

Appeals Committee
21 October 2016

IRVINE, 21 October 2016 - At a Meeting of the Appeals Committee of North Ayrshire Council at 10.40 a.m.

Present

Alan Munro, Alex Gallagher and John Easdale.

In Attendance

A. Craig, Solicitor (Team Manager) (Litigation)(Democratic Service); and A. Young, HR Operations Manager (Finance and Corporate Support).

Also In Attendance

H. McArthur, Senior Manager (Community Care) (Health and Social Care Partnership); T. Drain, Senior HR Advisor (Human Resources and Organisational Development) (Finance and Corporate Support); and the appellant.

Chair

Councillor Munro in the Chair.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors.

2. Minutes

The accuracy of the Minutes of the meeting of the Committee held on 26 August 2016 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Exclusion of the Public

The Committee resolved in terms of Section 50A(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.

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 Health and Social Care.

To reflect the Equality Act 2010, the procedure was adjusted to facilitate the participation of the appellant in the proceedings.

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.

In terms of Standing Order 5.7, the Chair adjourned the meeting for a short period. The meeting reconvened with the same Members, officers and parties to the appeal present.

Thereafter the appellant presented the grounds of the 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 of the appellant.

After summing up their respective cases, the Service Representative, together with the appellant and officers, withdrew from the hearing to allow the Committee to deliberate.

The Committee agreed (a) that the grounds of appeal had not been upheld and (b) that the appellant be so advised within 14 days.

The Meeting ended at 1.10 p.m.