

Appeals Committee  
25 September 2009

**IRVINE, 25 September 2009** - At a Meeting of the Appeals Committee of North Ayrshire Council at 1.30 p.m.

**Present**

Robert Barr, Tom Barr, John Ferguson, Ruby Kirkwood, David Munn, Robert Rae and Joan Sturgeon

**In Attendance**

D. Green, Chief Legal Officer (Litigation) (Legal and Protective); W. Turpie, HR Team Leader and R. Lennon, HR Adviser (Human Resources); M. Harkis, Principal Manager (Older People) (Social Services).

**Also In Attendance**

The appellant.

**Chair**

Councillor R. Barr in the Chair.

**Apologies for Absence**

Ronnie McNicol 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 Social Services.

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.

The Committee, after a full discussion and consideration of the submissions made by both parties, agreed (a) that the grounds of the appeal had been substantiated in part; and (b) that the appeal is upheld to the extent that the dismissal is suspended and the appellant is given a written warning.

The meeting ended at 3.40 p.m.