

DRAFT

FALKIRK COUNCIL

**Minute of meeting of the Appeals Committee held in the Municipal Buildings,
Falkirk on Friday 14 September 2018 at 9.30 a.m.**

Councillors:

David Alexander
Gary Bouse (Convener)
James Kerr
John McLuckie
Lynn Munro
Pat Reid
Robert Spears

Officers:

Jack Frawley, Committee Services Officer
Kathleen Docherty, Senior Human Resources Adviser
Rose Mary Hoey, Interim Legal Services Manager

A1. Apologies

An apology was intimated on behalf of Councillor Collie.

A2. Declarations of Interest

There were no declarations at this point.

A3. Minutes

Decision

The minutes of meeting of the appeals committee held on 31 October 2017 and 22 February 2018 were approved.

A4. Exclusion of Public

RESOLVED in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the meeting the press and public for the following item of business on the ground that it would involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 7A to the said Act.

A5. Appeal Against Final Written Warning

The Committee considered papers relating to an Appeal against dismissal which included (a) Note of Procedure; (b) Submission from the Head of Social Work Adult Services dated 3 September 2018, and (c) Copies of core documents relating to the Appeal.

The Interim Legal Services Manager and the Senior Human Resources Adviser were in attendance as legal adviser and personnel adviser to the Committee respectively.

The Appellant, Ms B, was present and was accompanied by Mr G Irvine, Unite.

The Head of Social Work Adult Services and Human Resources Team Leader (Operations) (A Reid) were present as representatives of the Council.

As a preliminary matter, the Appellant's representative made a request that a time sheet be received as part of his submission. The Head of Social Work Adult Services intimated that there was no objection to the request. After consideration, the Committee agreed to this request.

The Appellant's representative presented the case. He began his submission by referring to a number of witness statements lodged as Core Documents.

At this point, Councillor McLuckie declared a non-financial interest as a family member had been interviewed as part of the investigation. He stated that he considered that this required him to recuse himself from consideration of the matter. Councillor McLuckie accordingly left the meeting.

The Appellant's representative then continued with his presentation of the case.

The Head of Social Work Adult Services indicated that he had no questions for the Appellant or her representative.

Members of the Committee then asked questions of the Appellant.

The Head of Social Work Adult Services then presented the case on behalf of the Council and led evidence from a witness Ms B.

The Appellant's representative then asked questions of the Head of Social Work Adult Services and Ms B.

Members of the Committee then asked questions of the Head of Social Work Adult Services and Ms B, after which the witness left the meeting.

The Head of Social Work Adult Services summarised the case on behalf of the Council.

The Appellant's representative summarised the Appellant's case.

The parties to the appeal withdrew.

The Committee, having given careful consideration to all of the submissions made, **AGREED** that the decision taken by management to discipline Ms B was justified in all the circumstances and that the decision to issue her with a final written warning together with the additional sanction of disciplinary redeployment was reasonable in all the circumstances. Accordingly the appeal was **REFUSED**.

The parties to the appeal were recalled and the decision intimated to them.