

MINUTE of MEETING of the EMPLOYEE APPEALS COMMITTEE (PRIVATE) held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, LIVINGSTON, on 31 MARCH 2023.

Present – Councillors George Paul (Chair), Tom Conn, Tony Boyle (substituting for Councillor Maria MacAulay), Anne McMillan and Moira McKee Shemilt

Apologies – Councillor Maria MacAulay

1 DECLARATIONS OF INTEREST

There were no declarations of interest made.

2 MINUTES

The committee approved the minute of its meeting held on 24 February 2023. The Chair thereafter signed the minute.

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 Julie Whitelaw, Head of Housing and Customer Services, who was accompanied by Mark Grierson, Senior HR Business Adviser. The management called one witness.

The appellant was present and was accompanied by a companion. The appellant did not call any witnesses.

Parties agreed that witnesses would be included in the proceedings.

The committee heard the management speak in relation to the appeal and question their witness.

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

The committee then had an opportunity to question the management and their witness.

The management were given an opportunity to re-examine anything that had been raised during questioning.

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.

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

Per paragraph 6.10 of the Procedure for Consideration of Appeals Against Disciplinary Action, the committee did not allow new evidence to be introduced by the appellant at the summing up stage.

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 grounds for the appeal had not been substantiated and therefore the appeal was not upheld.