

Committee Rationalisation

Report of the Clerk

For further information about this report please contact Sharon Lloyd, Corporate Services Manager, on 01743 260210.

1 Purpose of Report

This report proposes the merger of several committees of the Fire Authority, following recommendations made by the Human Resources Committee at its meeting on 3 September 2009. The report also asks Members to make various decisions relating to those recommendations.

2 Recommendations

The Fire Authority is asked to agree:

- a) The recommendation of its Human Resources Committee that the current three committees, known as the 'Health Panel', the 'Appeals Committee' and the 'Disciplinary Appeals Tribunal' be merged into one committee to be known as the 'Appeals Committee'; and

if recommendation a) above is agreed:

- b) The proposed constitution of the new Appeals Committee, set out at Appendix B;
- c) The proposed allocation of seats to political groups, set out at Appendix C, including a resolution (under section 17 of the Local Government and Housing Act 1989) that the political balance requirements do not apply to the West Midlands Regional Management Board; and
- d) That authority be delegated to officers to review and amend the existing procedures used by the current three committees, in order to ensure consistency in the operation of the new Appeals Committee.

3 Background

At its meeting on 3 September 2009 the Human Resources Committee agreed to recommend to the Fire Authority that the following committees be merged into one:

- Health Panel
- Appeals Committee
- Disciplinary Appeals Tribunal

The rationale behind this recommendation is that processes and responsibilities elsewhere within the Service have changed since the current committee structure was set up and the merger would result in a more streamlined structure. Furthermore, it would make more effective use of Member time and assist in the maintenance of Member competence.

For information a copy of the current constitution of the three committees is set out at Appendix A.

4 Proposed Constitution

If Members agree the merger of the three committees, it is proposed that the constitution of the new Appeals Committee is as set out at Appendix B. The Human Resources Committee felt that it was important for the new committee to have 7 Members, with a minimal quorum, to provide a pool from which to draw, when there are cases to be heard. This would also help to ensure that hearings are not cancelled at short notice, because of the lack of a quorum, which has happened recently with a Disciplinary Appeal Tribunal case.

5 Union Response

Officers have explained these proposals to the representative bodies and their feedback has been that they have no objection to the rationalisation. 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.

6 Allocation of Seats to Political Groups

If the Fire Authority agrees the merger, the current allocation of seats to political groups must be revisited. A proposed, revised allocation is, therefore, set out at Appendix C, which Members are asked to consider and agree.

7 Procedures

In light of the proposed merger officers feel that it would be prudent to review the various procedures currently used by the three committees and make amendments, where necessary to ensure consistency. The Fire Authority is asked, therefore, to delegate authority to officers to carry out this process.

8 Financial Implications

There are no financial implications associated with this report.

9 Legal Comment

The Fire Authority has the power to act as proposed in this report.

10 Equality Impact Assessment

An Initial Equality Impact Assessment has been completed.

11 Appendices

Appendix A

Constitution of the Health Panel, Current Appeals Committee and Disciplinary Appeals Tribunal

Appendix B

Proposed Constitution of the New Appeals Committee

Appendix C

Proposed Allocation of Seats to Political Groups

12 Background Papers

Shropshire and Wrekin Fire Authority
Human Resources Committee 3 September 2009 Minutes

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	*



Directorate	Executive	Department/ Section	Corporate Services
Name of officers completing (minimum of 2)	2	Job title	Corporate Services Manager Assistant Chief Officer
Name of Policy/Service/Activity to be assessed	CFA report on Committee Rationalisation (to go to 14.10.09 CFA)	Date of assessment	28.9.09
New or existing policy	New committee structure		

1) Briefly describe the aims, objectives and purpose of the policy/service/activity (referred to as policy in document) and also consider the following:

- What are the key performance indicators?
- Who is intended to benefit or be affected by it? (is this positive or negative)
- What outcomes do you want to achieve from this policy?

The aim of the merger is to streamline the appeals process for Health Panel and disciplinary appeals cases to bring it into line with Service processes and responsibilities.

There are no key performance indicators relating to this report.

It is intended that those employees involved in the appeals process will benefit for the following reasons:

- It should be easier to call a meeting of the Appeals Committee, because of the larger pool of Members and smaller quorum.
- It is less likely that hearings will need to be cancelled at short notice because of the lack of quorum.
- Member competency will be maintained because Members are likely to hear more cases in a given time.

