

## APPEALS PANEL

Minutes of meeting held in Committee Room 2, Council Offices, Almada Street, Hamilton at 2.00pm on 2 February 2009

### **Chair:**

Councillor Denis McKenna

### **Councillors Present:**

Jim Handibode, Lesley McDonald, Davie McLachlan, Bert Thomson, Sheena Wardhaugh

### **Attending:**

A Drummond, Personnel Officer; S McLeod, Administration Officer; G Robertson, Personnel Adviser

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### **1 Declaration of Interests**

No interests were declared.

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### **2 Exclusion of Press and Public**

**The Panel decided:** that, in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, the press and public be excluded from the meeting for the next item of business on the grounds that it was likely that there would be disclosure of exempt information in terms of Paragraph 1 of Part I of Schedule 7A of the Act.

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### **3 Social Work Resources - Appeal Against Dismissal**

The Panel considered an appeal (29/08) by an employee of Social Work Resources against his dismissal.

The appellant was present and represented by M Guarino, Guarino and Thomson Solicitors and Notaries. The Council was represented by B Hutchinson, Personnel Services Manager, Social Work Resources.

In terms of the procedures to be followed, M Guarino stated the opinion that it was inappropriate for the Panel to hear the evidence considered at the disciplinary hearing. The Chair advised that all parties required to abide by the procedures of the Appeals Panel and that the meeting would proceed on that basis.

M Guarino then requested that:-

- ♦ additional evidence, contained within the management submission but which had not formed part of the fact finding investigation or the disciplinary hearing, be not considered by the Panel
- ♦ additional late submissions providing testimonials to the character of the appellant be considered

Both sides withdrew and, following discussion, the Panel agreed that:-

- ◆ on the basis of advice provided by the Personnel Adviser, the management submission did not include any new evidence and, therefore, would be considered
- ◆ the additional late submissions would not be considered

Both sides re-entered the meeting and the Chair advised that:-

- ◆ the management submission would be considered in its entirety
- ◆ the additional late submissions would not be considered

The Council called witnesses. All parties were heard in relation to the appeal and then withdrew from the meeting.

**The Panel decided:** that the grounds of the appeal had not been substantiated and the appeal be not upheld.

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#### **4 Urgent Business**

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There were no items of urgent business.