

Appeals Committee
17 February 2022

A Meeting of the Appeals Committee of North Ayrshire Council at 10.30 a.m. involving participation by remote electronic means.

Present

John Easdale, Davina McTiernan and John Glover.

In Attendance

J. Smillie, Senior Manager (HR & OD) (People and ICT) and D. Grier, Solicitor (Litigation) (Democratic Services).

Also In Attendance

C. Hope, Senior Manager (Facilities Management) (Place); M. Jackson, HR Adviser (HR & OD); and the Appellant; Appellant's representative and Appellant's witness.

Chair

Councillor Easdale 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 Cabinet held on 20 January 2022 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 Place.

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 of the appellant.

After summing up their respective cases, the service representative together with the appellant, his representative and witness withdrew from the hearing to allow the Committee to deliberate.

Following deliberation, the Committee agreed, Councillor McTiernan dissenting, that (a) the grounds of appeal had been upheld in part; (b) the appellant should be reinstated with a final written; (c) the appellant attend a Dignity and Equality training course, the cost of which is to be deducted from backdated monies due as a result of reinstatement on the payroll; and (d) the appellant be so advised within 14 days.

The Meeting ended at 3.10 p.m.