

APPEALS COMMITTEE

At a meeting of the Appeals Committee held in the Council Chambers, Municipal Buildings, Station Road, Dumbarton on Thursday 10 December 2009 at 9.45 am.

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

Attending: Nigel Ettles, Principal Solicitor.

Apologies: An apology for absence was intimated on behalf of Councillor David McBride.

Councillor George Black 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 items of business on the grounds that they 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 MEETING

The Minutes of Meeting of the Committee held on 26 November 2009 were submitted and approved as a correct record.

Note: Councillor J Brown left the meeting before deliberation of the following item of business.

**APPEAL AGAINST DISMISSAL
(REF: APP/08/16)**

The Appellant was present and was represented by Martin Doran of the GMB. The Department in which the Appellant had been employed was represented by Gavin Walsh, Solicitor.

Mr Walsh and then Mr Doran addressed the Committee on further information which had been submitted to the Committee in relation to the Appellant's medical condition. 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 Appeal had been upheld. Management had not convinced the Committee of their case. There were still areas with which the Committee were not comfortable. The Committee had asked for medical reports to be made available and had expected to have the Doctor's opinion of his patient's medical condition. The Appeal was upheld to the extent that the Appellant was to be reinstated with effect from 23 April 2009 with a final written warning effective from that date. As the misconduct was so serious that it verged on gross misconduct, the warning could not be disregarded for future disciplinary purposes. The warning was therefore without limit of time, subject to a two yearly review by the Departmental Director or nominated Senior Officer. Any further misconduct (whether of a similar or different nature) might result in dismissal. The Appellant was to repay to the Council all monies that had been overpaid to her and enter into a repayment agreement if required to do so by the Council.

The meeting closed at 11.05 a.m.