

FALKIRK COUNCIL

Minute of meeting of the Appeals Committee held in the Municipal Buildings, Falkirk on Friday 16 August 2019 at 9.30 a.m.

Councillors:

David Alexander
Jim Blackwood
Gary Bouse (convener)
Fiona Collie
Lynn Munro
John Patrick
Robert Spears

Officers:

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

A6. Apologies

An apology was intimated on behalf of Councillor Pat Reid.

A7. Declarations of Interest

There were no declarations.

A8. Minute

Decision

The minute of meeting of the Appeals Committee held on 26 April 2019 was approved.

A9. 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.

A10. 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 Integration, Falkirk Health and Social Care Partnership dated 2 August 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, Ms N, was present and accompanied by Mr Lyn Turner, Unite.

The Head of Integration and HR Business Partner (Eileen Murphy) were present as representatives of the Council.

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

The Head of Integration Services indicated that he had no questions for the Appellant's representative or the Appellant.

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

The Appellant's representative then led evidence from a witness Ms M.

The Head of Integration Services then asked questions of the witness Ms M.

Members of the Committee then asked questions of the witness Ms M.

The Appellant's representative then led evidence from a witness Ms C.

The Head of Integration Services indicated that he had no questions for the witness Ms C.

Members of the Committee then asked questions of the witness Ms C.

The Head of Integration presented the case on behalf of the Council.

The Appellant's representative and the Appellant then asked questions of the Head of Integration.

Members of the Committee then asked questions of the Head of Integration.

The Committee agreed to a short adjournment at 11.25 a.m. and re-convened at 11.37 a.m. with all relevant parties present.

The Head of Integration then led evidence from a witness Mr M.

The Appellant's representative and the Appellant then asked questions of the witness Mr M.

Members of the Committee then asked questions of the witness Mr M.

The Head of Integration then led evidence from a witness Mr C.

The Appellant's representative and the Appellant then asked questions of the witness Mr C.

Members of the Committee then asked questions of the witness Mr C.

The Head of Integration 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 dismiss Ms N from Council Service was reasonable in all the circumstances. Accordingly the appeal was **REFUSED**.

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