

**ABERDEENSHIRE COUNCIL****APPEALS COMMITTEE****WOODHILL HOUSE, ABERDEEN, 7 JULY, 2015**

- Present:** Councillors J Ingram (Chair), G Blackett, D A Ross and C Shand.
- Apologies:** Councillors I S Tait, and A S Grant and H W Vernal (ex officio), and the appellant.
- Officers:** Team Leader (HR Operational); Senior Committee Services Officer (Allan Bell); Robin Taylor, Senior Solicitor (Representation); and Jackie Lockhart, HR Officer, all Business Services.
- Also Present:** Head of Economic Development; Human Resources Officer (Peter Matthews); and the appellant's union representative (Inez Teece, Unison).

**1. DECLARATION OF MEMBERS' INTERESTS**

No interests were declared by any member of the Committee, in terms of the Councillors' Code of Conduct.

**2A. PUBLIC SECTOR EQUALITY DUTY**

In taking decisions on the undernoted items of business, the Committee **agreed**, in terms of Section 149 of the Equality Act 2010:-

- (1) to have due regard to the need to :-
  - (a) eliminate discrimination, harassment and victimisation;
  - (b) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
  - (c) foster good relations between those who share a protected characteristic and persons who do not share it, and
- (2) to consider, where an equality impact assessment has been provided, its contents and to take those into consideration when reaching a decision.

**2B. RESOLUTION**

The Committee **agreed**, in terms of Section 50 A(4) and (5) of the Local Government (Scotland) Act 1973, as amended, to exclude the public from the meeting during consideration of the matters before them so as to avoid disclosure of exempt information of the class described in paragraph 1 of Part 1 of Schedule 7A of the Act.

**3. DISCIPLINARY APPEAL (CASE NO. 338)**

The Committee had under consideration, in accordance with the procedure recommended for the local hearing of appeals by employees against termination of employment or other action, an appeal by a member of staff (identified in the Register of Appeals as Case No. 338) against the decision to issue a final written warning and to transfer him to a demoted post, with effect from 22 June, 2015

The Committee heard both parties to the appeal, who then withdrew from the meeting to enable members to deliberate in private.

Thereafter, the Committee **agreed** that the grounds of the appeal had not been substantiated and that the appeal should not be upheld.

The parties were recalled to the meeting and advised of the Committee's decision.