

**THE HIGHLAND COUNCIL
RESOURCES COMMITTEE'S APPEALS COMMITTEE**

Minute of Meeting of the Resources
Committee's Appeals Committee
held in the Council Headquarters,
Glenurquhart Road, Inverness on
Friday, 23 January, 2009 at
10.00 a.m.

PRESENT:

Mrs C Wilson
Mr M Rattray
Mr W Fernie

Officials in Attendance:-

Miss L Johnstone, Head of Legal & Democratic Services, Chief Executive's Service (Adviser to the Committee)
Mr B Robertson, Area Community Care Manager, Social Work Service (Management Side)
Miss A Miller, Area Personnel Adviser, Chief Executive's Service (Management Side)
Mr S Manning, Unison (Appellant's Representative)
Mr A MacInnes, Administrative Assistant, Chief Executive's Service

Mrs C Wilson in the Chair

BUSINESS

1. APOLOGIES

Apologies for absence were intimated on behalf of Mr D Millar, Mrs D Mackay and Mrs P Munro.

2. EXCLUSION OF THE PUBLIC

The Committee **RESOLVED** that under Section 50A(4) of the Local Government (Scotland) Act 1973 the public be excluded from the meeting for this item on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Part I of Schedule 7A of the Act.

3. APPEAL NO. 87 – APPEAL AGAINST DISMISSAL

There had been circulated a written Statement of Case prepared by the Management Side, a written Statement of Case prepared by the Appellant's

Representative, and a copy of the Appeals Hearing Procedure.

The Management Side and the Appellant's representative were called into the meeting to go over some procedural issues prior to the commencement of formal proceedings.

Thereafter, the Chairman welcomed both parties to the meeting, and in accordance with the Appeals Procedure, the Area Community Care Manager, Social Work Service presented the Management Side's case during which nine witnesses were called and heard. Thereafter, Mr S Manning, Unison, presented the Appellant's case to the Committee.

Following questioning and after the Management Side and the Appellant's Side had summed up their respective cases, both parties withdrew to allow the Committee to deliberate in private.

Having given careful consideration to the various issues raised, the Committee **AGREED** that the grounds of the appeal had been substantiated in part and that the appeal be upheld to the extent that a more appropriate disposal was a Final Written Warning. Also, the Committee recommended to the Director of Social Work that the Appellant be redeployed to another post and should not return to his former work place.

The meeting ended at 6.25 p.m.