

EAST AYRSHIRE COUNCIL

APPEALS PANEL

MINUTES OF MEETING HELD ON WEDNESDAY 17 MARCH 2010 AT 1102 HOURS IN MEETING ROOM 2, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK

PRESENT: Councillors Jim Todd, Rose-Ann Cuninghame; Gordon Cree and Alan Brown.

ATTENDING: Martin Rose, Head of Human Resources; and Stuart Nelson, Administrative Officer.

CHAIR: Councillor Jim Todd, Chair.

EXCLUSION OF PRESS AND PUBLIC

1. The Panel resolved that under Section 50A(4) of the Local Government (Scotland) Act 1973, as amended, the Press and public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 1 of Schedule 7A of the Act.

PRELIMINARY MATTERS

2. The Head of Human Resources advised the Panel, by way of general background information in connection with the appeal to be dealt with (i) that the productions submitted by the appellants' side had not been available to be taken into account when the grievances had been dealt with at Stage 3 by the Depute Chief Executive/Executive Director of Corporate Support; and (ii) of the action taken following a breach of the terms of the Data Protection Act 1998 by the Council arising from the circulation of papers to appellants relative to Stage 4 Grievance Appeals which had been scheduled to be dealt with at a meeting of the Appeals Panel on 20 October 2009, and that it was considered that the breach had no significance with regard to, or bearing on, the grievance appeal to be dealt with by the Panel at this meeting.

HEARING PROCEDURE

3. Noted the Appeals Hearing Procedure (Grievance and Disputes) (circulated).

**CONSIDERATION OF COLLECTIVE GRIEVANCE APPEAL - APPEAL REF NOS
21/09, 22/09, 23/09, 24/09, 25/09, 26/09, 27/09, 28/09, 31/09, G1/10, 2/10, 4/10,
5/10, 7/10 AND 8/10**

4. There were submitted productions by the appellants' representative and productions and list of witnesses by the Depute Chief Executive/Executive Director of Corporate Support, as the management representative (all circulated).

The Panel heard evidence from the appellants' representative; and from the management representative and witness, who spoke to all matters raised, all in accordance with the agreed Hearing Procedure.

OUTCOME OF APPEAL

5. The Panel unanimously agreed that the grounds of the appeal had not been substantiated and the appeal was not upheld.

The meeting terminated at 1250 hours.