

APPEALS PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 18th November 2015 at 10.00 a.m.

Present: Councillors Ian Cavana (Chair), Brian Connolly, Ann Galbraith and Sandra Goldie.

Apologies: Councillors John Allan and John Hampton.

Attending: S. O'Neill, Solicitor; J. Dunne, HR Manager (HR Policy and Operations); and J. McClure, Committee Services Officer.

1. Exclusion of Press and Public.

The Panel resolved, in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973, that the press and public be excluded for the following item of business on the agenda, on the grounds that it involved the likely disclosure of exempt information in terms of paragraph 1 of Part 1 of Schedule 7(A) of the Act.

2. Declarations of Interest.

There were no declarations of interest by Members of the Panel in terms of Standing Order No. 17 and the Councillors' Code of Conduct.

3. Minutes of previous meeting.

The minutes of 10th June 2015 (issued) were submitted and approved.

4. Appeal Against Dismissal.

The appellant, an employee of the Educational Services Directorate, was in attendance and represented by A. Scott, EIS. D. Hutchison, Director of Educational Services, represented the Council.

The Panel heard both parties fully on the case including witnesses called by both sides and, after questions, both parties withdrew.

Having heard and considered carefully all the documents and evidence presented, the Panel

Decided:

- (a) that points (2) and (3) of the grounds for appeal regarding the Disciplinary Officer's impartiality and the refusal to appoint a new Disciplinary Officer were not upheld;
- (b) that point (4) regarding the failure to investigate allegation 2 was upheld;
- (c) that point (5) regarding the outcome of allegation 2 being pre-determined was not upheld;
- (d) that point (1) regarding the severity of the decision to dismiss was upheld;
- (e) that the punitive action be replaced with a Final Written Warning to stand on the appellant's record for one year i.e. until 17th November 2016; and
- (f) finally, that the appellant's reinstatement be effective from the date of the Appeal Hearing, i.e. 18th November 2015.

Thereafter, both parties were re-admitted to the meeting and advised of the Panel's decision.

The meeting ended at 3.30 p.m.