

Appeals Committee
8 September 2011

IRVINE, 8 September 2011 - At a Meeting of the Appeals Committee of North Ayrshire Council at 10.00 a.m.

Present

Robert Barr, Ronnie McNicol, Tom Barr, John Ferguson, William Gibson, Ruby Kirkwood, John Moffat and Joan Sturgeon.

In Attendance

D. Green, Chief Legal Officer (Litigation) (Legal and Protective) (Corporate Services); L. Morrison, Team Manager (Human Resources) (Chief Executive's) and M. Armstrong, Head of Logistics and Infrastructure (Education and Skills).

Also In Attendance

The appellant and his representative. Witnesses called by the Service representative.

Chair

Councillor R. Barr in the Chair.

Apologies for Absence

Margaret McDougall and Elizabeth McLardy.

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. Disciplinary Procedure: Appeal Against Dismissal

Submitted report by the Chief Executive on the background to an appeal against dismissal submitted by a former employee within Education and Skills..

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

Thereafter the appellant and his representative 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 and witnesses, together with the appellant and his representative, withdrew from the hearing to allow the Committee to deliberate, returning to hear the Committee's decision.

The Committee, after a full discussion, and careful consideration of the submissions made by both parties unanimously agreed that the appeal (a) had not been substantiated in respect of breaching the appellant's human rights by not allowing legal representation; and (b) had been substantiated in that the penalty imposed had been too severe.

The meeting ended at 2.45 p.m.