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Date: 28 Jan 2020



**Members of the
Employee Appeals Sub-Committee**

Chief Executive's Office

Archie Aitken
Head of Legal & Democratic
Solutions
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Notice is given that a Meeting of the **EMPLOYEE APPEALS SUB-COMMITTEE** is to be held within the Committee Room 4, Civic Centre, Motherwell on Friday, 7 February 2020 at 10:00 am which you are requested to attend.

The agenda of business is attached.

A handwritten signature in black ink, appearing to read "Archie Aitken", is written over a horizontal line.

Head of Legal and Democratic Solutions

Members : Councillors: C Barclay, A Beveridge, M Gourlay, C Johnston, F MacGregor, A Masterton, M McCulloch, N Pettigrew, C Quigley, J Reddin, W Shields, A Valentine, S Watson, G Woods.

EXCLUSION OF PUBLIC

The Sub-Committee is asked to consider passing the following resolution: "That under Section 50A(4) of the Local Government (Scotland) Act 1973, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 7A of the Act."

- (1) Declarations of Interest in terms of the Ethical Standards in Public Life Etc. (Scotland) Act 2000
- (2) Asset and Procurements Solutions - Appeal Against Punitive Action 1/2020
Submit Correspondence relative to appeal against punitive action 1/2020

Papers Submitted:-

- (a) Procedure of Appeal Hearing (page 5 - 6) (copy herewith)
- (b) Management Report (page 7 - 26) (copy herewith)
- (c) Appellant's Submission (page 27 - 124) (copy herewith)
- (d) Letter of Appeal (page 125 - 125) (copy herewith)

Procedure at Meeting

NOT FOR PUBLICATION
BY VIRTUE OF PARAGRAPH(S)
OF PART I
OF SECTION 7A OF THE
LOCAL GOVERNMENT
(SCOTLAND) ACT, 1973

In accordance with the National Joint Council for Local Authorities' Services (Scottish Council) Scheme of Salaries and Conditions of Service and Scheme of Pay and Conditions of Service, and as approved by North Lanarkshire Council the Sub-Committee shall adopt the following procedures in the order in which they appear:

- (1) The Council's representative shall put the Council's case in the presence of the appellant's representative or appellant when not represented;
- (2) The appellant's representative (or if the appellant is not represented, the appellant) shall have the opportunity to ask questions of the Council's representative and of any witnesses called by the Council;
- (3) The Sub-Committee will then, and normally at this point only, be given the opportunity of questioning any such witness;
- (4) The Council's representative shall have the opportunity to re-examine such witness(es) after Members' questioning;
- (5) On completion of re-examination, witnesses should be asked to leave;
- (6) The appellant's representative (or if the appellant is not represented, the appellant) shall put the appellant's case in the presence of the Council's representative(s);
- (7) The Council's representative shall have the opportunity to ask questions of any witnesses called by the appellant;
- (8) The Sub-Committee will then, and normally at this point only, be given the opportunity of questioning any such witness;
- (9) The appellant's representative shall have the opportunity to re-examine such witness(es) after Members' questioning;
- (10) On completion of re-examination, witnesses should be asked to leave;
- (11) The Council's representative and the appellant's representative (or if the appellant is not represented, the appellant) shall have the opportunity if they so wish to sum up their case, introducing no new material;
- (12) The Council's representative(s) and the appellant (if present) and the appellant's representative shall then withdraw;
- (13) The Sub-Committee, together with the officer(s) appointed to assist the Sub-Committee, shall deliberate in private, only recalling the Council's representative(s) and the appellant (if present) and the appellant's representative to clarify points of uncertainty on evidence already given. If recall is necessary, both parties are to return, notwithstanding only one is concerned with the point giving rise to doubt;
- (14) If practicable, the Sub-Committee shall announce its decision to the Council's representative(s) and the appellant (if present) and the appellant's representative, at the conclusion of the meeting. In any event, the decision shall be confirmed in writing to the appellant's representative and to the appellant by the arbiter appointed as Clerk to the Sub-Committee within ten days;
- (15) The form of the decision of the Sub-Committee to be announced under paragraph above shall be one of the following, as appropriate:-

"that the grounds of the appeal have been substantiated and the appeal be upheld."

"that the grounds of the appeal have been substantiated in part and the appeal be upheld to the extent that"

"that the grounds of the appeal have not been substantiated and the appeal be not upheld."