

## APPEALS PANEL

Minutes of meeting held in Committee Room 5, Council Offices, Almada Street, Hamilton on 17 September 2010

**Chair:**

Councillor Hugh Dunsmuir

**Attending:**

Alex Allison, Lesley McDonald, Jim McGuigan, Alex McInnes, Davie McLachlan

**Attending:**

**Corporate Resources**

S Brown, Personnel Adviser; S McLeod, Administration Officer

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### 1 Declaration of Interests

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No interests were declared.

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### 2 Exclusion of Press and Public

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**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 Appeal Against Dismissal

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The Panel considered an appeal (Ref 10/10) by a former employee against his dismissal.

The appellant was present and represented by J McLaren, Union of Construction, Allied Trades and Technicians. The Council was represented by the Personnel Manager of the appellant's former Resource.

J McLaren requested that 2 late submissions be considered. The Personnel Manager outlined her objections to the late submissions being considered.

Both sides withdrew. Following discussion, Councillor McGuigan, seconded by Councillor McDonald, moved that the late submissions be accepted. Councillor McInnes, seconded by Councillor Dunsmuir, moved as an amendment that the submissions be not accepted. On a vote being taken by a show of hands, 3 members voted for the motion and 3 for the amendment. On the casting vote of the Chair, the amendment was declared carried. Both sides re-entered the meeting and were advised of the position.

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

Councillor McGuigan, seconded by Councillor McDonald, moved that the grounds of the appeal had been substantiated in part to the extent that the dismissal be substituted with a final written warning. Councillor McInnes, seconded by Councillor Dunsmuir, moved as an amendment that the appeal be not upheld. On a vote being taken by a show of hands, 2 members voted for the amendment and 4 for the motion which was declared carried.

Following further discussion, it was proposed that the period from dismissal until reinstatement be a period of unpaid absence.

**The Panel decided:**

that the grounds of the appeal had been substantiated in part and the appeal be upheld to the extent that:-

- ◆ the dismissal be substituted by a period of unpaid absence from the date of dismissal until reinstatement on 20 September 2010
- ◆ the appellant be issued with a final written warning

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#### **4 Urgent Business**

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There were no items of urgent business.