

APPEALS PANEL

Minutes of meeting held in Committee Room 5, Council Offices, Almada Street, Hamilton at 9.00am on 5 March 2009

Chair:

Councillor Denis McKenna

Councillors Present:

Eileen Baxendale, Lesley McDonald, John Murray, Richard Tullett, Sheena Wardhaugh

Attending:

Corporate Resources

S McLeod, Administration Officer; G Robertson, Personnel Adviser

1 Declaration of Interests

No interests were declared.

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.

3 Social Work Resources - Appeal Against Dismissal

The Panel considered an appeal (31/08) by an employee of Social Work Resources against his dismissal.

The appellant was present and represented by A Duncan, General Municipal Boiler Makers and Allied Trade Unions (GMB). The Council was represented by B Hutchinson, Personnel Services Manager, Social Work Resources.

The Chair advised that the appellant's note of the fact finding meeting held on 21 October 2008 had not been included in the papers but that the submission highlighting the differences between this and the note prepared by the Resource had been included.

A Duncan referred to the fact that the appellant had not seen the note of the fact finding meeting until after his dismissal and that the inclusion of the appellant's note would have expanded on the information contained in the submission highlighting the differences between the 2 notes. It had been the appellant's intention to submit his note of the fact finding meeting. A Duncan also advised that he had asked for the person who had compiled the note to be called as a witness and requested that his concerns be recorded in view of the fact that he had been instructed that this would not be appropriate.

The Chair highlighted that an item of correspondence had been omitted from the management submission in error and intimated that it would be considered by the Panel on the basis that it had been included in the documentation considered at the disciplinary hearing. A Duncan advised that the appellant objected to the item being considered.

Both sides withdrew and, following discussion, the Panel agreed that the item be considered.

The Panel proceeded to hear the appeal. Both sides 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.

4 Urgent Business

There were no items of urgent business.