

MINUTE of MEETING of the EMPLOYEE APPEALS COMMITTEE (PRIVATE) held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 31 MAY 2019.

Present – Councillors George Paul (Chair), Angela Doran, Chris Horne, Andrew McGuire and Dom McGuire

Apologies – Councillors Peter Heggie and Damian Timson

1. DECLARATIONS OF INTEREST

Councillor Chris Horne declared an interest in agenda item 7 and confirmed he would leave the meeting during consideration of this item of business, not taking part in the deliberation or decision.

2. MINUTE

The committee confirmed the minute of its meeting held on 8 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 Jim Jack, Head of Operational Services, who was accompanied by Gillian Cairney, HR Business Partner. The management called five witnesses.

The appellant was present and represented by her union representative, Mr Keir Greenaway (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 her 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 her 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, her representative and committee.

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

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

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

The appellant and her 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 for the appeal had been substantiated in part and the appeal was upheld to the extent that the disciplinary action against the appellant was reduced. The appellant was to be re-engaged in another post at the council and a less serious form of disciplinary action was to be applied.