

Shropshire and Wrekin Fire and Rescue Authority Human Resources Committee Appeal Hearings

The procedure on the day of the appeal hearing will be as follows:

Consideration of each case will be in private.

The appeal hearing is not intended to revisit all of the details of the case but to focus on the specific elements, which the employee has included in his/her appeal.

Present at the meeting will be:

Three Members of the Human Resources Committee (the Panel)

To consider and decide upon the appeal

together with the following, none of whom will take part in the decision-making process.

Appellant and / or Colleague or Trade Union Representative

To state the grounds for appeal

If the employee does not attend, the Panel will consider whether it wishes to postpone the hearing to a later date to enable the employee to state the grounds of his/her appeal. The Panel may, however, deal with a case in the absence of the employee and/or colleague or trade union representative.

Human Resources Manager

To provide the background to the appeal, give a closing statement and advise on procedural matters.

Advisor

An advisor may also be present to advise on procedural / legal matters.

Brigade Medical Advisor

The Brigade Medical Advisor may also be present to advise on medical issues, where the appeal involves such issues.

Committee Clerk

To take notes of the meeting

The meeting will be conducted as follows:

- The Chair of the Panel will introduce all those present.
- If the employee is unaccompanied, the Chair should ask the following question:

**Can you please confirm that you have chosen
not to be accompanied at this appeal hearing?**

- The Chair will explain the purpose of the meeting, the procedure to be followed, and that the appeal will cover only those issues raised by the employee in the grounds for appeal.
- The Chair will ask the Human Resources Manager and, where relevant, the Brigade Medical Advisor to present their report, giving the background to the appeal.
- The Chair will give the employee or his / her colleague or trade union representative the opportunity to state the ground/s for appeal and to present any papers previously lodged with the Human Resources Manager.
- Where the appeal is against a final written warning / dismissal / summary dismissal the Chair will ask the officer who made the decision, the Deciding Officer, to explain the decision and respond to the ground/s for appeal.
- The Chair will give Members of the Panel the opportunity to question the employee and any of the officers present on the information provided and to seek procedural advice from the Human Resources Manager and/or the Advisor.
- The Chair will ask the Human Resources Manager followed by the employee or his/her colleague or trade union representative to make a closing statement, which must be confined to information already introduced to the Panel.
- This procedure may be varied at the discretion of the Panel, provided the rules of natural justice are adhered to.
- The employee and colleague or trade union representative and all officers, with the exception of the Advisor (where present) and the Committee Clerk, will be asked to leave the meeting, whilst the Panel considers the case and reaches its decision.
- The Advisor will remain to advise on legal and procedural issues. Where no advisor is present the Human resources Manager will fulfil this role. The Committee Clerk will remain to record the Panel's decision. Neither officer will take part in the decision-making process.
- The Panel has the authority to maintain, quash or reduce a disciplinary penalty in accordance with the penalties specified in the Service's disciplinary procedure.
- All parties may be recalled prior to the Panel's reaching a decision, if Members require further information.
- Wherever possible the Panel will attempt to provide the employee with its decision on the day of the meeting, in which case the following procedure will be adopted. Once the Panel has reached its decision, officers, the employee and colleague or trade union representative will be invited back into the meeting. The Chair or Advisor will then read out the decision of the Panel.

- In all cases the decision of the Panel will be notified to the employee in writing by the Human Resources Manager within 14 working days of the meeting. Details of the employee's right of appeal, if any such right exists, will be provided in the decision letter sent by the Human Resources Manager.
- Where an appeal against dismissal fails, the date of termination of employment shall be the date, on which the employee was originally dismissed.