

EDUCATION AND CHILDREN'S SERVICES COMMITTEE

ABERDEEN, 10 June 2015. Minute of Meeting of the EDUCATION AND CHILDREN'S SERVICES COMMITTEE. Present:- Councillor Taylor, Convener; and Councillors Boulton, Cameron, Carle, Crockett, Lesley Dunbar, Greig, Laing, Noble, Samarai, Sandy Stuart, Thomson and Townson. External Members:- Mr Stewart Duncan (Teacher Representative - Primary Schools), Mr Mike Paul (Teacher Representative - Secondary Schools), Mrs Anne Tree (Third Religious Representative), Ms Shona Wildi (Parent Representative (Secondary Schools)) and Mrs Irene Wischik (Roman Catholic Religious Representative).

EXEMPT BUSINESS

1. The Committee was requested to determine that the following item of business, which contained exempt information as described in paragraph 1 of Part I of Schedule 7A to the Local Government (Scotland) Act 1973, be considered in private:-

4) Appeal TA-01-15

The Committee resolved:-

in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude the press and public from the meeting during consideration of item 4 so as to avoid disclosure of exempt information of the classes described in paragraph 1.

APOLOGIES FOR ABSENCE

2. Apologies for absence were received from Councillors Cooney, Kiddie, Ironside, Jennifer Stewart and Young and Mrs Angela Bowyer (Parent Representative (Primary Schools and ASN)).

APPEALS PROCEDURE

3. The Committee noted the appeals procedure.

EXEMPT BUSINESS

In accordance with the decision taken at article 1 of this minute, the following item of business was considered with the press and public excluded.

DECLARATION OF INTEREST

Reverend Edward McKenna (Church of Scotland Religious Representative), had declared a personal interest in the following item of business by virtue of him knowing the appellant personally and he took no part in the proceedings.

APPEAL TA-01-15

4. At the commencement of the hearing, the appellant's representative raised a preliminary point requesting that one late document be received by Members. There was no objection raised by Management to this request, the Committee agreed to this request and the document was circulated to Members..

The Committee heard evidence from four witnesses called on behalf of Management and from the Appellant on his own behalf. Members questioned all witnesses on the evidence given. Both parties thereafter provided closing statements for consideration by the Committee.

The meeting was then adjourned to allow the Committee to deliberate in private. Thereafter the hearing was re-convened to allow the parties to hear the Committee's decision.

The Convener, seconded by Councillor Greig moved:-

that the Committee dismiss the appeal on the grounds that it was satisfied that Management had acted reasonably in this matter and consequently that the decision to dismiss the appellant on grounds of gross misconduct should be upheld.

Councillor Cameron, seconded by Councillor Boulton moved as an amendment:-

that the Committee, on the basis of the evidence, was not satisfied that Management showed that it had reasonable grounds to believe the conduct was gross misconduct and that in fact the conduct amounted to misconduct and on that basis the Appellant should be reinstated and the sanction of a final written warning applied.

On a division, there voted:- for the motion (9) – the Convener; and Councillors Carle, Crockett, Lesley Dunbar, Greig, Laing, Thomson, Shona Wildi and Irene Wischik; for the amendment (9) – Councillors Boulton, Cameron, Noble, Samarai, Sandy Stuart, Townson, Stewart Duncan, Mike Paul and Anne Tree.

There being an equality of votes between the motion and the amendment, the Convener exercised her casting vote in favour of the motion.

The Committee resolved:-

to adopt the motion.

COUNCILLOR TAYLOR - Convener