

The background of the slide features a large, light blue watermark of the Coat of Arms of the City of Edinburgh. The crest is a shield divided into four quarters. The top-left quarter shows a castle tower. The top-right quarter shows a stag's head with antlers. The bottom-left quarter shows a sailing ship on the water. The bottom-right quarter shows a crowned eagle with spread wings. Above the shield is a crown with four fleurs-de-lis. A ribbon at the bottom of the shield contains the motto 'A NE FOR A'.

Agenda Item 3

Minute

Draft

FALKIRK COUNCIL

Minute of meeting of the Appeals Committee held remotely on Friday 28 May 2021 at 9.30 a.m.

Councillors:

David Alexander
Jim Blackwood
Gary Bouse
Lynn Munro
Pat Reid
Robert Spears

Officers:

Kathleen Docherty, Senior Human Resources Adviser
Jack Frawley, Team Leader - Committee Services
Rose Mary Hoey, Interim Legal Services Manager

A1. Apologies

There were apologies from Councillors Collie and Kerr.

A2. Declarations of Interest

There were no declarations.

A3. Minute

Decision

Subject to a correction in the sederunt to the spelling of Councillor Spears' name, the minute of meeting of the Appeals Committee held on 18 September 2020 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 items of business on the ground that they 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 Appellant; (c) Submission from the Home First Manager dated 14 May 2021; and (d) Copies of core documents relating to the Appeal.

The Interim Legal Services Manager and the Senior Human Resources Adviser were in attendance as legal adviser and personnel adviser to the Committee respectively.

The Appellant, Ms A, was present and accompanied by Ms R, Unison.

The Home First Manager and HR Business Partner were present as representatives of the Council.

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

The Home First Manager had no questions for the Appellant.

Members of the Committee then asked questions of the Appellant.

The Home First Manager presented the case on behalf of the Council.

The Appellant's representative then asked questions of the Home First Manager.

Members of the Committee then asked questions of the Home First Manager.

The Committee agreed to adjourn for a comfort break at 10.25am and reconvened at 10.40am with all members present as per the sederunt.

The Home First Manager 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 adjourn at 10.45am to consider its decision and reconvened at 12noon with all members present as per the sederunt.

The Committee, having given careful consideration to all of the submissions made, **AGREED** that the decision taken by management to dismiss Ms A from Council Service was excessive in the light of the circumstances of the case.

The Committee therefore **AGREED** to uphold the appeal in part to the extent that the sanction of a Final Written Warning was substituted for the sanction of dismissal.

Given the seriousness of the matter, the Committee **AGREED** that the additional disciplinary sanction of redeployment should be imposed to a non-supervisory role.

The Committee requested that management make a referral to Occupational Health to ensure the fitness of Ms A for any redeployed role.

The Committee further requested that management ensured that regular supervision sessions with staff took place.

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