. Mr Lynch then called as a witness Terry Lanagan, Executive Director of Educational Services. Mr Lanagan was questioned by Mr Lynch, Mr Paterson and again by Mr Lynch.

Mr Paterson presented the case for the Appellant and the Appellant was then questioned by Members of the Sub-Committee and Mr Lynch. Mr Paterson then called as a witness James Kane, EIS Representative. Mr Kane was questioned by Mr Paterson and Mr Lynch.

Mr Lynch and then Mr Paterson summed up their respective cases and thereafter both parties withdrew from the meeting. After the Sub-Committee had deliberated the matter in private, both parties were re-admitted to the meeting and advised that:-

- 1) The Sub-Committee had found that the investigation and disciplinary procedures had been carried out fairly and properly.
- 2) The Sub-Committee had found that the Executive Director of Educational Services had acted reasonably in dismissing the Appellant, given the evidence that was before the Executive Director.
- 3) The Appeal had therefore not been upheld.

The meeting closed at 1.22 pm.