

APPEALS COMMITTEE

The Meeting of the Appeals Committee adjourned from 9 October 2008 was reconvened in the Council Chambers, Municipal Buildings, Station Road, Dumbarton on Thursday 15 January 2009 at 9.45 am.

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

Attending: Nigel Ettles, Principal Solicitor.

Apology: An apology for absence was intimated on behalf of Councillor John Millar.

Councillor George Black in the Chair

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/07/22)

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 Tom Morrison of Unison. The department in which the Appellant was employed was represented by Alistair Young, Solicitor.

In response to a question from Councillor Black, Mr Morrison confirmed that the terms of reference for the Appeal were Items 1, 2, 3, and 4 in the Details of Grievance section of the Grievance Overview.

Mr Morrison presented the case for the Appellant. Mr Morrison and the Appellant were then questioned by Mr Young and Members of the Committee.

Mr Young called as witnesses, David Webster, Section Head (Performance Management); Alex Thomson, Equal Pay Project Manager; Jim Pow, Manager of Finance; and Anne Marie Cosh, Section Head, Support Services.

Mr Webster, Mr Thomson, Mr Pow and Ms Cosh were questioned by Mr Young, the Appellant, Mr Morrison and Members of the Committee.

Mr Young and then Mr Morrison 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 Appeal had been upheld insofar as it related to the re-grading issue (Item 1 in the Details of Grievance section of the Grievance Overview), the Committee having rejected a submission by Management that it would not be competent for the Committee to consider that issue. The Appellant was to be placed at the top of AP3 with effect from 1 May 1998 to 30 September 2002 and was to be placed at the top of AP4 with continuing effect from 1 October 2002.

The Committee did not make any findings in relation to harassment and bullying, nepotism or old grievances unresolved since 1996 (Items 2, 3 and 4 in the Details of Grievance section of the Grievance Overview) as those matters had not been through the appropriate procedures.

The meeting closed at 2.05 pm.