

Appeals Committee  
26 April 2013

**IRVINE, 26 April 2013** - At a Meeting of the Appeals Committee of North Ayrshire Council at 10.30 a.m.

**Present**

Alex McLean, Robert Barr, John Easdale, Elizabeth McLardy, Irene Oldfather and Robert Steel.

**In Attendance**

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

**Also In Attendance**

M. Docherty, Head of Education (Education and Skills); F. Clark, Human Resources Adviser (Finance and Corporate Support); and the appellant and her representative.

**Chair**

Councillor McLean in the Chair.

**Apologies for Absence**

Ronnie McNicol and Jim Montgomerie.

**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. Minutes**

The accuracy of the Minutes of the previous meeting of the Committee held on 22 March 2013 was agreed and the Minutes were signed in accordance with paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**4. Disciplinary Procedure: Appeal Against Dismissal**

Submitted report by the Chief Executive on the background to an appeal against dismissal by a former employee within Education and Skills.

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 Oldfather, seconded by Councillor Easdale, moved that the grounds of the appeal had been substantiated and accordingly that the appeal should be upheld.

As an amendment, Councillor Steel, seconded by Councillor Barr, moved that the grounds of the appeal had not been substantiated and accordingly that the appeal should not be upheld.

On a division, there voted for the amendment 3 and for the motion 2, Councillor McLean abstaining from voting, and the amendment 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 12.25 p.m.