1 a) Who implements this policy? Members, HR officers and Corporate Services Manager

<p>2) How does your current policy meet the needs around age, disability, race, religion/belief, gender, sexual orientation and caring responsibilities?</p> <p>Are there any obvious barriers to accessing the service? E.g. physical or other.</p>	<p>The current appeal policies in place offer consistency to all employees regardless of age, disability etc. The move to a merged Appeals Committee would do the same.</p> <p>The option to hold meetings in different places other than HQ exists to cater for the needs of individuals.</p>
<p>2a) Where do you think improvements could be made?</p>	<p>This work to merge 3 committees into one is as a result of identification of required improvement to the existing processes and the need to reflect changes in decision making processes.</p>

	At this stage, before the new system is put into practice we are unable to suggest further improvements.		
2b) Have issues of equality been identified in this area of service delivery by SFRS?	No		
3) Have we had any specific feedback or complaints on this area? Is there evidence that this has come from any of these specific groups: race, gender, disability, religion/belief, age, sexual orientation, caring responsibilities?	The issue of time (delay) taken to set up one of the existing committee meetings has been reported as an issue by various individuals subject to such processes, however alternative provision for appeals was put to Members and union representatives and both groups elected to maintain the current modus operandi. There is no evidence that the issues raised were particular to a specific group(s) of staff		
3a) Do we have any feedback from managers or frontline staff on this policy?	The change in arrangements has been consulted with the unions and they are fully supportive.		
3b) Is there any feedback from voluntary/community organisations?	None		
3c) Is there any research / models of practice that may inform SFRS view?	No		
4) Detail the Actions / Improvement areas you have identified, or the need for further research. (These must be put onto the Action and Improvements Form FB 367 for consideration by Steering Group) If you have found considerable actions or research this will require you to proceed to a full assessment.	None		
5) Should the policy now proceed to a full impact assessment?	Y	N No	Please detail

**I am satisfied that this policy has been successfully impact assessed.
I understand the Impact Assessment of this policy is a statutory obligation and that, as owners of this policy, we take responsibility for the completion and quality of this process.**

Line Manager		Date	
Please note that this impact assessment will be scrutinised by the Equality and Diversity Officer.			

Appendix D

Equality Impact Assessment Actions and Improvements Form

When you have completed the Equality Impact Assessment a number of actions or improvement areas will have been identified, it is important that these are captured and put into normal work activities. In some cases there maybe a few small actions required in other cases you will need to process to a full impact assessment, you will need to complete this form for both of these situations when you identify actions that need completing, or have identified that future investigation will require specific resources that need to be put into the business planning process.

This form is to allow you to record the outcome from your impact assessments so that the actions or improvements can be carried out by your Department and monitored and in some cases approved by the Equality and Diversity Steering Group. Please ensure that this form is given to your line manager for discussion at your team or one to one meetings for incorporation into individual work plans.

Directorate:	Department:
Brigade Order/activity that has identified need, issue/objective:	EQIA No:

Action	Comments inc. Details of Consultations required/carried out	Resources / Finances allocated to this objective/target	How will this be monitored to ensure it is effective	Responsible for this action	Due Date	Progress

Head of Department		Date completed	
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This form must be sent to Management Support when completed for monitoring and/or consideration by the Equality & Diversity Steering Group

Constitution of the Health Panel, Current Appeals Committee and Disciplinary Appeals Tribunal

Health Panel

Quorum - 3

Members - 3

Joyce Barrow (Conservative)
Clive Mason (Labour)
Keith Roberts (Conservative)

Additional Members

Jean Jones (Labour)
Terry Kiernan (Conservative)
Vacancy (Conservative)

When abolishing substitutes for its Committees in October 2005, the Fire Authority agreed that it would retain a pool of Members for the Health Panel to ensure a quorum for all of its meetings.

Terms of Reference

To consider and determine any appeal against a decision of the Chief Fire Officer relating to:

- Individual cases of long-term sickness, and the appropriate level of sick 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 opinion.

Meeting Dates

2009

13 January 2009
16 April 2009
9 July 2009
1 October 2009

Please note that these meetings will take place only if there are cases to consider.

Current Appeals Committee

Quorum - 3

Members - 3

Andrew Davies (Conservative)
Jayne Greenaway (Conservative)
Bob Groom (Independent)

Additional Members

Chris Mellings (Lib Democrat)
David Minnery (Conservative)
Vacancy (Conservative)

When abolishing substitutes for its Committees in October 2005, the Fire Authority agreed that it would retain a pool of Members for the Appeals Committee to ensure a quorum for all of its meetings.

