

**EAST AYRSHIRE COUNCIL**

**CORPORATE GOVERNANCE COMMITTEE**

**MINUTES OF MEETING HELD ON THURSDAY 28 SEPTEMBER 2006 AT 1000 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

**PRESENT:** Councillors John Knapp, Jim O'Neill, Stephanie Young, Brian Reeves; Douglas Reid, Gordon Cree, John Weir, Drew McIntyre, Ray Murray, Robert McDill, Eric Jackson, Tommy Farrell and William Menzies.

**ATTENDING:** Elizabeth Morton, Depute Chief Executive/Executive Director of Corporate Support; David Mitchell, Head of Administration and Legal Services; Martin Rose, Head of Personnel and Gillian Hamilton, Administrative Officer.

**APOLOGIES:** Councillors Harry Wilson, Iain Linton, Stuart Finlayson, William Crawford, Eric Ross and Elaine Dinwoodie.

**CHAIR:** Councillor John Knapp, Chair.

**MINUTES**

**SUB-COMMITTEE MINUTES**

1. There were submitted and approved, both as correct records and in respect of the recommendations contained therein, the undernoted Sub-Committee Minutes (circulated), viz:-
  - 1.1 **APPEALS SUB-COMMITTEE OF THE CORPORATE GOVERNANCE COMMITTEE OF 31 MAY, 8 JUNE, 27 JUNE, 3 AUGUST AND 5 SEPTEMBER 2006 – APPENDICES I TO V**

**RISK AND AUDIT SCRUTINY GROUP**

2. There were submitted for information and noted Minutes of the meeting of the Risk and Audit Scrutiny Group held on 21 June 2006 (circulated).

**CHAIRS' MONITORING GROUP**

3. There were submitted for information and noted Minutes of the meetings of the Chairs' Monitoring Group held on 22 June and 13 September 2006 (circulated).

**PERFORMANCE REVIEW GROUP**

4. There were submitted for information and noted Minutes of the meeting of the Performance Review Group held on 5 September 2006 (circulated).

**CENTRAL JOINT CONSULTATIVE COMMITTEE**

5. There were submitted for information and noted Minutes of the meeting of the Central Joint Consultative Committee held on 14 September 2006 (circulated).

## **CORPORATE GOVERNANCE**

### **STATUTORY PERFORMANCE INDICATORS FOR 2005/2006**

6. There was submitted a report dated 5 September 2006 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which presented the outcome for the 2005/2006 Statutory Performance Indicators (SPIs) in respect of those indicators for which the Committee had an interest.

It was agreed:-

- (i) to note the performance of the Council in 2005/2006 against the Statutory Performance Indicators in which it had an interest as detailed in the Appendix to the report; and
- (ii) otherwise to note the contents of the report.

### **OTHER ISSUES**

#### **COSLA – SCOTTISH EXECUTIVE JOINT STAFFING WATCH RETURN AT 10 JUNE 2006**

7. There was submitted and noted a report dated 22 August 2006 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which advised on the number of employees employed by the Council as at 10 June 2006 as reported to COSLA as required under the Joint Staffing Watch arrangements.

#### **EMPLOYMENT EQUALITY (AGE) REGULATIONS 2006**

8. There was submitted and noted a report dated 4 September 2006 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which advised on the impact of the Employment Equality (Age) Regulations 2006 on Council Employment Policies and Procedures.

#### **NATIONAL FRAUD INITIATIVE**

9. There was submitted a report dated 23 August 2006 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which informed on the National Fraud Initiative (NFI) in Scotland, and related employee information.

It was agreed:-

- (i) that all employees be advised of the forthcoming NFI exercise;
- (ii) that a single disciplinary panel be established to deal with any disciplinary issues arising from the exercise;
- (iii) that the results of the outcome of the 2006/2007 NFI exercise be reported to a future meeting of the Corporate Governance Committee; and
- (iv) otherwise to note the contents of the report.

#### **PENSION ISSUES**

10. There was submitted and noted a report dated 4 September 2006 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which (i) provided an update on the financial position of Strathclyde Pension Fund following its annual meeting held on 23 June 2006; and (ii) advised on proposed changes to the Local Government Pension Scheme and related Regulations.

**LOCAL GOVERNMENT EMPLOYEES – 2006-2008 PAY AGREEMENT (Item 10,  
page 1280, 03/07)**

11. There was submitted a report dated 4 July 2006 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which advised that agreement had been reached in pay negotiations for Local Government Employees (formerly APT&C staff and manual workers) covering the period 2006-2008.

It was agreed:-

- (i) to note that paragraph 2.2 was deleted from the report; and
- (ii) otherwise to note the report.

**CHIEF OFFICERS 2006-2008 PAY AGREEMENT (Item 15, page 1119, 03/07)**

12. There was submitted and noted a report dated 21 September 2006 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which advised that agreement had been reached in pay negotiations for Chief Officers covering the period 2006-2008.

