

**THE HIGHLAND COUNCIL
FINANCE, HOUSING AND RESOURCES COMMITTEE'S APPEALS COMMITTEE**

Minute of Meeting of the Finance,
Housing and Resources Committee's
Appeals Committee held in Council
Headquarters, Inverness on
Thursday, 11 April, 2013 at 9.30 a.m

PRESENT:

Dr D Alston	Mr D Mackay
Miss J Campbell (part of meeting only)	Mr H Morrison
Mr N Donald	Mr F Parr
Mrs L MacDonald	

Officials in Attendance:-

Mr S Fraser, Head of Legal & Democratic Services, Chief Executive's Service
(Adviser to the Committee)
Mr B Alexander, Director of Health and Social Care (Management Side)
Ms J Sikkema, HR Business Partner, Chief Executive's Service (Management
Side)
Ms L MacKay, Unison (Appellant's representative)
Mr A MacInnes, Administrative Assistant, Chief Executive's Service

Dr D Alston in the Chair

BUSINESS

1. Apologies

Apologies for absence were intimated on behalf of Mr D Fallows and Mr A Christie.

2. Declarations of Interest

The Committee **NOTED** that there were no declarations of interest expressed.

3. Exclusion of the Public

The Committee **RESOLVED** that under Section 50A(4) of the Local Government (Scotland) Act 1973 the public be excluded from the meeting for this item on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Part I of Schedule 7A of the Act.

4. Appeal No.5/2013 – Complaint under The Highland Council’s Harassment at Work Policy

There had been circulated a written Statement of Case prepared by the Appellant’s Side, a written Statement of Case prepared by the Management Side, and a copy of the Appeals Hearing Procedure.

The Chairman welcomed both parties to the Hearing.

In accordance with the Appeals Procedure, Ms L MacKay, Unison presented the Appellant’s Side case. Thereafter, the Director of Health and Social Care presented the Management Side case to the Committee, during which two witnesses were called and heard.

Miss J Campbell left the meeting prior to the conclusion of proceedings and took no further part in the Appeal.

Following questioning and after the Management Side and the Appellant’s Side had summed up their respective cases, both parties withdrew to allow the Committee to deliberate in private.

Having given careful consideration to the various issues raised, the Committee **AGREED** that the grounds of the appeal had been substantiated in part and the appeal be upheld to the extent that the majority of the Appeals Committee found that there was harassment in terms of the Council’s Harassment at Work Policy. The Committee unanimously found that the resolution sought was disproportionate and the Committee endorsed recommendations one to four set out in letter dated 14 December, 2012 by the Head of Education following the investigation into the complaint.

The Committee further recommended that the Director of Health and Social Care revisit the position with regard to the Appellant’s pay and holiday entitlement.

The meeting ended at 1.30 p.m.