

Highland Council

Corporate Resources Committee

Minute of Meeting of the **Corporate Resources Committee's Appeals Committee** held in Council Headquarters, Inverness on Monday 5 August, 2019 at 2.00 p.m.

PRESENT

Mr M Reiss
Mr A Henderson
Mrs T Robertson

Mr G MacKenzie
Dr I Cockburn
Mr C Smith

Officials in Attendance:-

Mr C Howell, Head of Infrastructure, Development & Infrastructure Service (Management Side)
Ms L MacKenzie, HR Officer, Corporate Resources Service (Management Side)
Mrs L Jackson, Appellant's Representative
The Appellant
Ms F Garrow, Acting Joint Head of HR & ICT/OD Manager (Moray Council) (Adviser to the Committee)
Mr A MacInnes, Administrative Assistant, Chief Executive's Service (Clerk to the Committee)

Mr M Reiss in the Chair

BUSINESS

1. Apologies

Apologies for absence were intimated on behalf of Mr A MacKinnon, Mr B Lobban and Mrs L MacDonald.

2. Declarations of Interest

There were no declarations of interest.

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. Grievance Appeal

There had been circulated a written Statement of Case prepared by the Appellant, 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, the Appellant's Side presented their case to the Committee, during which two witnesses were called and heard. Thereafter, the Head of Infrastructure presented the Management Side case, during which two witnesses were called and heard.

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 not been substantiated and that the appeal be not upheld.

The meeting ended at 5.20 p.m.

Highland Council

Corporate Resources Committee

Minute of Meeting of the **Corporate Resources Committee's Appeals Committee** held in Council Headquarters, Inverness on Thursday 30 May, 2019 at 10.30 a.m.

PRESENT

Dr I Cockburn
Mr A Henderson
Mr B Lobban

Mr G MacKenzie
Mr A MacKinnon
Mr H Morrison

Officials in Attendance:-

Mr D Yule, Depute Chief Executive/Director of Corporate Resources (Management Side)

Ms M Mackenzie , HR Officer, Corporate Resources Service (Management Side)

Mr A Cameron, GMB (Appellant's Representative)

The Appellant

Mr S Walsh, Head of People & ICT (Adviser to the Committee)

Mr A MacInnes, Administrative Assistant, Chief Executive's Service (Clerk to the Committee)

Mr A MacKinnon in the Chair

BUSINESS

1. Apologies

Apologies for absence were intimated on behalf of Mr M Reiss, Mrs L MacDonald and Mr C Smith.

2. Declarations of Interest

There were no declarations of interest.

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. 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 A Cameron, GMB presented the Appellant's Side case and thereafter Mr D Yule, Depute Chief Executive/Director of Corporate Resources presented the Management Side case to the Committee.

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 not been substantiated and that the appeal be not upheld. The Committee also wished it to be noted that they strongly agreed with the outcome of the Stage 2 Grievance process.

The meeting ended at 12.05 p.m.

Highland Council

Corporate Resources Committee

Minute of Meeting of the **Corporate Resources Committee's Appeals Committee** held in Council Headquarters, Inverness on Monday 10 June, 2019 at 2.00 p.m.

PRESENT

Mr A MacKinnon
Mr M Reiss
Mrs L MacDonald
Mr C Smith

Officials in Attendance:-

Ms S Neild, Catering Services Manager, Development & Infrastructure Service (Management Side)
Mrs H Jones , HR Officer, Corporate Resources Service (Management Side)
Ms E Murray, Advocacy Highland (Appellant's Side)
The Appellant
Mrs F Malcolm, Legal Manager (Adviser to the Committee)
Mr A MacInnes, Administrative Assistant, Chief Executive's Service (Clerk to the Committee)
Ms B McKinley, HR Officer (observer)

Mr A MacKinnon in the Chair

BUSINESS

1. Apologies

Apologies for absence were intimated on behalf of Dr I Cockburn, Mr A Henderson, Mr B Lobban, Mr G MacKenzie and Mr H Morrison.

2. Declarations of Interest

There were no declarations of interest.

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 Against Dismissal on Grounds of Capability

There had been circulated a written Statement of Case prepared by the Management Side, a written Statement of Case prepared by the Appellant's Side

and a copy of the Appeals Hearing Procedure.

The Chairman welcomed both parties to the Hearing.

In accordance with the Appeals Procedure, Ms S Neild, Catering Services Manager presented the Management Side case and thereafter the Appellant presented her case to the Committee.

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 not been substantiated and that the appeal be not upheld. The Committee took the view that the Service had put in place various supports to enable the Appellant to continue in her posts but that notwithstanding those the Appellant had not been able to maintain attendance at a satisfactory level and in those circumstances took the view that the appeal could not be upheld.

The meeting ended at 2.45 p.m.