

Appeals Committee
12 August 2016

IRVINE, 12 August 2016 - At a Meeting of the Appeals Committee of North Ayrshire Council at 10.30 a.m.

Present

Alan Munro, Grace McLean and John Easdale

In Attendance

S. Montgomery, Solicitor (Litigation) (Democratic Services); and R. Lennon, Senior HR Adviser (Finance and Corporate Support).

Also In Attendance

H. McArthur, Senior Manager (Community Care) (Health and Social Care Partnership); T. Drain, Senior HR Advisor (Human Resources and Organisational Development) (Finance and Corporate Support); the appellant and the appellant's representative.

Chair

Councillor Munro in the Chair

1. Declarations of Interest

In terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors, Councillor Munro declared an indirect, non-financial interest in the case, having some years previously employed a relative of the appellant. As the interest was remote and insignificant, and having given parties the opportunity to object to his chairing the meeting, Councillor Munro did not consider that the nature of the interest required him to withdraw from the meeting.

2. Minutes

The accuracy of the Minutes of the meeting of the Committee held on 8 July 2016 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Exclusion of the Public

The Committee resolved in terms of Section 50(A)4 of the Local Government (Scotland) Act 1973, to exclude from the Meeting the press and the public for the following item of business on the grounds indicated in terms of Paragraph 1 of Part 1 of Schedule 7A of the Act.

4. Disciplinary Procedure: Appeal Against Dismissal

Submitted report by the Chief Executive on the background to an appeal against dismissal by a former employee within Health and Social Care.

The Service Representative presented the grounds for dismissal as previously advised to the appellant in writing. The appellant was given the opportunity to respond to the issues raised and to ask questions of the Service Representative. Members of the Committee were also given the opportunity to ask questions.

Thereafter the appellant presented the grounds of the appeal. The Service Representative was given the opportunity to respond to the issues raised and to ask questions of the appellant. Members of the Committee were also given the opportunity to ask questions of the appellant.

After summing up their respective cases, the Service Representative, together with the appellant and her representative, withdrew from the hearing to allow the Committee to deliberate.

The Committee agreed (a) that the grounds of appeal had been substantiated and the appellant should be reinstated; and (b) that the appellant be so advised within 14 days.

The Meeting ended at 2.15 p.m.