**EXCLUSION OF PRESS AND PUBLIC**

13. The 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 items of business on the grounds that they involved the likely disclosure of exempt information as defined in paragraphs 1 and/or 11 of Schedule 7A of the Act.

**CHIEF EXECUTIVE'S OFFICE – POST OF EXECUTIVE ASSISTANT**

14. There was submitted a report dated 14 September 2006 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought approval to establish a post of Executive Support Officer within the Chief Executive's Office.

It was agreed:-

- (i) to approve the establishment of a post of Executive Assistant within the Chief Executive's Office, subject to consultation with Trade Unions; and
- (ii) otherwise, to note the report.

**DEPARTMENT OF CORPORATE SUPPORT – POST OF EQUALITY AND  
DIVERSITY OFFICER (Item 17, page 1721, 03/07)**

15. There was submitted a report dated 14 August 2006 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought approval to revise the grading of the post of Policy Officer (Equality and Diversity) and to alter its designation.

It was agreed:-

- (i) to approve the revised grading of the post of Policy Officer (Equality and Diversity) and its re-designation, subject to consultation with Trade Unions; and
- (ii) otherwise, to note the report.

**PERFORMANCE IMPROVEMENT OFFICER**

16. There was submitted a report dated 25 August 2006 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought approval for the re-designation and alteration of grading of the post of Performance Standards Officer within the Revenues and Benefits Division of the Finance Service.

It was agreed:-

- (i) to approve the staffing proposal contained in paragraph 3 of the report; and
- (ii) otherwise, to note the report.

**FOLLOW UP TO ADMINISTRATIVE AND LEGAL SERVICES BEST VALUE  
SERVICE REVIEW (Item 24, page 2423, 03/07)**

17. There was submitted a report dated 5 September 2006 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought approval for amendments to the staffing structure of Administrative and Legal Services within the Department of Corporate Support, subject to consultation with Trade Unions.

It was agreed:-

- (i) to approve the staffing proposals contained in paragraphs 3 and 4 of the report, subject to consultation with Trade Unions; and
- (ii) otherwise, to note the report.

**AMENDMENT TO THE STAFFING STRUCTURE OF PLANNING, DEVELOPMENT  
AND BUILDING STANDARDS SERVICE**

18. There was submitted a joint report dated 1 September 2006 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support and the Executive Director of Development and Property Services which sought approval for an amendment to the staffing structure of the Planning, Development and Building Standards Service within the Department of Development and Property Services, subject to consultation with Trade Unions.

It was agreed:-

- (i) to approve the staffing proposals contained in paragraph 3 of the report, subject to consultation with Trade Unions; and
- (ii) otherwise, to note the report.

**EARLY YEARS SERVICE**

19. There was submitted a joint report dated 6 September 2006 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support and the Executive Director of Educational and Social Services which sought approval for amendments to the staffing structure within the Department of Educational and Social Services subject to consultation with Trade Unions.

It was agreed:-

- (i) to approve the staffing proposal contained in paragraph 3 of the report, subject to consultation with Trade Unions; and
- (ii) otherwise, to note the report.

### **EDUCATION FINANCE MANAGER**

- 20.** There was submitted a joint report dated 24 August 2006 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support and the Executive Director of Educational and Social Services which sought approval to amend the staffing establishments of the Departments of Corporate Support and Educational and Social Services by the transfer of the post of Financial Services Manager (Education) from Educational Services to the Finance Service.

It was agreed:-

- (i) to approve the staffing proposal contained in paragraph 3 of the report;
- (ii) to note that the proposal was supported by the Education Committee; and
- (iii) otherwise, to note the contents of the report.

### **ONSITE SERVICES (Item 15, page 2110, 03/07)**

- 21.** There was submitted a joint report dated 24 August 2006 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support and the Executive Director of Educational and Social Services which sought approval to revisit a previous decision made in respect of the amendments to the staffing structure of the Onsite Services Section within the Department of Educational and Social Services.

#### **Reconsideration of decision**

In accordance with standing order 40, it was unanimously agreed to reconsider the previous decision of the Committee in respect of this matter.

#### **Consideration of report**

It was agreed:

- (i) to approve the staffing proposal contained in paragraph 3 of the report; and
- (ii) otherwise to note the report.

### **RESTRUCTURING THE PPP UNIT**

- 22.** There was submitted a joint report dated 4 September 2006 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support and the Executive Director of Educational and Social Services which sought approval for amendments to the staffing structure of the PPP Unit within Educational Services, following financial close, subject to consultation with Trade Unions.

It was agreed:-

- (i) to approve the staffing proposals contained in paragraph 3 of the report, subject to consultation with Trade Unions; and
- (ii) otherwise, to note the report.

