

# STIRLING COUNCIL

**MINUTES of MEETING of the APPEALS PANEL held in the DRUMMOND ROOM, VIEWFORTH, STIRLING on FRIDAY 1 FEBRUARY 2019 at 1.00 pm.**

**Present:-**

Councillor Scott Farmer (in the Chair)

Councillor Alistair BERRILL

Councillor Jim THOMSON

**Also In Attendance:-**

Pamela Forsyth, HR Business Partner Team Leader  
Kristine Johnson, Chief Officer – HR (HR Adviser to the Panel)  
Kevin Kelman, Chief Education Officer  
Carla Roth, Solicitor (Legal Adviser to the Panel)  
David McDougall, Governance Officer (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 Schedule 7A of the Local Government (Scotland) Act 1973.**

**AP5 APPEAL AGAINST DISMISSAL**

The Appellant, a former employee of Stirling Council, had submitted an appeal against the decision of the Chair of a Disciplinary Hearing to dismiss her from her post.

The Appellant was accompanied by her Trade Union representative, Leah Francetti of EIS..

Kevin Kelman, Chief Education Officer (Chair of the Disciplinary Hearing) represented Management along with Pamela Forsyth, HR Business Partner Team Leader (HR Adviser to the Disciplinary Panel).

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

The Appellant presented her case.

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

The Chief Education Officer presented the Management case.

The Appellant, her representative 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, 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 agreed the following:-

- the appeal against Allegations 1 to 3 was not upheld as the Panel was satisfied from the evidence provided that on the balance of probabilities these allegations had been proven.
- the appeal against Allegation 4 was upheld and the Panel agreed to dismiss this allegation due to the lack of any specific details as to the exact nature and circumstances of the allegation.

The Appeals Panel was satisfied that Allegations 1 to 3 did amount to gross misconduct and it was therefore the unanimous view of the Panel that dismissal was the appropriate sanction.

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

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

The Chair declared the meeting closed at 3.40pm