

## **APPEALS COMMITTEE**

At a Meeting of the Appeals Committee held in Committee Room 3, Council Offices, Garshake Road, Dumbarton on Thursday, 27 August 2015 at 9.32 a.m.

**Present:** Councillors Jim Brown, Tommy Rainey and Hazel Sorrell.

**Attending:** Paul McGowan, HR and Workforce Development Manager; Nigel Ettles, Principal Solicitor and Nuala Quinn-Ross, Committee Officer, Legal, Democratic and Regulatory Services.

**Apology:** An apology for absence was submitted on behalf of Councillor Patrick McGlinchy.

### **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 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 MEETINGS**

The Minutes of Meetings of the Committee held on 29 August 2013, 31 October 2013, 28 November 2013, 30 January 2014, 27 February 2014, 20 March 2014, 1 May 2014, 12 June 2014 and 7 August 2014 were submitted and approved as correct records.

#### **APPEAL AGAINST DISMISSAL (REF: APP/15/02)**

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 in attendance and was represented by Brian Johnstone of the GMB. Pauline Stevenson, Integrated Operations Manager, was in attendance to present the case on behalf of Management. Serena Barnatt, HR Business Partner, was in attendance as an Adviser to Ms Stevenson.

Ms Stevenson presented the case for Management and called BS as a witness. BS was questioned by Ms Stevenson, Mr Johnstone and Members of the Committee.

Mr Johnstone presented the case for the Appellant and called MB, EB and KMcl as witnesses. MB, EB and KMcl were questioned by Mr Johnstone, Ms Stevenson and Members of the Committee.

The Appellant was then questioned by Ms Stevenson, Mr Johnstone and Members of the Committee.

Ms Stevenson and then 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 appeal had been substantiated and that the Appeal had been upheld. The Appellant was to be reinstated as a Care Worker with effect from the date of dismissal.

As the Appellant was subject to an Interim Suspension Order imposed by the Scottish Social Services Council (SSSC), she could not return to work in her current post or any other post that required registration with the SSSC. The Appellant was therefore to be found suitable alternative duties within the Council until the Interim Suspension Order was removed or ceased to have effect. If the SSSC made a decision that affected the Appellant's registration, Management would review her situation, applying the relevant Council policies and procedures.

The meeting closed at 2.10 p.m.