

Appeals Committee Terms of Reference

Report of the Chief Fire Officer

For further information about this report please contact Paul Raymond, Chief Fire Officer, on 01743 260205 or Sharon Lloyd, Corporate Services Manager, on 01743 260210.

1 Purpose of Report

This report provides details of the Terms of Reference of the Appeals Committee, as they appear in the Fire Authority's Members' Handbook, for review by this Committee.

2 Recommendations

That the Human Resources Committee review the Appeals Committee Terms of Reference and make any recommendations for changes, as appropriate, to the Fire Authority.

3 Background

The Terms of Reference for the Human Resources Committee state that it will review at least annually the Terms of Reference of the Appeals Committee to ensure that they are up-to-date and this action is included in the Committee's Work Plan for April 2011. The Committee is, therefore, asked to consider whether any additions or amendments are required to the Terms of Reference (attached as an Appendix) and to make recommendations, as appropriate, to the Fire Authority.

4 Officer Review

Officers have reviewed the Committee's Terms of Reference and do not propose any additions or amendments.

5 Financial Implications

There are no direct financial implications resulting from this report.

6 Legal Comment

Any proposed changes to the Committee's Terms of Reference must be approved at a meeting of the full Fire Authority.

7 Equality Impact Assessment

Officers have considered the Service's Brigade Order on Equality Impact Assessments (Personnel 5 Part 2) and have decided that there are no discriminatory practices or differential impacts upon specific groups arising specifically from this report. An Initial Equality Impact Assessment has not, therefore, been completed.

8 Appendix

Appeals Committee Terms of Reference

9 Background Papers

There are no background papers associated with this report.

Appeals Committee

Quorum - 3

Members - 7

Peter Adams (Conservative)
Joyce Barrow (Conservative)
Karen Blundell (Independent)
Terry Kiernan (Conservative)
Clive Mason (Labour)
Mal Price (Conservative)
Keith Roberts (Conservative)

Although membership of the Committee is 7, the number of Members participating in any hearing will be limited to 3. Steps will be taken to ensure that wherever practicable political balance is achieved, i.e. that 2 Conservatives and 1 Independent or 1 Labour Member participates.

Terms of Reference

To consider and determine any appeal against a decision of a Brigade Manager / Brigade Managers relating to:

- Individual cases of long-term sickness and pay
- The ill-health retirement or dismissal for health-related reasons of any employee
- Powers exercised under the Firemen's Pension Scheme and related legislation in respect of ill-health retirements, except where that appeal is against a medical decision

To consider and determine appeals at Internal Dispute Resolution Procedures Stage 2 with regard to the Firemen's Pension Scheme, National Firefighters' Pension Scheme and the Firefighters' Compensation Scheme

To consider appeals against dismissal under the disciplinary process

Meeting Dates

There are no scheduled meeting dates for the Appeals Committee, which meets on an "ad hoc" basis as and when there are cases to consider.

Shropshire and Wrekin Fire and Rescue Authority Appeals Committee

Procedure for considering appeals against final written warning / dismissal / summary dismissal

Consideration of the case will be in private and will usually take the form of a review, not a complete rehearing of the case.

If the appellant does not attend, the Tribunal should consider whether it wishes to postpone the hearing to a later date to enable the appellant to state the grounds of his/her appeal. The Tribunal may, however, deal with a case in the absence of the appellant and / or colleague or Trade Union Representative.

The appeal hearing is not intended to repeat the detailed investigation that led to, or formed part of, the disciplinary meeting, but to focus on specific factors that the appellant has included in his/her appeal.

Present at the meeting will be:

Three Members of the Appeals Committee

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 of the appeal

Deciding Officer

The officer, who took the decision to award a disciplinary sanction / dismiss, will explain the decision to do so.

Human Resources Manager

The Human Resources Manager will 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.

Committee Clerk

To take notes of the meeting and record the Appeals Committee's decision

On the day the hearing of the appeal will be conducted as follows:

- Introduction by the Chair of the Appeals Committee of all present
- **If the appellant 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?
- Explanation by the Chair of the purpose of the meeting, i.e. to hear an appeal against final written warning / dismissal / summary dismissal. The appeal will only cover those elements raised by the appellant in the grounds for appeal.
- The Chair will ask the Human Resources Manager to give the background to the appeal.
- The Chair will give the appellant full opportunity to state the ground(s), on which the appeal is made.
- The Chair will ask the Deciding Officer to explain the decision to impose final written warning / dismissal / summary dismissal and respond to the grounds of appeal.
- The Chair will give Members the opportunity to ask any questions of the appellant and the Deciding Officer and also seek advice from the Human Resources Manager and / or Advisor.
- The Chair will give the Human Resources Manager the opportunity to make a closing statement, which must be confined to information already introduced to the Appeals Committee.
- The Chair will give the appellant the opportunity to make a closing statement, which must be confined to information already introduced to the Appeals Committee.
- The Chair will ask officers and the appellant and accompanying person to leave the meeting, whilst the Appeals Committee considers the case and reaches its decision. The Advisor (where present) will remain to advise the Appeals Committee on procedural matters, otherwise the Human Resources Manager will fulfil this role. The Committee Clerk will remain to minute the Appeals Committee's deliberations and decision. Neither will take part in the decision-making process.
- The Appeals Committee 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 Appeals Committee's reaching its decision, if further information is required.

- Wherever possible the Appeals Committee will attempt to provide the appellant with its decision on the day of the appeal hearing, in which case the following procedure will be adopted. Once the Appeals Committee has reached its decision, officers and the appellant will be invited back into the meeting. The Chair or the Advisor will then read out the decision of the Appeals Committee.
- In all cases the decision of the Appeals Committee will be notified to the appellant in writing by the Human Resources Manager no later than 14 days after the meeting.
- Where an appeal against dismissal fails, the effective date of termination shall be the date on which the employee was originally dismissed.