

Draft

FALKIRK COUNCIL

Minute of meeting of the Appeals Committee held in the Municipal Buildings, Falkirk on Friday 26 April 2019 at 9.30 a.m.

Councillors:

David Alexander
Jim Blackwood
Gary Bouse (convener)
Lynn Munro
John Patrick
Pat Reid
Robert Spears

Officers:

Jack Frawley, Committee Services Officer
Tracey Gillespie, Human Resources Manager
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.

A3. Minute

Decision

The minutes of meeting of the Appeals Committee held on 7 February 2019 was 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 Dismissal

The Committee considered papers relating to an Appeal against dismissal which included (a) Note of Procedure; (b) Submission from the Appellant; (c) Submission from the Head of Procurement and Housing Property dated 29 March 2019, and (d) 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.

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

The Head of Procurement and Housing Property and Human Resources Team Leader (Aileen Reid) were present as representatives of the Council.

The Appellant's representative presented the case on behalf of the Appellant.

Members of the Committee then asked questions of the Appellant's representative.

The Head of Procurement and Housing Property presented the case on behalf of the Council.

The Appellant's representative asked questions of the Head of Procurement and Housing Property.

Members of the Committee then asked questions of the Head of Procurement and Housing Property.

The Head of Procurement and Housing Property summarised the case on behalf of the Council.

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

The parties to the appeal withdrew.

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

The Committee, having carefully considered all of the submissions made, **AGREED** that the decision taken by management to discipline Mr B was justified in the circumstances but considered that the decision to dismiss Mr B was excessive.

The Committee, therefore, **AGREED** to uphold the appeal by Mr B, to reinstate him to his post from the date of the dismissal and to substitute a final written warning for the sanction of dismissal.

The Committee also expressed its expectation that the Service would consider appropriate monitoring of lone workers.