Terms of Reference

To consider and determine any appeal against a decision of the Health Panel relating to:

- 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 opinion.

Meeting Dates

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

Disciplinary Appeals Tribunal

Quorum - 3

Members - 5

Peter Adams (Conservative)
Bob Groom (Independent)
Terry Kiernan (Conservative)
Roy Picken (Labour)
Mal Price (Conservative)

Terms of Reference

To consider appeals against disciplinary decisions

Meeting Dates

There are no scheduled meeting dates for the Disciplinary Appeals Tribunal, which meets on an “ad hoc” basis as and when required.

Proposed Constitution of New Appeals Committee

Quorum - 3

Members - 7

Peter Adams (Conservative)
Joyce Barrow (Conservative)
Nigel Hartin (Liberal Democrat) **or** Bob Groom (independent)
Terry Kiernan (Conservative)
Clive Mason (Labour)
Mal Price (Conservative)
Keith Roberts (Conservative)

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 Authority Proposed Allocation of Seats to Political Groups

Key

- * **Cons** – Conservative
- Lib Dem / Indep** – Joint Liberal Democrat and Independent Group
- Lab** – Labour

- ** These rows indicate the actual number of Members each political group should have, based on the percentage of Members it has of the Fire Authority as a whole.

	Cons*	Lab*	Lib Dem/ Indep*	Total Seats
Shropshire Council	8	1	2	11
Borough of Telford & Wrekin	3	2	1	6
Total	11	3	3	17

	Cons*	Lab*	Lib Dem/ Indep*	Total Seats
**				
West Midlands Regional Management Board Members: 3	2	0	1	3
Allocation to be decided				3

The Fire Authority agreed at its Annual Meeting in July 2009 that the three places on the West Midlands Regional Management Board should be taken by those holding the positions of Chair, Vice-Chair and Leader of the Main Opposition Group of the Fire Authority.

Under section 17 of the Local Government and Housing Act 1989 the Fire Authority can agree that the political balance requirements do not apply to the Board, provided no Member votes against the motion. In this case allocation of these seats would **not** need to be taken into account in the overall political balance calculations, which would then be as shown on the following page. This is the approach, which the Fire Authority has agreed since October 2005.

The following allocation of seats on the Fire Authority's committees is proposed.

	Cons*	Lab*	Lib Dem/ Indep*	Total Seats
** Urgency Committee Members: 7	4.53	1.24	1.24	7.01
Allocation	5	1	1	7
** Strategy and Resources Committee Members: 7	4.53	1.24	1.24	7.01
Allocation	5	1	1	7
** Audit and Performance Management Committee Members: 7	4.53	1.24	1.24	7.01
Allocation	4	2	1	7
** Human Resources Committee Members: 7	4.53	1.24	1.24	7.01
Allocation	4	1	2	7
** Appeals Committee Members: 7	4.53	1.24	1.24	7.01
Allocation	5	1	1	7
** Brigade Managers Employment Panel Members: 6	3.88	1.06	1.06	6
	4	1	1	6
** Aggregate Seats	26.53	7.26	7.26	41.05
Total Seats Allocation	27	7	7	41

Standards Committee

This is not required to be politically balanced and does not, therefore, form part of the political balance calculations. The following allocation is, therefore, proposed.

	Cons*	Lab*	Lib Dem/ Indep*	Total Seats
Elected Members: 4	2	1	1	4

Integrated Risk Management Planning (IRMP) Members' Working Group

Although Members agreed that this Group should be politically balanced, it does not form part of the political balance calculations, as, being a Working Group, it is not a fully constituted committee of the Fire Authority.

Members: 7	4.53	1.24	1.24	7.01
Allocation	5	1	1	7

Budget Working Group

As this Group is not a fully constituted committee, it does not form part of the political balance calculations. Currently, it has the same membership as the Strategy and Resources Committee.

Retained Review Implementation Group

As this Group is not a fully constituted committee, it does not form part of the political balance calculations. Currently it has 1 Labour Member, 1 Conservative Member and 1 Liberal Democrat Member.

Community Liaison Panel

This Panel was made up of Members, who also sat on the Shropshire borough and district councils, as well as the Fire Authority's Vulnerable Persons Champion and Young People's Champion. Discussions will now take place between officers and Members as to how this Panel should be taken forward.