



Strathclyde Partnership for Transport

Minute of the Personnel Appeals Sub-Committee

31 March and 1 April 2016

held in 131 St Vincent Street, Glasgow

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**Minute of the meeting of Strathclyde Partnership for Transport's
Personnel Appeals Sub-Committee held in 131 St Vincent Street, Glasgow, on 31 March and 1
April 2016**

Present Councillors Denis McKenna (Chair), Eddie Devine, Charlie Gilbert (substitute) and Hamish Stewart.

Attending Valerie Davidson, Assistant Chief Executive (Business Support)/ Secretary and Valerie A Bowen, Senior Committee Officer.

1. Declaration of interest in terms of the Ethical Standards in Public Life etc (Scotland) Act 2000

The committee noted that there were no declarations of interest.

2. Election of Chair

It was agreed that Councillor McKenna take the Chair.

3. Exclusion of press and public

The Sub-Committee resolved in terms of Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the press and public from the meeting, as exempt information, as defined in paragraph 1 of Part 1 of Schedule 7A, was likely to be disclosed.

4. Appeal against dismissal (SPT15)

The Sub-Committee considered an appeal against dismissal by an employee previously employed within the Subway.

The appellant was in attendance and was represented by Pat McIlvogue, full time official of Unite. Debbie Mackie, Head of HR (Subway Modernisation), represented SPT.

The Sub-Committee heard both parties fully on the case, including the disciplining officer and, after questions, both parties withdrew.

Following consideration of the appeal and having heard and considered carefully all the documents and evidence, the Sub-Committee agreed that the meeting stand adjourned until 8.30am on Friday, 1 April 2016.

Due to the unavailability of all of the elected members on 1 April, apart from Councillor McKenna, it was proposed that, in order to avoid further delay, consideration of the appeal would be undertaken the following day by the elected members present through the means of a conference call. This process was agreed by the appellant and his representative.

The Sub-Committee resumed consideration of the appeal against dismissal on 1 April by means of a conference call which connected all members present on the previous day as also Mrs Davidson and Mrs Bowen.

After discussion, the Sub-Committee agreed

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- (1) that the grounds of the appeal had been substantiated in part and accordingly that the appeal be upheld;
- (2) that Subway Management had made reasonable assessment and adjustments for the appellant's ongoing health issues;
- (3) that the appellant had recurring and unacceptable levels of absence and it was essential that SPT managed its resources both effectively and supportively; and
- (4) that the decision to dismiss the appellant be rescinded and substituted with the following:
 - the appellant be offered alternative employment in a non-safety critical environment and of a demoted nature; and
 - the appellant's final written warning be extended by twenty four months from the date of this meeting.

Thereafter, the appellant and his representative, together with SPT's representative, were re-admitted to the meeting and advised of the Sub-Committee's decision.