

## STIRLING COUNCIL

**MINUTES of MEETING of the APPEALS PANEL held by Virtual Meeting on MICROSOFT TEAMS, on TUESDAY 3 NOVEMBER 2020 at 10.30 am.**

**Present:-**

Councillor Scott FARMER (in the Chair)

Councillor Alison LAURIE

Councillor Jim THOMSON

**Also In Attendance:-**

Lydia Brown, Assistant HR Business Partner  
Jennifer Burns, Solicitor  
Pamela Forsyth, HR Advice & Policy Manager  
Kristine Johnson, Chief Officer HR (HR Adviser to the Panel)  
Julia Mountford, Solicitor (Legal Adviser to the Panel)  
Bruce Reekie, Senior Manager – Environment & Place  
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.**

### **AP10 APPEAL AGAINST DISMISSAL**

The Appellant, a former employee of Stirling Council, had submitted an appeal against the decision to dismiss them from their post.

The Appellant was accompanied by their Trade Union representative.

Bruce Reekie, Senior Manager – Environment & Place, represented management along with Pamela Forsyth, HR Advice & Policy Manager and Jennifer Burns, Solicitor.

The Chair welcomed all in attendance to the meeting, initiated brief introductions and explained the procedure that would be followed.

The Appellant and their Trade Union representative presented their case and called one witness to answer questions.

The management side and Members of the Appeals Panel, supported by their advisers, were given the opportunity to ask questions of the Appellant, their representative and the witness.

The Senior Manager – Environment & Place presented the management case.

The Appellant and their 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 at 11:45 am to allow the Panel to consider the evidence put before it.

All parties were advised that the Clerk to the Panel would initially contact them by telephone to confirm the Panel's decision later that day. The decision of the Panel would also be confirmed in writing to all relevant parties.

## **Decision**

Having considered all of the evidence, it was the decision of the Panel, taking into account the grounds of appeal put forward by the Appellant, that:-

- Allegation 1 - the Panel upheld this point of the appeal;
- Allegation 2 - the Panel partially upheld this point of the appeal;
- Allegation 3 - the Panel did not uphold this point of the appeal.

The Appeal Panel found that the allegations against the Appellant, were upheld in part in relation to Allegation 2, and fully in relation to Allegation 3. The Panel were of the view that the upheld allegations amounted to gross misconduct. The Panel felt that the decision to dismiss was too harsh a sanction in the circumstances, taking into account the mitigation put forward by the Appellant, and instead that a Final Written Warning should be issued, which would stay on file for a 12 month period.

The decision of the Appeal Panel was to reinstate the Appellant to employment with immediate effect, backdated to the original date of dismissal.

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

The Chair declared the meeting closed at 12.05 pm