

Draft

FALKIRK COUNCIL

Minute of meeting of the Appeals Committee held in the Municipal Buildings, Falkirk on Thursday 31 October 2019 at 1.30 p.m.

Councillors:

David Alexander
Jim Blackwood
Gary Bouse (convener)
John Patrick
Pat Reid

Officers:

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

A20. Apologies

An apology was intimated on behalf of Councillors Collie and Spears.

A21. Declarations of Interest

No declarations were made.

A22. Minutes

As a preliminary matter, the Interim Legal Services Manager advised that the minute of the meeting of 16 August 2019 had been issued in error, having been approved at an earlier meeting. It had been replaced within the supplementary agenda issued in respect of today's meeting by the minute of the meeting on 19 September 2019.

Decision

The minutes of meetings of the Appeals Committee held on 19 September and 27 September 2019 were approved.

A23. 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.

A24. Appeal Against Dismissal

The Committee considered papers relating to an Appeal against dismissal which included (a) Note of Procedure; (b) Notification of Appeal from the Appellant; (c) Submission from the Head of Integration, Falkirk Health and Social Care Partnership dated 22 October 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 A, was present and accompanied by Mr Raymond Smith, GMB.

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

As a preliminary matter, the Appellant's representative advised he wished to lodge character references on behalf of the Appellant. With the Agreement of the parties and the Committee, their late inclusion as part of the Appellant's submission was permitted.

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

The Head of Integration Services asked questions of the Appellant.

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

The Head of Integration commenced his presentation of the case on behalf of the Council by leading evidence from a witness Ms H.

The Appellant's representative then asked questions of the witness Ms H.

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

The committee adjourned at 2.45 p.m. and reconvened at 2.55 p.m. with all members present as per the sederunt.

The Head of Integration then presented the remainder of his case on behalf of the Council.

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

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

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 discipline Ms A was justified and the decision to dismiss Ms A from Council Service was reasonable in the particular circumstances of the case. Accordingly the appeal was **REFUSED**.

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