

# **MORAY COUNCIL**

## **Minute of Meeting of the Appeals Committee**

**Wednesday, 09 October 2019**

**Committee Room, Council Office, High Street, Elgin, IV30 1BX**

### **PRESENT**

Councillor Paula Coy, Councillor Aaron McLean, Councillor Derek Ross, Councillor Amy Taylor

### **APOLOGIES**

Councillor James Allan, Councillor Frank Brown, Councillor Claire Feaver

### **IN ATTENDANCE**

Also in attendance at the above meeting were the Acting Head of HR, ICT and Organisational Development, Sean Hoath, Senior Solicitor and Tracey Sutherland, Committee Services Officer, as Clerk to the Committee.

### **REPRESENTING THE AUTHORITY**

The Provider Services Manager and Arlene Youngson, HR Adviser

### **REPRESENTING THE APPELLANT**

The Appellant, Vic Fraser, Unite

## **1. Chair**

The meeting was chaired by Councillor Amy Taylor.

## **2. Declaration of Group Decisions and Members Interests \***

In terms of Standing Order 20 and the Councillors' Code of Conduct, there were no declarations from group leaders or spokespersons in regard to any prior decisions taken on how Members will vote on any item on the agenda or any declarations of Members' interest in respect of any item on the agenda.

## **3. Resolution**

The Committee resolved in terms of Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting during consideration of Item 5 of the Business so as to avoid disclosure or exempt information of the class described in the appropriate paragraphs of Part 1 of Schedule 7A of the Act.

**4. Appeal Case No. PA2019-04 [Para 1]**

There was submitted an appeal under Section 8 of the Moray Council's Disciplinary Procedures Policy, on the grounds that the Appellant considers that she has still not received answers to questions raised at the earlier stages of the procedures as a thorough investigate was not conducted at the outset and that the seriousness of her complaint, with specific reference to alleged bullying and harassment is not being heard by departmental management.

The Committee had the following documents before it:-

- i) Agreed Statement of Facts
- ii) Statement of Case (Appellant); and
- iii) Statement of Case (Council)

The Appellant's representative Mr Vic Fraser gave the statement of case on behalf of the appellant and thereafter responded to questions from the Committee.

The Council's representative, the Provider Services Manager and Ms A Youngson, HR Adviser presented the Council's case and thereafter responded to questions from the Appellants representative and Committee.

After giving their summation, the Appellant and representative, the Provider Services Manager and Ms A Youngson, HR Adviser agreed that they were satisfied with the conduct of the proceedings of the hearing and withdrew from the meeting to allow the Committee to deliberate the appeal.

Following full consideration of the documents submitted and submissions presented, the Committee found that the Stage 2 Grievance was dealt with reasonably and therefore did not uphold the appeal, however the Committee felt that the apology which had not been forthcoming has contributed to an untenable working relationship and there are further allegations which have arisen subsequently and the Committee wishes this to be taken forward with HR to facilitate a mutually agreeable solution.