

Draft

FALKIRK COUNCIL

Minute of meeting of the Appeals Committee held in the Municipal Buildings, Falkirk on Tuesday 31 October 2017 at 2.00 p.m.

Councillors:

David Alexander
Gary Bouse (Convener)
John Kerr
John McLuckie (Depute Convener)
Lynn Munro
Pat Reid

Officers:

Tracey Gillespie, Human Resources Manager
Rose Mary Hoey, Interim Legal Services Manager
Antonia Sobieraj, Committee Services Officer

A11. Apologies

Apologies were intimated on behalf of Councillors Collie and Spears.

A12. Declarations of Interest

No declarations were made.

A13. 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.

A14. Appeal Against Final Written Warning with Disciplinary Redeployment

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 16 October 2017, and (c) Copies of core documents relating to the Appeal.

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

As a preliminary matter, the Appellant made a request that the HR and Employment Law Firm, Hilltop Solutions, represent him at this appeal. The Head of Social Work Adult Services intimated there was no objection to the request. After consideration, the Committee agreed to this request.

The Appellant, Mr S, was present and was accompanied by Mr Miller, Hilltop Solutions.

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

The Appellant's representative presented the case.

The Head of Social Work Adult Services then intimated that he had no questions for the Appellant or his representative

Members of the Committee then asked questions of the Appellant and his representative.

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

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

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

The parties to the appeal withdrew when the Committee agreed to a short adjournment at 4.15 p.m. and reconvened at 4.30 p.m. with all members present as per the sederunt at which time the parties with the exception of the witness re-entered the meeting.

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

The Appellant's representative summarised the 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 Mr S was justified in the circumstances and that the decision to issue him 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 Committee did however agree to extend the redeployment period for a further 6 weeks to 12 December 2017.

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