

APPEALS COMMITTEE

At a Meeting of the Appeals Committee held in Committee Room 2, Council Offices, Garshake Road, Dumbarton on Thursday, 17 November 2016 at 9.36 a.m.

Present: Councillors Jim Brown, David McBride, John Mooney and Tommy Rainey.

Attending: Vicki Rogers, Strategic Lead – People & Technology; Raymond Lynch, Principal Solicitor and Nuala Quinn-Ross, Committee Officer.

Note: Darren Patterson, Strategic HR Manager was in attendance as an observer.

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”.

PROCEDURE

The Committee agreed to note the Appeals Against Disciplinary Action and Non-Disciplinary Dismissal Procedure that would be followed at this Hearing of Appeal.

APPEAL AGAINST DISMISSAL (REF: APP/16/03)

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 Brian Johnstone of GMB. Mr Phil MacDonald, Integrated Operations 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 Mr MacDonald.

Mr MacDonald presented the case for Management and called IMcC, GMcC and JMCC as witnesses. IMcC, GMcC and JMCC were heard in answer to questions from Mr MacDonald, the Appellant, Mr Johnstone and Members of the Committee.

The Appellant and Mr Johnstone presented the Appellant's case and called JMCC as a witness. JMCC was heard in answer to questions from the Appellant, Mr Johnstone, Mr MacDonald and Members of the Committee.

Mr MacDonald and then the Appellant and Mr Johnstone 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 appeals had been substantiated in part and that the Appellant be reinstated as a Care Support Worker (Nights) at Stage 2 of the Attendance Management Policy and that the Stage 2 Improvement Notice will remain on file for 12 calendar months from the date of reinstatement.

The meeting closed at 4.30 p.m.