

## Proposed Committee Rationalisation

### Report of the Chief Fire Officer

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#### 1 Purpose of Report

To propose the rationalisation of 3 Fire Authority Committees into one due to changes in associated processes and responsibilities elsewhere within the Service and in the interests of effective use of Member time and maintenance of competence. This paper should be considered in light of the previous reports recommending changes to the Internal Disputes Resolution Procedure as agreement to those will facilitate the changes proposed below.

#### 2 Recommendations

It is proposed that:

- a) The Health Panel be merged with the Appeals Committee
- b) The Disciplinary Appeals Tribunal be dissolved or merged (pending the outcome of Paper 9)
- c) The terms of reference of the Appeals Committee be broadened to encompass responsibilities arising from the merger/dissolution of the two committees at a) and b) above.
- d) The refreshed Appeals Committee be an ad-hoc committee to be convened as and when appropriate
- e) Members consider whether membership of the Appeals Committee should be reviewed in light of any agreed dissolution or merger of Committee(s) as set out in a) and b) above and the view of the representative bodies

### 3 Background

Shropshire and Wrekin Fire Authority currently has a Human Resources Committee and three further committees established to deal with employee-related matters. These are the Disciplinary Appeals Tribunal (DAT), the Appeals Committee and the Health Panel. Each Committee has a different set of Members allocated to it and the members allocated to the Health Panel and the Appeals Committee are always different as the latter provides the appeal route for decisions made by the former.

Of the three Committees only the Health Panel has regular scheduled meetings but last met on 15 April 2008 and before that on 28 November 2006. There was therefore a gap of 17 months between meetings with all scheduled meetings in between cancelled due to lack of business.

The last meeting of the DAT was more than 3 years ago (20 March 2006), although there are 3 cases due to be heard close together over the next couple of weeks but two of these are coming before the DAT due to a unique set of circumstances which are unlikely to repeat themselves.

The Appeals Committee has not met at any time since its inception.

### 4 Detail

The table in Appendix 1 shows the current terms of reference for each of the three Committees referred to above. The following table shows how it is proposed those terms of reference are incorporated:

	<b>Proposal</b>	<b>Comment</b>
<b>Health Panel</b>	Merge with Appeals Cttee	Scheduled meetings can be removed from the meeting calendar
<b>DAT</b>	Delete if the recommendations to Paper 9 are agreed, or if not, merge with the Appeals Committee	Meets on an ad-hoc basis so will not cause any disruption to the calendar
<b>Appeals Cttee</b>	That it remains but the ToR are reviewed and broadened to include IDRPs stage 2 appeals for FPS, NFPS and FSC on non-medical matters	Meets on an ad-hoc basis so will not cause any disruption although membership of Appeal Committee may need to be re-constituted

In summary it is proposed that a single Appeals Committee be constituted which deals with all employee-related appeals regarding the Firefighters' Pension Schemes, pay (except job evaluation) and disciplinary matters. The proposed Terms of Reference are set out at Appendix 2

Appeals under the Grievance and Job Evaluation process will continue to be referred to HR Committee.

We have explained these proposals to the representative bodies and their feedback has been that they have no objection to the rationalisation as proposed. They did however request that the new 'amalgamated' committee have a membership of 5 and a quorum of 3 as with the previous Disciplinary Appeals Tribunal.

## **5 Financial Implications**

There are no financial implications arising from this report.

## **6 Legal Comment**

There are no legal implications arising from this report.

## **7 Equality Impact Assessment**

This report proposes the amalgamation of 3 Fire Authority Committees through the review and removal of out-dated terms of reference and the insertion of new as necessary. Overall there are no fundamental changes that could affect employees of the Service as this is a rationalization without reduction.

## **8 Appendices**

**Appendix 1** Proposed amendments to terms of reference

**Appendix 2** Proposed new terms of reference for the Appeals Committee

## **9 Background Papers**

There are no background papers associated with this report.

Implications of all of the following have been considered and, where they are significant (i.e. marked with an asterisk), the implications are detailed within the report itself.

Balanced Score Card		Integrated Risk Management Planning	
Business Continuity Planning		Legal	
Capacity		Member Involvement	*
Civil Contingencies Act		National Framework	
Comprehensive Performance Assessment		Operational Assurance	
Efficiency Savings		Retained	
Environmental		Risk and Insurance	
Financial		Staff	
Fire Control/Fire Link		Strategic Planning	
Information Communications and Technology		West Midlands Regional Management Board	
Freedom of Information / Data Protection / Environmental Information		Equality Impact Assessment	*

**Proposed amendments to terms of reference**

<b>Health Panel</b>		
<b>Current Terms of Reference</b>	<b>Proposed relocation of Terms of Reference</b>	<b>Reason for change</b>
<p>To consider and determine any appeal against the decision of the CFO relating to:</p> <ul style="list-style-type: none"> <li>• Individual cases of long-term sickness and pay</li> <li>• The ill-health retirement or dismissal for health related reasons of any employee</li> <li>• Powers exercised under the FPS and related legislation in respect of ill-health retirements (except where that appeal is against a medical decision)</li> </ul>	<p>Appeals Committee</p> <p>Appeals Committee</p> <p>Appeals Committee</p>	<p>There is no specific reason why these appeals must be considered by a stand-alone committee. The infrequency of cases suggests merger to create a general Appeals Committee would be reasonable.</p> <p>This may have its origins in the fact that Health Panel used to make the first decision on sick pay and ill-health retirement matters, however this has since been delegated to the CFO</p>

<b>Disciplinary Appeals Tribunal</b>		
<p>To consider appeals against disciplinary decisions</p>	<p>Removed through delegation to the CFO through consideration of Paper 9 or alternatively transferred to Appeals Committee</p>	<p>HR Committee has been asked to consider a change of policy within the Disciplinary Brigade Order to prevent the considerable delay we have encountered in setting up appeals recently. Whatever the decision of the HR Committee, it is proposed that the DAT be dissolved. If disciplinary appeals are still to be heard by Members, then this role could be transferred to a general Appeals Committee.</p>
<b>Appeals Committee</b>		
<p>To consider and determine any appeal against a decision of the Health Panel relating to:</p> <ul style="list-style-type: none"> <li>• The ill-health retirement or dismissal for health-related reasons of any employee</li> <li>• Powers exercised under the FPS and related legislation in respect of ill-health retirements (except where that appeal is against a medical decision)</li> </ul>	<p>Delete these and replace with the former ToR from Health Panel i.e. To consider and determine an appeal against a decision of the <u>CFO</u></p>	<p>As explained above the CFO as delegated authority to make the initial decision in these matters and only one level of appeal is required to maintain the previous position (of one level of appeal). The original terms of reference for the Appeals Committee can therefore be deleted and the terms of reference for the Health Panel can be relocated to the Appeals Committee.</p> <p>Under the IDRPs proposals set out in Paper 10, Appeals Committee would also consider Stage 2 appeals making it a more general appeals committee.</p>

### **Proposed new terms of reference for the Appeals Committee**

To consider and determine any appeal against the decision of the CFO 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 FPS and related legislation in respect of Ill-health retirements (except where that appeal is against a medical decision)

Dependent upon Members decision with regard to Paper 10:

- To consider appeals at IDRP Stage 2 with regard to the FPS, NFPS and the FCS

Dependent upon Members decision with regard to Paper 9:

- To consider appeals against dismissals under the disciplinary process

Please note that if the Committee decides that Members are not to be involved in either or both of the latter two matters, the two final bullet points would not be included in the Terms of Reference.