**CUMNOCK LEARNING PARTNERSHIP – EXTENSION OF TEMPORARY  
EMPLOYMENT (Item 20, page 1282, 03/07)**

23. There was submitted a joint report dated 25 August 2006 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support and the Executive Director of Educational and Social Services which sought approval to extend the current temporary post of Social Work Support Assistant in the Cumnock Learning Partnership within the Department of Educational and Social Services, subject to consultation with Trade Unions.

It was agreed:-

- (i) to approve the proposal contained in paragraph 3 of the report, subject to consultation with Trade Unions; and
- (ii) otherwise, to note the report.

**LEISURE SERVICES – EXTENSION OF EXTERNALLY FUNDED POSTS (Item 13,  
page 3241, 03/07)**

24. There was submitted a joint report dated 1 September 2006 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support and the Executive Director of Neighbourhood Services which sought approval for the temporary extension of externally funded posts and the redesignation of a post within the Leisure Development Section of the Department of Neighbourhood Services, in response to the Best Value Service Review and the Community Plan.

It was agreed:-

- (i) to approve the staffing proposals contained in paragraph 3 of the report; and
- (ii) otherwise, to note the report.

**LEISURE SERVICES – OUTDOOR AMENITIES SERVICE**

25. There was submitted a joint report dated 8 September 2006 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support and the Executive Director of Neighbourhood Services which sought approval for amendments to the staffing structure of the Outdoor Amenities Service within the Department of Neighbourhood Services.

It was agreed:-

- (i) to approve the staffing proposals contained in paragraph 3 of the report; and
- (ii) otherwise, to note the report.

The meeting terminated at 1025 hours.



**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.

**APPENDIX II**

**EAST AYRSHIRE COUNCIL**

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

**MINUTES OF MEETING HELD ON THURSDAY 8 JUNE 2006 AT 1400 HRS  
IN THE MEETING ROOM, COUNCIL HEADQUARTERS,  
LONDON ROAD, KILMARNOCK**

**PRESENT:** Councillors John Knapp, Jim O'Neill, Stuart Finlayson, Robert McDill and William Crawford.

**ATTENDING:** Peter Hessem, Team Leader (Litigation); and Anne Marie Carr, Senior Administrative Officer.

**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 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.

**GRIEVANCE APPEAL NO G3/06**

2. There was submitted a copy of the grievance and disputes procedure together with submissions by the appellant and summary report dated 31 May 2006 by the Depute Chief Executive/Executive Director of Corporate Support which enclosed submissions by the appellant (all circulated).

**OUTCOME OF APPEAL**

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

**GRIEVANCE APPEALS NOS G4/06, G5/06 AND G6/06**

4. There was submitted a copy of the grievance and disputes procedure together with submissions by the appellant and summary report dated 31 May 2006 by the Depute Chief Executive/Executive Director of Corporate Support which enclosed submissions by the appellants (all circulated).

**OUTCOME OF APPEAL**

5. Having heard both parties, the Sub-Committee agreed unanimously that the grounds of the appeals had not been substantiated and the appeals were not upheld.

**GRIEVANCE APPEAL NO G7/06**

6. There was submitted a copy of the grievance and disputes procedure together with submissions by the appellant and summary report dated 31 May 2006 by the Depute

Chief Executive/Executive Director of Corporate Support which enclosed submissions by the appellant (all circulated).

**OUTCOME OF APPEAL**

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

The meeting terminated at 1525 hrs

**APPENDIX III**

**EAST AYRSHIRE COUNCIL**

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

**MINUTES OF MEETING HELD ON THURSDAY 27 JUNE 2006 AT 1000 HRS  
IN THE MEETING ROOM, COUNCIL HEADQUARTERS,  
LONDON ROAD, KILMARNOCK**

**PRESENT:** Councillors Tommy Farrell, Maureen McKay, Brian Reeves, Robert McDill and Neil McGhee.

**ATTENDING:** David Mitchell, Head of Administrative and Legal Services; and Anne Marie Carr, Senior Administrative Officer.

**CHAIR:** Councillor Tommy Farrell, Chair (for items 2 and 3) and Councillor N McGhee (for items 6 and 8).

**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 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.

**ORDER OF BUSINESS**

2. In terms of Standing Order 19, it was agreed to alter the order of business and consider item 5 as detailed on the Agenda, Grievance Appeal No G11/06 after item 3, Grievance Appeal No G10/06. The Sub-Committee also agreed, at the request of the Appellants' representative to hear Grievance Appeal Nos G8/06, G9/06 and G11/06 together.

**GRIEVANCE APPEALS NOS G8/06, G9/06 AND G11/06**

3. There was submitted a copy of the grievance and disputes procedure together with submissions by the appellants and summary report dated 14 June 2006 by the Depute Chief Executive/Executive Director of Corporate Support which enclosed submissions by the appellants (all circulated).

