

EAST AYRSHIRE COUNCIL

APPEALS PANEL

**MINUTES OF MEETING HELD ON FRIDAY 10 JUNE 2011 AT 1000 HOURS IN
THE COUNCIL CHAMBERS, COUNCIL HEADQUARTERS, LONDON ROAD,
KILMARNOCK**

PRESENT: Councillors Tom Cook, John MacKay, John Campbell, Neil McGhee and William Crawford.

ATTENDING: George Park, Employee Relations Manager/Adviser to the Panel; and Gillian Hamilton, Administrative Officer.

CHAIR: Councillor Tom Cook, Chair.

APPOINTMENT OF CHAIR

1. It was unanimously agreed to appoint Councillor Tom Cook as Chair.

EXCLUSION OF PRESS AND PUBLIC

2. It was agreed 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.

HEARING PROCEDURE

3. The Panel noted the Appeals Hearing Procedure (circulated) to be followed at the meeting.

PRELIMINARY MATTER

4. As a preliminary matter, and as intimated to each participant who subsequently joined the meeting, the Chair advised that in accordance with the Council's decision, that Appeals Hearings relating to dismissals shall be audio recorded, the Hearing would be audio recorded in order that an accurate record could be retained to support any subsequent proceedings. The Chair also advised that the Panel deliberations would not be subject to audio recording.

**CONSIDERATION OF DISMISSAL (NON DISCIPLINARY) APPEAL:
APPEAL REF NO D3/11**

5. There were submitted a summary report dated 1 June 2011 by the Executive Director of Educational and Social Services and productions, and a production by the appellant (all circulated).

The Panel heard evidence from the management's representatives and witnesses and from the appellant's representative, who spoke to all matters raised, all in accordance with the agreed Hearing Procedure.

ADJOURNMENT/RECONVENTION

6. The meeting adjourned at 1200 hours and reconvened at 1232 hours with the same Members and Officers present and in attendance.

The meeting adjourned at 1337 hours and reconvened at 1353 hours with the same Members and Officers present and in attendance.

OUTCOME OF APPEAL

7. Having heard both parties, the Panel agreed by majority that the grounds of the appeal against the decision to terminate temporary employment on the grounds that no further suitable posts were available, had not been substantiated and the appeal was not upheld.

The reasons for this decision would be detailed in a letter to the appellant and their representative.

The meeting terminated at 1454 hours.