

Draft

FALKIRK COUNCIL

Minute of meeting of the Appeals Committee held in the Municipal Buildings, Falkirk on Friday 27 September 2019 at 9.30 a.m.

Councillors:

Jim Blackwood
Gary Bouse (Convener)
Pat Reid

Officers:

Jack Frawley, Committee Services Officer
Tracey Gillespie, Human Resources Manager
Rose Mary Hoey, Interim Legal Services Manager

A16. Apologies

Apologies were intimated on behalf of Councillors Collie, Munro, Patrick and Spears.

A17. Declarations of Interest

There were no declarations.

A18. 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.

A19. Appeal Against Dismissal

The Committee considered papers relating to an Appeal against capability dismissal which included (a) Note of Procedure; (b) Submission from the Appellant; (c) Submission from the Head of Education dated 16 September 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, AMcG, was present and accompanied by Stewart Cook, Unison.

The Head of Education and Team Leader (Operations) were present as representatives of the Council.

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

The Head of Education asked questions of the Appellant's representative.

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

The committee adjourned at 10.30am and reconvened at 10.40am with all members present as per the sederunt.

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

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

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

The Head of Education 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 Mrs McG was justified in the circumstances but considered that the decision to dismiss her was excessive.

The Committee, therefore, **AGREED** to uphold the appeal by Mrs McG, to reinstate her to her post from the date of the dismissal and to substitute a final written warning with a requirement to undertake appropriate training for the sanction of dismissal.

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