

Appeals Committee  
17 May 2013

**IRVINE, 17 May 2013** - At a Meeting of the Appeals Committee of North Ayrshire Council at 10.30 a.m.

**Present**

Robert Barr, John Easdale, Ronnie McNicol and Jim Montgomerie.

**In Attendance**

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

**Also In Attendance**

O. Clayton, Head of Community Care and Housing (Social Services and Health); R. Lightfoot, Human Resources Adviser (Finance and Corporate Support); and the appellant and her representative.

**Chair**

Councillor Barr in the Chair.

**Apologies for Absence**

Elizabeth McLardy, Alex McLean, Irene Oldfather, David O'Neill and Robert Steel.

**1. 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.

**2. Minutes**

The accuracy of the Minutes of the previous meeting of the Committee held on 26 April 2013 was agreed, 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 Transfer to a Lower Graded Post**

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

The Service Representative presented the grounds for demotion 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.

The meeting adjourned for a period of 10 minutes and reconvened with the same Members and officers present.

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 her representative, withdrew from the hearing to allow the Committee to deliberate.

After consideration the Committee unanimously agreed that (a) the grounds of the appeal had been substantiated; (b) the appeal is upheld to the extent that the demotion is withdrawn and the appellant is reinstated from 18 March 2013; (c) the appellant be issued with a final written warning effective from 18 March 2013; (d) the Service put in place appropriate training to assist the appellant in her role within the workplace; and (e) the appellant be so advised within 14 days.

The meeting ended at 2.10 p.m.