

APPEALS COMMITTEE

At a meeting of the Appeals Committee held within Committee Room 2, Council Offices, Garshake Road, Dumbarton on Thursday 27 January 2000 at 11 a.m.

Present: Councillors Anthony Devine (LAB), Duncan McDonald (LAB) and Mary Campbell (LAB).

Attending: Audrey Ritchie, Principal Solicitor, Legal and Administrative Services and Gerry McInerney, Manager of Personnel.

**Apologies for
Absence:** Apologies for absence were intimated on behalf of Councillor John Trainer (LAB) and Councillor Ronald McColl (SNP).

Councillor Anthony Devine 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 DISCIPLINARY ACTION

There were submitted background papers relating to an Appeal which had been submitted to the Council in relation to disciplinary action. There was also submitted a Note of Interim Procedures which it was agreed would be adopted at the Appeal Hearing.

The Appellant was present and was represented by Mr. Greg Sanders of Levy and McRae. The Authority was represented by Owen Mullan, Solicitor.

Mr. Sanders noted that the background papers contained reference to matters extraneous to the Appeal, on the basis of which he raised a preliminary point as to the potential prejudice to the Appellant. Following Mr. Mullan's reply in respect of the preliminary matter, the 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 Hearing would proceed, it being the case that the Committee considered itself able to disregard the extraneous material.

Mr. Mullan called as a witness Jacqueline McDermid, Unit Manager at Willox Park. After giving evidence Ms. McDermid was questioned by Mr. Sanders and Members of the Committee.

Mr. Mullan then called as a witness David Docherty, Principal Officer, Community Care. After giving evidence Mr. Docherty was questioned by Mr. Sanders and Members of the Committee.

The Appellant then gave her evidence, after which she was questioned by Mr. Mullan and then Members of the Committee.

Mr. Mullan and then Mr. Sanders 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 in part, with the Appeal being upheld to the extent that the Appellant be re-engaged as a Senior Social Care Worker as from 27 January 2000, but that the final warning issued on 7 May 1999 would remain on her record.

The meeting closed at 5 p.m.