

APPEALS COMMITTEE

At a Meeting of the Appeals Committee held in Meeting Room 2, Council Offices, Garshake Road, Dumbarton on Tuesday 19 February 2008 at 9.50 a.m.

Present: Councillors George Black, James Bolland, Jim Brown, Jim Finn, William Hendrie and Jonathan McColl.

Attending: Nigel Ettles, Principal Solicitor.

Apologies: Apologies for absence were intimated on behalf of Councillors Gail Casey and 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”.

APPEAL AGAINST DISMISSAL (REF: APP/07/14)

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 present and was represented by Mick Conroy, Regional Officer, GMB. The department in which the Appellant had been employed was represented by Gavin Walsh, Solicitor.

Mr Walsh called as a witness Eileen Morrison, Personnel, Training and Development Officer with the Housing, Environmental & Economic Development Department. Ms Morrison was questioned by Mr Walsh, Mr Conroy and Members of the Committee. Mr Walsh then called as a witness Ellen McFarlane, Catering Area Manager with the Housing, Environmental & Economic Development Department. Ms McFarlane was questioned by Mr Walsh, Mr Conroy, Members of the Committee and again by Mr Walsh. Mr Walsh then called as a witness, Bob Davidson, Section Head - Facilities Management, Housing, Environmental & Economic Development

Department. Mr Davidson was questioned by Mr Walsh and Members of the Committee.

Mr Conroy called the Appellant as a witness. The Appellant was questioned by Mr Conroy, Mr Walsh and Members of the Committee.

Mr Walsh and then Mr Conroy 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 grounds of the Appeal had not been substantiated and the Appeal had not been upheld.

The Committee were of the view that Management had acted appropriately as Management had explored a number of options that would have facilitated the Appellant's return to work. The Appellant had decided that she was unable to accept any of those options. The Committee emphasised that, when the Appellant was fit and well enough to return to work, an Application from her for an appropriate post would be welcomed.

The meeting closed at 2.15 p.m.