

**MINUTE OF MEETING OF THE PERSONNEL APPEALS AND APPLIED CONDITIONS OF SERVICE
APPEALS PANEL HELD ON 5TH FEBRUARY, 2015**

PRESENT

Councillors B Brown, Lawson, Noon and Mullin

Councillor Mullin, Convener, presided.

IN ATTENDANCE

L Mullin, Principal Human Resource and Organisational Development Officer, and A McNaughton, Senior Committee Services Officer (both Finance & Resources).

1. DECLARATIONS OF INTEREST

There were no declarations of interest intimated prior to the commencement of the meeting.

EXCLUSION OF PRESS AND PUBLIC

The Appeals Panel resolved that the press and public be excluded from the meeting during consideration of the following item of business as it was likely, in view of the nature of the business to be transacted, that if members of the press and public were present, there would be disclosure to them of exempt information as defined in paragraph 1 of Part I of Schedule 7A of the Local Government (Scotland) Act 1973.

2. CHILDREN'S SERVICE: APPEAL AGAINST TERMINATION ON THE GROUNDS OF CAPACITY

Consideration was given to an appeal against dismissal submitted by a former Social Work employee.

The appellant appeared, together with J Boylan, UNISON, in relation to her appeal.

J Trainer, Achieving Step Change Manager (Social Work) and M MacLean, Personnel Officer (Finance & Resources) represented management.

Both parties presented their cases to the panel. J Gartshore, Principal Officer (Child Care) (Social Work) appeared as a witness for management.

ADJOURNMENT

The meeting adjourned at 11.50 a.m. and reconvened at 12.10 pm.

Both sides summed up their position and, having been advised that they would be informed of the decision in writing, withdrew to allow the Panel to consider the matter and reach a decision.

Both parties were then recalled and advised by the Convener that the Appeals Panel had agreed that the grounds of the appeal had been substantiated in part and the appeal was upheld to the extent that the decision to dismiss was excessive; the employee to be reinstated with effect from the date of dismissal and receive a final written warning.

DECIDED: That the grounds of the appeal had been substantiated in part and the appeal was upheld to the extent that the decision to dismiss was excessive; the employee to be reinstated with effect from the date of dismissal and receive a final written warning.