

## STIRLING COUNCIL

**MINUTES of MEETING of the APPEALS PANEL held by Virtual Meeting on MICROSOFT TEAMS, on THURSDAY 29 JULY 2021 at 1.15 pm.**

**Present:-**

Councillor Scott FARMER (in the Chair)

Councillor Danny GIBSON

Councillor Alison LAURIE

**Also In Attendance:-**

Audrey Crawford, Senior HR Business Partner (HR Adviser to the Panel)  
Pamela Forsyth, HR Business Partnering Manager  
Nicola Macara, Solicitor (Legal Adviser to the Panel)  
Bryony Monaghan, Head of Education (Interim)  
Carla Roth, Solicitor  
Karen Swan, Committee 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.**

### **AP11 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.

Bryony Monaghan, Head of Education (Interim), represented management along with Pamela Forsyth, HR Business Partnering Manager and Carla Roth, Solicitor.

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

The Appellant and their Trade Union representative presented their 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 their representative.

The Head of Education (Interim) 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 2.20 pm to allow the Panel to consider the evidence put before it.

The Panel reconvened at 2.55 pm with the all Panel Members, Appellant, their Trade Union representative, Management and their Advisers to hear the decision of the Panel.

### **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:-

1. Allegations 1 & 3 – as this was an Appeal against Dismissal, it was not within scope for the Panel to review these sanctions.
2. Allegations 2 & 4 - were upheld and that the sanctions of dismissal was deemed not to be proportionate and should be reduced from Dismissal to Final Warning for each Allegation.

The Appeal Panel found that the allegations against the Appellant, were upheld in relation to Allegations 2 & 4 and noted that Allegations 1 & 3 were not within the scope of the Panel to review the allegations.

The Panel felt that the decision to dismiss (Allegations 2 & 4) were too harsh a sanction, taking into account mitigation put forward by the Appellant, and instead that a Final Warning should be issued, which would stay on file for a 12 month period for each allegation.

Following the decision of the Panel, Management would discuss with the Appellant the process of future working arrangements.

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

The Chair declared the meeting closed at 15.00 pm