

MINUTE of MEETING of the EMPLOYEE APPEALS COMMITTEE (PRIVATE) held within WEBEX VIRTUAL MEETING ROOM, on 29 JANUARY 2021.

Present – Councillors Tom Conn (Chair), Angela Doran-Timson, Damian Doran-Timson and Dom McGuire

Apologies – Councillor Chris Horne

Councillor Damian Doran-Timson left the meeting during consideration of the appeal and did not take part in the decision.

1 DECLARATIONS OF INTEREST

There were no declarations of interest made.

2 MINUTE

The committee confirmed the minute of its meeting held on 18 December 2020. 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 in terms of the Policy and Procedure for Supporting Attendance at Work.

The management was represented by Jim Jack, Head of Operational Services, who was accompanied by Alison Egan, HR Business Partner. The management called two witnesses.

The appellant was present and was represented by his trade union representative. 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 was 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.

The committee then had the opportunity to question the appellant.

The appellant and his representative were given an opportunity to re-examine anything that had been raised during questioning.

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

All parties then exited the meeting 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 agreed policies and procedures had been applied appropriately and whilst acknowledging the difficulties faced with Covid, a reasonable decision to dismiss had been made. Therefore, the committee found that the grounds for the appeal had not been substantiated and the appeal was not upheld.