

Appeals Committee  
3 October 2007

**IRVINE, 3 October 2007** - At a Meeting of the Appeals Committee of North Ayrshire Council at 12.30 p.m.

**Present**

Robert Barr, Anthony Gurney, John Moffat, Robert Rae and Joan Sturgeon..

**In Attendance**

T. Orr, Corporate Director (Property Services); G. Young, Personnel Manager (Personnel); D. Green, Chief Legal Officer (Litigation), Legal and Protective.

**Also In Attendance**

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

**Chair**

Councillor Robert Barr in the Chair.

**Apologies for Absence**

Tom Barr, Ruby Kirkwood, Ronnie McNicol, David Munn and John Reid.

**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 I 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 Property Services.

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 witnesses 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. 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.

The Committee, after a full discussion, and careful consideration of the submissions made by both parties, agreed that (a) the grounds of the appeal had been substantiated in part and that the appeal should be upheld to the extent that the dismissal be withdrawn and substituted with a final written warning; and (b) the employee undergo training to deal properly with pupils and pupil behaviour.

The meeting ended at 4.30 p.m.