

MINUTE of MEETING of the EMPLOYEE APPEALS COMMITTEE (PRIVATE) held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 8 MAY 2019.

Present – Councillors George Paul (Chair), Tom Conn, Chris Horne, Andrew McGuire and Damian Timson

Apologies – Councillors Peter Heggie and Dom McGuire

1. DECLARATIONS OF INTEREST

There were no declarations of interest made.

2. MINUTES

- a) The Committee confirmed the Minute of its meeting held on 1 March 2019 as a correct record. The Minute was thereafter signed by the Chair.
- b) The Committee confirmed the Minute of its meeting held on 11 March 2019 as a correct record. 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 Sickness Absence Management Policy and Procedure and the Supporting Attendance at Work Policy and Procedure.

The management was represented by Jim Jack, Head of Operational Services, who was accompanied by Vera Bole, 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 the appellant, his representative and committee questions.

The Committee heard the appellant's representative speak on behalf of the appellant 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.

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

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 the appeal was therefore not upheld.