

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

Procedure for considering and determining appeals relating to:

- Grading and market factor supplement decisions (including rank to role)
- Grievances in accordance with the Grievance Procedure
- Application or interpretation of conditions of service
- Applications relating to individual cases of long-term sickness and pay
- Ill-health retirement or dismissal for health-related reasons of any employee
- Powers exercised under the Firemen's Pension Scheme and the New Firefighters Pension Scheme and related legislation in respect of ill-health retirements, except where that appeal is against a medical decision
- Internal Dispute Resolution Procedures Stage 2 with regard to the Firemen's Pension Scheme, the New Firefighters Pension Scheme, the National Firefighters' Pension Scheme and the Firefighters' Compensation Scheme
- Dismissal under the disciplinary process

Appeals relating to any of the above matters are heard by a panel of three Members of the Fire Authority's Human Resources Committee (the Panel).

When an employee has lodged an appeal, which is to be heard by the Panel, he / she will be informed in writing of the date of the Panel meeting, when the appeal will be considered, and that he / she may be accompanied by a colleague or a trade union representative, who may speak for him / her. Officers may also introduce advisors to provide professional support to the Panel.

All papers for consideration, including details of those who will attend the meeting, must be lodged with the Human Resources Manager at least 36 days before the meeting. This allows for:

- 21 days consultation between the parties – this enables the employee and officers to agree, as far as possible, the content of the report/s to be considered by the Panel
- 7 days for legal comment to be provided (required under the Fire Authority's Service Level Agreement with Telford & Wrekin Council)
- The papers to be sent to all parties involved 8 days before the meeting (i.e. 5 clear working days beforehand, not including the day on which papers are sent or the day of the meeting), as required under local government legislation

Unless otherwise stated, days referred to above are calendar days. Working days are defined as Mondays to Fridays, excluding Bank Holidays. It should be noted that these are minimum timescales and more time for consultation may be required, particularly where there are areas of contention between the employee and officers.

Failure to comply with the above timescales may delay consideration of the case.

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, i.e. the grounds of appeal, which the employee has put forward 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.

Employee 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 present 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 the Panel 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 sanction in accordance with the sanctions 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.