

Appeals Committee  
2 November 2012

**IRVINE, 2 November 2012** - At a Meeting of the Appeals Committee of North Ayrshire Council at 11.40 a.m.

**Present**

Alex McLean, Robert Barr, John Easdale, Elizabeth McLardy and Robert Steel.

**In Attendance**

A. Craig, Team Manager, Litigation (Corporate Services); A. Young, Acting Human Resources Team Manager (Human Resources) and A. Little, Committee Services Officer (Chief Executive's Service).

**Also In Attendance**

O. Clayton, Head of Service, Community Care and Housing (Social Services and Health); R. Lightfoot, Human Resources Adviser (Chief Executive's Service) and the Appellant and his representative.

**Chair**

Councillor McLean in the Chair.

**Apologies for Absence**

Ronnie McNicol and David O'Neill

**1. 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.

**2. Declarations of Interest**

There were no declarations of interest by Members in terms of Standing Order 16 and Section 5 of the Councillors Code of Conduct.

**3. Disciplinary Procedure: Appeal Against Dismissal**

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

The Committee was advised that the information in relation to an allegation which was not the reason for dismissal was to be disregarded. The Appellant's representative commented that the Committee cannot unread information already provided.

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 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.

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

### **3.1 Decision to discipline the Appellant**

Following a short recess period, the Committee, after a full discussion and careful consideration of the submission in respect of the decision to discipline the appellant, agreed (a) that the grounds of the appeal had not been substantiated and the appeal should not be upheld; and (b) that the appellant be so advised within 14 days.

### **3.2 The Penalty Imposed**

Councillor Barr, seconded by Councillor McLardy, moved that the grounds of the appeal in respect of the penalty imposed had not been substantiated and accordingly that the appeal should not be upheld.

As an amendment, Councillor Easdale, seconded by Councillor McLean, moved that the grounds of the appeal in respect of the penalty imposed had been substantiated in part and accordingly that the appeal should be upheld, the appellant reinstated, and given a final written warning.

On a division, there voted for the amendment 2 and for the motion 3, and the motion was declared carried.

Accordingly, the Committee agreed (a) that the grounds of the appeal had not been substantiated and the appeal should not be upheld; and (b) that the appellant be so advised within 14 days.

The meeting ended at 1.25 p.m.