

Appeals Committee
20 December 2012

IRVINE, 20 December 2012 - At a Meeting of the Appeals Committee of North Ayrshire Council at 2.00 p.m.

Present

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

In Attendance

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

Also In Attendance

O. Clayton, Head of Service, Community Care and Housing and S. Delury, Office Manager (Social Services and Health) and the Appellant and her representative.

Chair

Councillor McLean in the Chair.

Apologies for Absence

Ruth Maguire, Jim Montgomerie, Irene Oldfather 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. Maximising Attendance 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 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 her representative, withdrew from the hearing to allow the Committee to deliberate.

Councillor Steel, seconded by Councillor McLardy, moved that the grounds of the appeal 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 had been substantiated and accordingly that the appeal should be upheld and the appellant reinstated, unpaid, for a further period of 4 months.

On a division, there voted for the amendment 2 and for the motion 4, 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 4.10 p.m.