

APPENDIX IV

EAST AYRSHIRE COUNCIL

**APPEALS SUB-COMMITTEE OF THE CORPORATE GOVERNANCE
COMMITTEE**

**MINUTES OF MEETING HELD ON WEDNESDAY 30 JUNE 2004 AT 1400 HOURS
IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD,
KILMARNOCK**

PRESENT: Councillors John Knapp, Jim O'Neill, Stuart Finlayson, Elaine Dinwoodie and Robert McDill.

ATTENDING: George Park, Employee Relations Manager and Julie Armstrong, Assistant Administration Manager.

CHAIR: Councillor John Knapp, Chair.

EXCLUSION OF PRESS AND PUBLIC

1. The Sub-Committee 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 item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Schedule 7A of the Act.

DISCIPLINARY APPEAL NO D2/04

2. There was submitted a copy of the Disciplinary Appeal Procedure together with submissions by the Department and submissions by the appellant (all circulated).

STATEMENT BY APPELLANT'S REPRESENTATIVE

3. The Appellant's representative advised the Sub-Committee that, as authorised by the appellant, he had requested copies of occupational health reports but had not been given them.

The Employee Relations Manager advised that it was Council policy that employees, or representatives authorised by employees, could see reports but could not be given photocopies of them. The Employee Relations Manager advised that a letter had been sent to the appellant to confirm the Council's position.

The Appellant's representative advised that a letter had been sent to the Personnel Section of the Department of Educational and Social Services requesting sight of the reports but no response was received.

The Sub-Committee agreed to adjourn the meeting at this point to ascertain the situation with the Personnel Section of Educational and Social Services.

ADJOURNMENT/RECONVENTION

4. The Sub-Committee adjourned at 1410 hours and reconvened at 1415 hours with the same Members and Officials present and in attendance.

The Employee Relations Manager confirmed that the letter had not been received by the Personnel Section of Educational and Social Services Department.

Both parties then withdrew for the Sub-Committee to take advice on the matter.

Both parties were then re-admitted.

The Chair advised both parties that the Sub-Committee had considered the matter and as the appellant and appellant's representative had not had the opportunity to view the report, offered the appellant and the appellant's representative 30 minutes recess to view the occupational health reports.

ADJOURNMENT/RECONVENTION

5. The Sub-Committee adjourned at 1435 hours and reconvened at 1505 hours with the same Members and Officials present and in attendance.

The Chair confirmed with the appellant and the appellant's representative that they had been given sufficient time to view the occupational health reports.

The Sub-Committee then heard both parties.

ADJOURNMENT/RECONVENTION

6. The Sub-Committee adjourned at 1630 hours and reconvened at 1635 hours with the same Members and Officials present and in attendance.

OUTCOME OF APPEAL

7. Having heard both parties, the Sub-Committee agreed, by majority, that the grounds of the dismissal appeal had not been substantiated and the appeal was not upheld.

The meeting terminated at 1800 hours.