

**STAFF APPEALS COMMITTEE**

A meeting of the Staff Appeals Committee was held on 28 February 2007.

**PRESENT:** Councillor Ferrier (Chair) Councillors McIntyre, P Thompson and A E Ward.

**OFFICIALS:** J Bennington, R G Long and S Osbon.

**\*\* ALSO IN ATTENDANCE:** Appellant, B Maloney (UNISON) and J Cordiner.

**\*\* AN APOLOGY FOR ABSENCE** was submitted on behalf of Councillor Rooney.

**\*\* DECLARATION OF INTERESTS**

No declarations of interest were made at this point of the meeting.

**\*\* EXCLUSION - PRESS - PUBLIC**

**ORDERED** that the press and public be excluded from the meeting for the whole of the business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Schedule 12A of the Local Government Act 1972 and that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

**APPEAL - CASE REFERENCE AD/5/07**

The Committee considered an appeal, case reference AD/5/07, against a formal warning.

Details of the procedure to be followed for the meeting together with a statement of case, which had been prepared by the Service Area's representative had previously been distributed.

The Service Area representative presented the Council's case and called a witness, C Rose who responded to questions and clarified the position.

At this juncture and with the agreement of all present the proceedings were adjourned for approximately ten minutes to allow for the copying and circulation of additional information from both the Appellant and Trade Union representative. The Service Area representatives, Appellant and Appellant's Trade Union representative vacated the meeting room.

The appeal hearing resumed and the Service Area representative and witness responded to questions posed by the Appellant, the Appellant's Trade Union representative, Members of the Committee and the Director of Legal and Democratic Services.

The Appellant presented the case and together with his Trade Union representative responded to questions posed by Members of the Committee and the Director of Legal and Democratic Services.

Following the summing up of the cases all withdrew from the meeting with the exception of Members and the legal, human resources and governance representatives whilst the Committee determined the appeal.

**ORDERED** that on the evidence presented to the Committee the appeal be not upheld and the decision to issue a formal warning in accordance with the Council's Disciplinary Procedure was considered justified having regard to the following:-

- a) A letter dated 21 October 2005 addressed to the Appellant clearly stated that at a meeting held that same day confirmation had been given of the agreement by the Appellant to improve timekeeping and that he would be in work at 8.30 a.m. each day;
- b) The evidence presented by management showed that on a number of occasions the Appellant's time keeping had not been in accordance with (a) above and no evidence to the contrary had been submitted by the Appellant;
- c) No evidence had been presented by the Appellant to contend the evidence presented by management with regard to the Appellant's unauthorised absence from work, specifically on two occasions.