

Appeals Committee
20 May 2016

IRVINE, 20 May 2016 - At a Meeting of the Appeals Committee of North Ayrshire Council at 9.45 a.m.

Present

Alan Munro, John Easdale and Grace McLean.

In Attendance

A. Craig, Team Manager (Litigation) and A. Young, HR Operations Manager (Finance and Corporate Support).

Also In Attendance

J. McCaig, Senior Manager (Learning Disabilities) Health and Social Care Partnership; Y. Baulk, Head of Physical Environment (Place); C. Devoy and R. Lightfoot, HR Advisers (Finance and Corporate Support); and Appellant and Union representative (in respect of former employee within Health and Social Care Partnership).

Chair

Councillor Munro in the Chair.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors.

2. Minutes

The accuracy of the Minutes of the meeting of the Committee held on 13 May 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

4.1 Appeal Against Dismissal (Place)

Submitted report by the Chief Executive on the background to an appeal against dismissal by a former employee within Place.

The appellant, having been invited to attend the meeting of the Committee held on 13 May 2016, was not present. The Committee agreed to adjourn the proceedings on 13th May 2016 and to reconvene at a later date to afford the appellant a further opportunity to appear to present his case. It was further agreed on 13th May 2016 that the appellant be advised that failure to attend that meeting would result in the Committee considering the appeal 'in absentia'.

The appellant, having been again invited to attend, was not present and the appeal was considered 'in absentia'.

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

After summing up the case, the Service Representative, withdrew from the hearing to allow the Committee to deliberate.

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

4.1 Appeal Against Dismissal (Health and Social Care Partnership)

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

The Service Representative presented the grounds for dismissal as previously advised to the appellant in writing. The appellant, and her representative, were given the opportunity to respond to the issues raised and to ask questions of the Service Representative.

In terms of Standing Order 5.7, the Chair adjourned the meeting for a short period to consider advice on the procedure. The meeting reconvened with the same Members, officers and parties to the appeal present.

Thereafter, the appellant's representative was afforded the opportunity to continue with further questions. Members of the Committee were also given the opportunity to ask questions.

Thereafter the appellant and her 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 and his representative. At the request of the appellant's representative, the Chair agreed, in terms of Standing Order 5.7, to adjourn the meeting for a short period. The meeting reconvened with the same Members, officers and parties to the appeal present. Thereafter, the Service Representative was afforded the opportunity to continue with further questions. Members of the Committee were also given the opportunity to ask questions of the appellant and his representative.

Thereafter, at the request of the appellant's representative, the Chair agreed, in terms of Standing Order 5.7, to adjourn the meeting for a short period. The meeting reconvened with the same Members, officers and parties to the appeal present.

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 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 2.00 p.m.