

STIRLING COUNCIL

MINUTES of MEETING of the APPEALS PANEL held in the BRUCE ROOM, OLD VIEWFORTH, STIRLING on TUESDAY 16 SEPTEMBER 2014 at 9.30am

Present:-

Councillor Christine Simpson (in the Chair)
Councillor Scott Farmer
Councillor John Hendry
Councillor Graham Houston

Also In Attendance:-

Peter Dow, Solicitor, Governance & Resources, Acting Clerk and Legal Adviser to the Panel

Kristine Johnson, Chief HR Officer, Assets & Support, HR Adviser to the Panel

The Panel resolved that under Section 50A(4) of the Local Government (Scotland) Act 1973 the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of the Schedule 7A of the Local Government (Scotland) Act 1973.

AP7 APPEAL AGAINST DISMISSAL

The Appellant, a former employee of Waste Services, had submitted an appeal against the decision of the Chair of a Disciplinary Hearing to dismiss him from his post.

The Appellant was accompanied by his Trade Union representative, Lesley Russell of Unison.

Les Goodfellow, Head of Environment Services (Chair of the Disciplinary Hearing), Pamela Forsyth, HR Manager, Assets & Support (HR Adviser to the Disciplinary Panel) and Ruth McColgan, Solicitor, Governance & Resources (Legal Adviser) were in attendance on behalf of Management.

The Chair explained the procedure that would be followed at the meeting.

The Appellant and his representative presented the Appellant's case with two witnesses.

The Management side and Members of the Appeals Panel, supported by their Advisers, were given the opportunity to ask questions of the Appellant's representative, the Appellant and the Appellant's witnesses.

The Head of Environment Services presented the Management's case without witnesses.

The Appellant's representative, the Appellant and Members of the Appeals Panel, supported by their Advisers, were given the opportunity to ask questions of Management.

Both parties then summed up their respective cases before they withdrew from the meeting to allow the Panel to consider the evidence put before it.

After the Panel had deliberated, the Appellant, his representative and the Management side rejoined the meeting to hear the decision.

Decision

The Appeals Panel having considered all of the relevant material facts and circumstances agreed that the appeal is not upheld and that the behaviour of the Appellant amounted to gross misconduct.

The Appeals Panel was satisfied that allegations 1 and 2 were established. In respect of allegation 3 the Appeals Panel was satisfied that the Appellant was aware that the two operatives left early and the Appellant failed in his responsibilities to correct the overtime sheets submitted on their behalf.

In all the circumstances it was the unanimous view of the Panel that the Appellant's behaviour amounted to gross misconduct and that dismissal was the appropriate sanction.

It was noted that the decision of the Appeals Panel would also be confirmed in writing to the Appellant.

(Reference – Procedure at Appeals Hearings and Written Submissions, previously circulated)

The Chair declared the meeting closed at 12.55pm.