

MINUTE of MEETING of the EMPLOYEE APPEALS COMMITTEE (PRIVATE) of WEST LoTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LoTHIAN CIVIC CENTRE, on 6 FEBRUARY 2015.

Present - Councillors John McGinty (Chair), Frank Anderson, Tony Boyle, John Muir, Cathy Muldoon, George Paul

Apologies – Councillor Harry Cartmill

1. DECLARATIONS OF INTEREST

Councillor Frank Anderson declared a non-financial interest as he was an ordinary member of PCS union.

Councillor Tony Boyle declared a non-financial interest as he was a member of Unite Union.

2. PRIVATE SESSION

The committee resolved in terms of Paragraph 1 of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973, that the remaining items of business be taken in private.

3. CONSIDERATION OF APPEAL

The committee was invited to consider an appeal by an employee of Housing, Construction and Building Services under the Disciplinary Code and Disciplinary Procedure against punitive action short of dismissal.

The management was represented by Alistair Shaw (Head of Housing, Construction and Building Services) and Gillian Cairney, (Senior HR Adviser). Sarah Kelly (Investigating Officer), Grant Taylor (Building Services Manager, Richard Green (Contracts Manager), and Laura Waddell (Senior Depot Administrator) appeared as witnesses.

The appellant was present and was accompanied by Martin Murray, (Unison). The appellant did not call any witnesses.

The committee heard the management and their witnesses speak in turn in relation to the report.

The appellant and her representative were given the opportunity to question the management and their witnesses in turn.

The committee then had an opportunity to question the management and their witnesses.

The committee heard the appellant and her representative speak in relation to the appeal.

The management was given an opportunity to question the appellant and

her representative.

The committee then had an opportunity to question the appellant and her representative.

Finally, each side summed up their case.

All parties then left the room to allow the committee to consider its decision in private.

After reaching its decision, the parties returned to hear the decision from the Chair.

#### Decision

1. The committee agreed that the grounds of the appeal had not been substantiated and therefore the appeal was not upheld.
2. The committee therefore agreed that the disciplinary action taken would stand.