

STIRLING COUNCIL

MINUTES of MEETING of the APPEALS PANEL held in the WALLACE ROOM, OLD VIEWFORTH, STIRLING on MONDAY 1 DECEMBER 2014 at 2.00 pm.

Present:-

Councillor Christine SIMPSON (in the Chair)

Councillor Scott FARMER
Councillor John HENDRY

Councillor Graham HOUSTON

Also In Attendance:-

Peter Farquhar, Principal Solicitor, Governance & Resources, Legal Adviser to the Panel

Linda Snow, Senior HR Adviser, Assets & Support, HR Adviser to the Panel

Michelle MacDonald, Committee Officer, Governance & Resources (Clerk)

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.

AP12 APPEAL AGAINST DISMISSAL

The Appellant, a former employee of Environment, 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, Sandy Smart of Unite.

As Les Goodfellow (Chair of the Disciplinary Hearing) was no longer an employee of the Council, John Risk, Head of Assets & Support represented Management along with Pamela Forsyth, HR Manager, Assets & Support (HR Adviser to the Disciplinary Panel) and Ruth McColgan, Solicitor, Governance & Resources (Solicitor to the Disciplinary Panel).

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

The Appellant and his representative presented the Appellant's case with three 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 Assets & Support presented the Management's case with three 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 and the Management witnesses.

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, the Appellant's representative and the Management side rejoined the meeting to hear the decision.

Decision

The Appeals Panel considered all of the relevant material facts and circumstances and decided that the appeal was not upheld as the Appellant's behaviour amounted to gross misconduct.

The Appeals Panel were satisfied that all allegations were established.

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 4.20 pm.