

**APPENDIX I**

**EAST AYRSHIRE COUNCIL**

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

**MINUTES OF MEETING HELD ON WEDNESDAY 31 MAY 2006 AT 1000 HRS  
IN THE MEETING ROOM, COUNCIL HEADQUARTERS,  
LONDON ROAD, KILMARNOCK**

**PRESENT:** Councillors John Knapp, William Crawford and Jimmy Carmichael.

**ATTENDING:** George Park, Employee Relations Manager; and Anne Marie Carr, Senior Administrative Officer.

**APOLOGIES:** Councillors Ray Murray and Robert McDill.

**CHAIR:** Councillor John Knapp.

**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 APPEALS NO D2/06 AND D3/06**

2. There was submitted a copy of the disciplinary appeals procedure together with submissions by the Department of Educational and Social Services and notification of appeal form and submissions by the appellants (all circulated).

The Senior Administrative Officer reported that further submissions had been received from the appellants in respect of their appeal.

The Sub-Committee agreed to receive the additional submissions and copies were circulated to all present at the meeting.

**ADJOURNMENT/RECONVENTION**

3. The Sub-Committee adjourned at 1225 hrs and reconvened at 1240 hrs with the same Members and Officials present and in attendance.

**OUTCOME OF APPEAL**

4. The appellants' representative advised the Sub-Committee that he would waive his right to formally present his case on behalf of the appellants given he was of the view that his case had been put fully in the course of the questions and responses during the presentation of the management's case throughout the Hearing process. It was confirmed that the appellants were in agreement with this proposal.

The Sub-Committee then agreed that the grounds of the appeals had been substantiated in part and the appeals upheld to the extent that the dismissals be substituted by a final written warning for a period of 12 months, effective from 31 May 2006 and that the period from 23 March 2006 until 31 May 2006 would be regarded

as unpaid suspension with both employees being reinstated with effect from 1 June 2006 with appropriate retraining thereafter.

During the appeal hearing both appellants were present during the presentation of the management's case but each appellant was excluded from the meeting during their respective cross-examination session.

The meeting terminated at 1513 hrs.