

Appeals Committee  
26 October 2012

**IRVINE, 26 October 2012** - At a Meeting of the Appeals Committee of North Ayrshire Council at 10.30 a.m.

**Present**

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

**In Attendance**

A. Craig, Senior Solicitor (Corporate Services); A. Young, Acting Human Resources Team Manager (Human Resources) and A. Little, Committee Services Officer (Chief Executive's Service).

**Also In Attendance**

M. Harkis, Senior Manager (Social Services and Health); R. Lightfoot, Human Resources Adviser (Chief Executive's Service) and the Appellant.

**Chair**

Councillor McLean in the Chair.

**Apologies for Absence**

Councillors Oldfather, Steel and Sturgeon.

**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. 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 & 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, withdrew from the hearing to allow the Committee to deliberate.

Councillor McLardy, seconded by Councillor McNicol, 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 at Stage 3 of the Maximising Attendance Policy and Procedure.

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 11.35 a.m.