

MINUTE of MEETING of the EMPLOYEE APPEALS COMMITTEE (PRIVATE) held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 27 SEPTEMBER 2019.

Present – Councillors George Paul, Dave King, Andrew McGuire, Dom McGuire and Damian Timson

Apologies – Councillors Angela Doran and Peter Heggie

1. DECLARATIONS OF INTEREST

Councillor Andrew McGuire declared an interest as a member of Unison.

2. MINUTE

The committee confirmed the minute of its meeting held on 31 May 2019. The minute was thereafter signed by the Chair.

3. 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.

4. CONSIDERATION OF APPEAL

Introductions were made by all parties and the Chair explained the procedure that would be followed.

The committee was invited to consider an appeal by a former employee under the Procedure for Consideration of Appeals against Disciplinary Action.

The management was represented by Ann Marie Carr, Head of Housing Customer and Building Services, who was accompanied by Claire Wallace, Senior HR Adviser. The management called three witnesses.

The appellant was present and represented by his union representative, Mr Martin Murray (UNISON). The appellant called one witness.

Parties agreed that witnesses would be excluded from the proceedings until called.

The committee heard the management speak in relation to the appeal.

The appellant and his representative were then given the opportunity to question the management.

The committee had an opportunity to question the management.

The management called their witnesses in turn.

The appellant and his representative had the opportunity to question the management's witnesses in turn.

The committee then had an opportunity to question the management's witnesses in turn.

The management was given an opportunity to re-examine their witnesses in turn after they had answered questions from the appellant, his representative and committee.

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

The management was given the opportunity to question the appellant and his representative.

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

The appellant and his representative called their witness in.

The management had the opportunity to question the appellant's witness.

The committee then had an opportunity to question the appellant's witnesses.

The appellant and his representative were given an opportunity to re-examine their witness after they had answered questions from the management and the committee.

Finally, each side summed up the merits of the case.

All parties then left the room to allow the committee to deliberate in private.

After reaching its decision, all parties returned to hear the decision of the committee.

Decision

The committee found that the grounds for the appeal had not been substantiated, and therefore the appeal was not upheld. Accordingly, the dismissal in terms of the council's Disciplinary Procedure would stand and be regarded as confirmed.