

**THE HIGHLAND COUNCIL
RESOURCES COMMITTEE'S APPEALS COMMITTEE**

Minute of Meeting of the Resources
Committee's Appeals Committee
held in Council Headquarters,
Inverness, on Monday, 6 October,
2014 at 10.10 a.m.

PRESENT:

Dr D Alston
Mr D Mackay

Mr F Parr

Officials in Attendance:-

Mr J Batchelor, Head of People and Performance, Corporate Development Service (Adviser to the Committee)
Mr S Fraser, Head of Corporate Governance (Management Side)
Mr P Symon, Trainee Solicitor, Beltrami & Co (Appellant's Representative)
Mr A MacInnes, Administrative Assistant, Corporate Development Service

Dr D Alston in the Chair

BUSINESS

1. Apologies

Apologies for absence were intimated on behalf of Mrs M Smith, Mr A Christie, Mrs G Ross, Miss J Campbell, Mr N Donald and Mr H Morrison.

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.15/2014 – Grievance Appeal

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, Mr P Symon, Trainee Solicitor, Beltrami & Co presented the Appellant's Side case, during which one witness was called and heard. Thereafter, the Head of Corporate Governance presented the Management Side Case.

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 given the complainant's conduct, consideration should have been given to treating the complainant as vexatious after the completion of stage one investigation of complaints.

Further, the Appellant should have been provided with more detail of what were in effect new complaints before the interviews with the Investigating Officer. In light of this, the Appeals Committee hold that no weight should be attached to the minor substantiated or partially substantiated findings in judging the professional competence of the Appellant and this should be communicated to the relevant bodies.

The Appeals Committee request that a full medical assessment is carried out on the Appellant as soon as possible and reasonable adjustments made in order to facilitate the Appellant's return to work, with any further extension of sick pay at the discretion of the Director of Care and Learning Service.

The meeting ended at 3.50 p.m.