

**APPENDIX V**

**EAST AYRSHIRE COUNCIL**

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

**MINUTES OF MEETING HELD ON TUESDAY 5 SEPTEMBER 2006 AT 1404 HRS  
IN THE MEETING ROOM, COUNCIL HEADQUARTERS,  
LONDON ROAD, KILMARNOCK**

**PRESENT:** Councillors William Crawford, Jim O'Neill, Gordon Cree, Isabel Macrae and Harry Wilson.

**ATTENDING:** Elizabeth Morton, Depute Chief Executive/Executive Director of Corporate Support; and Anne Marie Carr, Senior Administrative Officer.

**CHAIR:** Councillor William Crawford, 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 D4/06**

2. The appellant's representative raised a number of preliminary issues in respect of the productions submitted by the management representative. The management representative then responded to the points raised. Thereafter, both parties withdrew to allow the Sub-Committee to take advice from the Depute Chief Executive/Executive Director of Corporate Support. Both parties were then re-admitted and the Hearing commenced.

There was submitted a copy of the Disciplinary Appeal procedure together with submissions by the Department of Educational and Social Services and Notification of Appeal form and submissions by the appellant (all circulated).

**OUTCOME OF APPEAL**

3. Having heard both parties, and having heard the Depute Chief Executive/Executive Director of Corporate Support, the Sub-Committee agreed that the grounds of the appeal had been substantiated and upheld insofar as the sanction of dismissal was considered too severe, however, the Sub-Committee considered:
  - (i) that the appellant should be reinstated with effect from 5 July 2006, without pay until the day of the appeal, viz 5 September 2006, and redeployed temporarily to a post where she is serving with other employees, not operating on her own and is subject to supervision;
  - (ii) that the appellant be issued with a final written warning;
  - (iii) that the duration of the temporary period of redeployment would be at the discretion of management;

- (iv) that during that period and thereafter the appellant undergo appropriate on-the-job training; and
- (v) that the language used was deemed to be wholly unacceptable and it or the like must not be repeated

The meeting terminated at 1610 hrs.