

MINUTE of MEETING of the EMPLOYEE APPEALS COMMITTEE (PRIVATE) held within CONFERENCE ROOM 3, WEST LOTHIAN CIVIC CENTRE, on 16 MARCH 2020.

Present – Councillors George Paul, Tom Conn and Peter Heggie

Apologies – Councillors Chris Horne and Andrew McGuire

1        DECLARATIONS OF INTEREST

There were no declarations of interest made.

2        MINUTE

The committee confirmed the minute of its meeting held on 27 September 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 an employee under the Procedure for Consideration of Appeals against Disciplinary Action.

The management was represented by Jamie Fisher, Facilities Management and Support Services Manager, who was accompanied by Alison Egan, Senior HR Adviser. The management called two witnesses.

The appellant was present and represented by his union representative, Mr Tom Carr-Pollock (GMB). The appellant did not call any witnesses.

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 were given an opportunity to re-examine anything raised in questioning.

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 of the appeal had been substantiated in part and the appeal be upheld to the extent that upon return to work from sick leave the appellant be re-employed to a 36-hour cleaner post or such other post as may be available at the current, demoted grade.