**OUTCOME OF APPEALS**

4. Having heard both parties, the Sub-Committee agreed, by a majority, that the grounds of the appeals had not been substantiated and the appeals were not upheld.

Councillor Farrell left the meeting at this point.

**CHAIR**

5. In the absence of Councillor Farrell, it was agreed that Councillor N McGhee be appointed as Chair.

**GRIEVANCE APPEAL NO G10/06**

6. There was submitted a copy of the grievance and disputes procedure together with submissions by the appellant and summary report dated 14 June 2006 by the Depute Chief Executive/Executive Director of Corporate Support which enclosed submissions by the appellant (all circulated).

**OUTCOME OF APPEAL**

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

Councillor McKay left the meeting at this point.

**GRIEVANCE APPEAL NO G12/06**

8. There was submitted a copy of the grievance and disputes procedure together with submissions by the appellant and summary report dated 14 June 2006 by the Depute Chief Executive/Executive Director of Corporate Support which enclosed submissions by the appellant (all circulated).

**OUTCOME OF APPEAL**

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

The meeting terminated at 1103 hrs

**APPENDIX IV**

**EAST AYRSHIRE COUNCIL**

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

**MINUTES OF MEETING HELD ON THURSDAY 3 AUGUST 2006 AT 1005 HOURS  
IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD,  
KILMARNOCK**

**PRESENT:** Councillors John Knapp, Robert McDill, William Crawford, Elaine Dinwoodie and Jimmy Carmichael.

**ATTENDING:** David Mitchell, Head of Administrative and Legal Services; and Anne Marie Carr, Senior Administrative Officer.

**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 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.

**GRIEVANCE APPEALS NOS G13/06, G14/06 AND G17/06**

2. There was submitted a copy of the grievance and disputes procedure together with submissions by the appellants, and summary reports dated 21 July 2006 by the Depute Chief Executive/Executive Director of Corporate Support which enclosed submissions by the appellants (all circulated).

**OUTCOME OF APPEAL**

3. Having heard both parties, the Sub-Committee agreed, by a majority, that the grounds of the appeals had not been substantiated and the appeals were not upheld.

**GRIEVANCE APPEAL NO G15/06**

4. There was submitted a copy of the grievance and disputes procedure together with submissions by the appellant and summary report dated 21 July 2006 by the Depute Chief Executive/Executive Director of Corporate Support which enclosed submissions by the appellant (all circulated).

**ADJOURNMENT/RECONVENTION/CONTINUATION OF BUSINESS**

5. The Sub-Committee adjourned at 1146 hours and reconvened at 1150 hours with the same Members and Officers present and in attendance.

**OUTCOME OF APPEAL**

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

**ADJOURNMENT/RECONVENTION/CONTINUATION OF BUSINESS**

7. The Sub-Committee adjourned at 1227 hours and reconvened at 1402 hours with the same Members, with the exception of Councillor Dinwoodie, and Officers present and in attendance.

**GRIEVANCE APPEAL NO G16/06**

8. There was submitted a copy of the grievance and disputes procedure together with submissions by the appellant and summary report dated 21 July 2006 by the Depute Chief Executive/Executive Director of Corporate Support which enclosed submissions by the appellant (all circulated).

The appellant's representative, in referring to paragraph 2.5 of management's summary report, queried the status of the appellant's grade as detailed in the report, as he advised that the appellant's contract of employment stated that he had been employed as a Catering Assistant since 1992.

The Management's representative advised that he had obtained information from On-site Services which clarified the appellant's current status, albeit that this information did not form part of the productions from the Management's representative.

Having heard the Head of Administrative and Legal Services, the Sub-Committee agreed to adjourn the meeting at this point to allow the appellant the opportunity to view the above information.

**ADJOURNMENT/RECONVENTION/CONTINUATION OF BUSINESS**

9. The Sub-Committee reconvened at 1435 hours with the same Members, with the exception of Councillor Dinwoodie, and Officers present and in attendance.

The Head of Administrative and Legal Services reported he was now in receipt of copies of letters obtained by the Management's representative from Onsite Services to the appellant dated 25 August 1995 and 9 October 1996, together with a pro-forma dated 13 September 2005 signed by the appellant in respect of the employee data validation exercise, all of which confirmed the appellant's designated post as that of Driver.

The Sub-Committee agreed that all of the above information be circulated, it having been established that the appellant's representative had no objection to this.

**OUTCOME OF APPEAL**

10. Having heard both parties, and having heard the Head of Administrative and Legal Services, the Sub-Committee agreed to continue consideration of the Hearing and requested the appellant's representative to provide comparator information to the Head of Personnel to enable him to investigate and take instruction from Onsite Services and thereafter to establish the status of the grievance appeal.

The meeting terminated at 1512 hours.

**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.