

Appeals Committee
10 December 2010

IRVINE, 10 December 2010 - At a Meeting of the Appeals Committee of North Ayrshire Council at 12.30 p.m.

Present

Robert Barr, Ronnie McNicol, Tom Barr, John Ferguson, Ruby Kirkwood, John Moffat and Joan Sturgeon.

In Attendance

M. Armstrong, Head of Resourcing and Infrastructure (Education and Skills); J.M. Macfarlane, Head of Human Resources (Chief Executive's Service); and D. Green, Chief Legal Officer (Litigation) (Corporate Services).

Also In Attendance

The appellant and her representative.

Chair

Councillor R. Barr in the Chair.

Apologies for Absence

William Gibson, Elizabeth McLardy, Margaret McDougall and David Munn.

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. Disciplinary Procedure: Appeal Against Final Written Warning

Submitted report by the Chief Executive on the background to an appeal against a final written warning submitted by an employee within Educational Services.

The Service Representative presented the background to the issuing of the final written warning as previously advised to the appellant in writing. The appellant and her representative were 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 and her representative 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 R. Barr, seconded by Councillor T. Barr, moved that the appeal be rejected. As an amendment, Councillor Ferguson, seconded by Councillor Sturgeon, moved that the grounds of appeal be upheld. On a division there voted for the amendment 2 and for the motion 5, and the motion was declared carried.

Accordingly, the Committee, agreed that the grounds of the appeal had not been substantiated and did not uphold the appeal.

The Meeting ended at 3.00 p.m.