

APPEALS PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 28th February 2017 at 1.00 p.m.

Present: Councillors Ian Cavana (Chair), John Allan, Brian Connolly and Ann Galbraith.

Apologies: Councillors Sandra Goldie and John Hampton.

Attending: C. McMenamin, Co-ordinator (Legal Services); J. Dunne, HR Manager (HR Policy and Operations); and L. Sands, 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. Appeal Against Dismissal.

The appellant, an employee of the Health and Social Care Directorate, was in attendance and represented by A. MacFarlane, Unite the Union. L. Roy, Manager – Community Care, represented the Council.

The Panel heard both parties fully on the case including a witness called by the employee side and, after questions, both parties withdrew.

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

Decided: unanimously, that the grounds for the appeal had not been substantiated and, therefore, the appeal was not upheld. However, and in addition, the Appeals Panel offered the Appellant the opportunity to attend another Occupational Health Medical with the proviso that should the medical assessment conclude that the Appellant was now fit to undertake the duties of the post of Home Carer the Council would re-employ the Appellant to a post of Home Carer.

As this was a voluntary arrangement the Appellant agreed to contact HR if she wished to accept the offer.

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

The meeting ended at 3.05 p.m.