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Date: 23 Sep 2021



**Members of the
Education Employees Appeals Sub-Committee**

Chief Executive's Office

Archie Aitken
Head of Legal & Democratic
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Notice is given that a Remote Meeting of the **EDUCATION EMPLOYEES APPEALS SUB-COMMITTEE** is to be held via Cisco Webex on Monday, 4 October 2021 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: L Anderson, B Burgess, A Campbell, K Docherty, S Goldsack, C Johnston, Pa Kelly, F MacGregor, A Masterton, F McNally, N Pettigrew, C Quigley, W Shields, An Valentine.

AGENDA

- (1) Declarations of Interest In Terms of the Ethical Standards In Public Life Etc. (Scotland) Act 2000

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."

- (2) Education and Families - Appeal Against Dismissal
 - (a) Guidelines as to Procedures for Conduct of the Appeal Hearing (page 5 - 6) (copy herewith)
 - (b) Submission by the Executive Director (Education and Families) (page 7 - 90) (copy herewith)
 - (c) Letter of Appeal (page 91 - 92) (copy herewith)
 - (d) Submission by the Appellant (page 93 - 185) (copy herewith)

NORTH LANARKSHIRE COUNCIL

EDUCATION EMPLOYEE APPEALS SUB-COMMITTEE

DISCIPLINARY APPEAL HEARINGS

GUIDELINES AS TO PROCEDURE FOR CONDUCT OF MEETINGS

- (1) When the Sub-Committee is ready to commence a hearing the following personnel will be asked to join the meeting together:-
 - (a) the appellant and his/her representative (if any), and
 - (b) the Council's representative(s).
- (2) For disciplinary hearings the Council's representative will make an opening statement and will follow with an examination of any witness called on behalf of the Council.
- (3) The appellant's representative will then be given the opportunity to question any witness at the conclusion of his/her evidence.
- (4) The Sub-Committee will then, and normally at this point only, be given the opportunity of questioning any such witness.
- (5) The Council's representative will then have the opportunity to re-examine such a witness after the completion of members' questioning of him/her.
- (6) On completion of the re-examination, the witness should be asked to leave.
- (7) The appellant's representative will make an opening statement and will follow with an examination of any witness called on behalf of the appellant.
- (8) The Council's representative will then be given the opportunity to question any such witness at the conclusion of his/her evidence.
- (9) The Sub-Committee will then, and normally at this time only, be given the opportunity of questioning any such witness.
- (10) The appellant's representative will then have the opportunity to re-examine such a witness after the completion of members' questioning of him/her.
- (11) On completion of the re-examination, the witness should be asked to leave.
- (12) The Council's representative followed by the appellant's representative will then be asked to sum up their cases.
- (13) The appellant and his/her representative and the Council's representative will then withdraw. (At this stage, if it is anticipated that the deliberations of the Sub-Committee may take some time, the Chair may inform the parties accordingly and give them the options of either waiting to be recalled to the meeting for the Sub-Committee's decision or of being informed by the Clerk of the Sub-Committee's decision by telephone at the earliest opportunity. Whichever option is chosen, the Sub-Committee's decision will be confirmed in writing).
- (14) The Sub-Committee will then deliberate. If necessary, all parties concerned will be asked to rejoin the meeting should any point of clarification be required.
- (15) Having reached their decision, the Sub-Committee will then recall all parties concerned and intimate their decision which will be confirmed in writing by the Clerk.