

The background of the slide features a large, light blue watermark of the City of Vancouver's coat of arms. The crest is a shield divided into four quadrants. The top-left quadrant shows a city skyline with a diagonal beam of light. The top-right quadrant depicts a stag's head with a cross above its antlers. The bottom-left quadrant shows a three-masted sailing ship on wavy water. The bottom-right quadrant features a grizzly bear standing on a rock. Above the shield is a crown with four maple leaves. A banner at the bottom contains the motto "A NE FOR A".

# **Agenda Item 1**

## **Minute**

Draft

**FALKIRK COUNCIL**

**Minute of meeting of the Appeals Committee held in the Municipal Buildings,  
Falkirk on Thursday 19 September 2019 at 9.30 a.m.**

**Councillors:**

David Alexander  
Gary Bouse (Convener)  
Lynn Munro  
John Patrick  
Pat Reid  
Robert Spears

**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 Blackwood and Collie.

**A12. Declarations of Interest**

There were no declarations.

**A13. Minute**

**Decision**

**The minute of meeting of the Appeals Committee held on 16 August  
2019 was approved.**

**A14. 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.

## **A15. 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 Chief Finance Officer dated 4 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, Ms S, was present and accompanied by Mr Roger Ridley, Unison.

The Chief Finance Officer and HR Team Leader, Operations were present as representatives of the Council.

As a preliminary matter, the Interim Legal Services Manager advised that a copy of the most recent report from Occupational Health to the Appellant's manager had been omitted from the Council's submission. With the Agreement of the parties and the Committee, its late inclusion as part of the Council's submission was permitted.

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

The Chief Finance Officer asked questions of the Appellant's representative.

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

The Chief Finance Officer presented the case on behalf of the Council.

The Appellant's representative then asked questions of the Chief Finance Officer.

Members of the Committee then asked questions of the Chief Finance Officer.

The Chief Finance Officer 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 agreed to a short adjournment at 11.20 a.m. and re-convened at 11.30 a.m. with all members present as per the sederunt.

Councillor Spears thereafter, during consideration of the matter and prior to the decision being taken, left the meeting due to a prior commitment.

The Committee, having given careful consideration to all of the submissions made, the Committee was satisfied that the decision taken by management to dismiss Ms S from Council service was not reasonable, in all the circumstances. The Committee, therefore, **AGREED** to **UPHOLD** the appeal and to reinstate Ms S to the post of Catering Assistant from the date of her dismissal. This would be subject to a further period of monitoring for six months at Stage 2 of the Council's Capability Policy to provide a further opportunity for Ms S to demonstrate a reasonable level of attendance at work.

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