

APPEALS COMMITTEE

At a Meeting of the Appeals Committee held via video conference on Thursday, 23 September 2021 at 9.33 a.m.

Present: Councillors Karen Conaghan, Jonathan McColl and Brian Walker.

Attending: Victoria Rogers, Chief Officer – People & Technology; Nigel Ettles, Principal Solicitor; and Lynn Straker and Ashley MacIntyre, Committee Officers.

Apology: An apology for absence was intimated on behalf of Councillor Lawrence O'Neill.

Councillor Karen Conaghan in the Chair

DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest.

EXCLUSION OF PRESS AND PUBLIC

The Committee agreed to approve 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”.

MINUTES OF PREVIOUS MEETINGS

The Minutes of Meetings of the Appeals Committee held on 22 October 2020 and 28 January 2021 were submitted and approved as correct records.

PROCEDURE

The Committee agreed to note the Appeals Committee Hearings – Appeals Process would be followed at this Hearing of Appeal.

APPEAL AGAINST DISMISSAL (REF: APP/21/01)

There were submitted background papers relating to an appeal that had been submitted to the Council in relation to a dismissal.

The Appellant was present and represented by Ms Claire Greer, GMB. Ms Bernadette Smith, Integrated Operations Manager, was in attendance to present the case on behalf of Management. Ms LEEANNE Galasso, People and Change Partner, was in attendance as an Adviser to Ms Smith.

Ms Smith presented the case for Management and thereafter answered questions from Ms Greer and Members of the Committee.

Ms Greer then presented the case for the Appellant. Ms Greer and the Appellant then answered questions from Ms Smith and Members of the Committee.

Ms Smith and then Ms Greer and the Appellant 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 been substantiated and the appeal was upheld with the decision taken to reinstate the Appellant.

The Chair, Councillor Conaghan, advised that the Appellant would be reinstated to the third attendance advisory period which would run for 12 calendar months from the day following the Appellant's last day of absence (i.e. from 8 May 2021).

Councillor Conaghan also advised that due to the dismissal being on capability grounds, the Appellant had received 12 weeks' pay in lieu of notice which required to be recovered. HR would contact the Appellant to confirm how this would be managed.

The meeting closed at 12.56 p.m.