

Meeting	Corporate Appeals Panel
Date	16 October 2015
Present	Councillors Galvin, Gillies and Reid

11. Election of Chair

Resolved: That Councillor Galvin be elected to chair the meeting.

12. Exclusion of Press and Public

Resolved: That the press and public be excluded from the meeting during consideration of agenda item 5 (Appeal against Dismissal) on the grounds that it contains information relating to an individual and information which is likely to reveal the identity of an individual. This information is classified as exempt under paragraphs 1 and 2 of Schedule 12A to Section 100A of the Local Government Act 1972, as revised by the Local Government (Access to Information) (Variation) Order 2006.

13. Declarations of Interest

Members were invited to declare at this point in the meeting any personal interests not included on the Register of Interests, any prejudicial interests or disclosable pecuniary interests which they may have in respect of the business on the agenda. None were declared.

14. Minutes

Resolved: That the minutes of the meeting held on 7 August 2015 be approved and signed by the chair as a correct record.

15. Appeal Against Dismissal

The Panel considered an appeal against dismissal under the Council's Disciplinary Procedure.

The hearing was attended by the Head of Facilities Management , who presented the management case and an Employee Relations Advisor advising management. The appellant was in attendance at the hearing but chose to attend the hearing unaccompanied. An HR Business Partner was also in attendance to provide HR advice to the Panel.

The Panel considered all the evidence provided in the agenda papers and verbally at the hearing by both parties, including two additional witness statements provided by the appellant at the hearing which were accepted as additional evidence. The Panel also took into account evidence provided at the hearing by one witness who was called in support of management's case.

Having considered all the available information, the Panel concluded that allegation 1 was not proven but that allegation 2 was proven. The Panel noted that, on its own, allegation 2 constituted gross misconduct and that in the absence of reasonable mitigation the normal penalty was summary dismissal.

Resolved: That the appeal not be upheld.

Reason: The Panel felt that the decision taken by management to dismiss the appellant was fair and reasonable in all the circumstances of the case and in accordance with the Council's Disciplinary Procedure.

Councillor Galvin, Chair

[The meeting started at 10.00 am and finished at 12.05 pm].