

## **EAST AYRSHIRE COUNCIL**

### **APPEALS SUB-COMMITTEE OF THE POLICY AND RESOURCES COMMITTEE**

#### **MINUTES OF MEETING HELD ON TUESDAY 25 FEBRUARY 2003 AT 1400 HRS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

**PRESENT:** Councillors Eric Jackson, Lilian MacLean, Harry Wilson and Provost Jimmy Boyd.

**ATTENDING:** Graham Haugh, Head of Personnel; and Julie Armstrong, Assistant Administration Manager.

**APOLOGY:** Councillor John Knapp.

**CHAIR:** Councillor Eric Jackson, 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 D1/2003**

2. There was submitted a report by the Department of Educational and Social Services and associated attachments along with a submission by the appellant of the notification of the appeal (all circulated).

#### **REQUEST FROM APPELLANT'S REPRESENTATIVE REGARDING ADDITIONAL SUBMISSION**

3. Having heard the Head of Personnel, the Sub-Committee agreed to accept an additional statement, copies of which were then made available to members of the Sub-Committee and both parties.

#### **REQUEST FROM MANAGEMENT REPRESENTATIVE REGARDING ADDITIONAL SUBMISSION**

4. Following a request from the management representative, the Sub-Committee agreed to accept the submission of the signed statement in relation to page 7 of the papers, copies of which were thereafter made available to the Sub-Committee Members and both parties.

#### **ADJOURNMENTS/RECONVENTIONS**

5. The Sub-Committee adjourned at 1615 hrs and reconvened at 1623 hrs with the same Members and Officials present and in attendance.

The Sub-Committee adjourned at 1710 hrs and reconvened at 1720 hrs with the same Members and Officials present and in attendance.

The Sub-Committee adjourned at 1825 hrs and reconvened at 1830 hrs with the same Members and Officials present and in attendance.

### **OUTCOME OF APPEAL**

6. Having heard both parties, the Sub-Committee unanimously agreed that the grounds of the appeal had been substantiated in part and the appeal was upheld to the extent that the appellant be issued with a final warning and a period of four weeks unpaid suspension. The appellant would also be expected to return to work immediately and that this should be discussed with the Service Unit Manager.

It was also the Sub-Committee's view that the appellant should not return to the place of work where the incident occurred but be redeployed to a suitable alternative workplace and be subject to a period of close supervision.

The meeting terminated at 1900 hrs.