



**APPEALS COMMITTEE**

**CONFIDENTIAL**

**FRIDAY, 3 MAY 2024 at 2.00 pm**

Your attendance is requested at a meeting of the **APPEALS COMMITTEE** to be held in **COMMITTEE ROOM 2 - WOODHILL HOUSE, WESTBURN ROAD, ABERDEEN, AB16 5GB**, on **FRIDAY, 3 MAY 2024**, at **2.00 pm**.

The meeting is intended to be fully in person.

Thursday, 25 April 2024

Director of Business Services

To: Councillors H Smith (Chair), G Blackett, R Cassie, G Owen and K Stelfox

Substitute Members: Councillors I Davidson, G Lang, R McKail and G Petrie

Contact Person:- Kasia Balina  
**Tel:** 01467539511  
**Email:** [kasia.balina@aberdeenshire.gov.uk](mailto:kasia.balina@aberdeenshire.gov.uk)

## B U S I N E S S

- 1 Sederunt and Declaration of Members' Interests
- 2(A) Public Sector Equality Duty  
Consider, and if so desired, adopt the following resolution:-
- (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.
- (2) where an Integrated Impact Assessment is provided, to consider its contents and take those into account when reaching a decision.
- 2(B) Resolution  
Consider, and if so decided, adopt the following resolution:-
- “That under Sections 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 the items specified below on account of the likely disclosure of exempt information of the class described in paragraph 1 of Part 1 of Schedule 7A of the Act.”
- 3 Appeals Committee Procedure 3
- 4 Appeal against Refusal of Request for a Career Break (Case No. 381) 4 - 27  
*[Exempt under paragraph 1]*  
Information relating to employees or former employees.
- 5 Appeals Committee Guidance Note 28

## **APPEALS COMMITTEE PROCEDURE**

1. Statement of Appellant's case.
2. Questioning by Authority's representative.
3. Statement of Authority's case.
4. Questioning by Appellant.
5. Questioning by Committee members.
6. Summing up by Authority's representative.
7. Summing up by Appellant's representative.
8. Parties withdraw.
9. Committee deliberates and reaches a decision.
10. Parties are recalled and the decision announced.

Document is Restricted

Document is Restricted

Document is Restricted

Document is Restricted

Document is Restricted



Document is Restricted

Document is Restricted

Document is Restricted

Document is Restricted

## Aberdeenshire Council Appeals Committee

### In summary - the role of the Committee

#### Role:-

1. Be objective and maintain the credibility of the Appeals Committee by following a proper process;
2. Be fair to all parties;
3. Give a chance to be heard and to answer allegations;
4. Do not pre-judge the case;
5. Listen to the evidence;
6. Consider whether the authorised Officer of the Council has acted reasonably in the correct and proper exercise of the powers delegated to him/her;
7. Do not just substitute your own preferred outcome;

#### Remember:-

8. The appeal is a *review*, not a re-hearing. You should aim therefore to assess whether the decision of the authorised officer was reasonable;
9. You must consider the contractual and other basic employment obligations of both the employer and the employee;
10. You should be aware of and understand the policy or procedure in question – and you should not seek to revise the policies or procedures within an appeal hearing;
11. The outcome should be fair and reasonable – an objective assessment;
12. If evidence is disputed, decide which version of events is more credible;
13. You should not express a view during the course of the hearing;
14. As appeals are a civil matter, the applicable standard of proof is the balance of probabilities.

August 2013