

REPORT OF THE CHIEF FIRE OFFICER

REVISED HEALTH PANEL PROCEDURES

1 Purpose of Report

To seek the formal approval by the Human Resources Committee of the attached revised Health Panel Procedures.

2 Recommendations

That the Human Resources Committee approve:

- a) The revised Health Panel procedures and form HP; and
- b) That a panel of two senior managers (taken from the Chief Fire Officer, Deputy Chief Fire Officer and Assistant Chief Officer) hear initial considerations of cases.

3 Background

The terms of reference of the Health Panel are that it is to consider and determine appeals against the decision of the Chief Fire Officer (CFO) on matters relating to long-term sickness and pay, ill health retirement and health related dismissal and powers exercised under the Firemens' (Firefighters') Pension Scheme.

Over time, and with use, some of the procedures adopted to deal with matters relevant to the Health Panel have evolved or become out of keeping with other related good practice. These changes are regarding the consideration by the CFO of cases initially, and subsequently regarding the procedure for considering appeals against a decision of the CFO in relation to sick pay.

4 Current Position

When the Health Panel procedures were last updated in 2003 initial consideration of each case was delegated to the CFO. In hearing the first cases under the devolved powers the CFO wished to consider the matter with another senior officer and so subsequently cases have been heard by a panel of senior managers (usually two taken from the CFO, Deputy Chief Fire Officer and Assistant Chief Officer). In the majority of cases the CFO has been a member of the panel. Members of Human Resources Committee are requested to consider formally endorsing this approach.



Should the employee decide to appeal against the decision of the CFO, the matter is put before the Health Panel. The Health Panel procedures were last updated in 2003. The proposed amendments are shown at Appendix A and relate to consistency issues. For example, when the discipline procedures were introduced in 2005 ACAS (Arbitration Conciliation and Advisory Service) guidelines and good practice recommended that an employee had the right to be accompanied by a colleague or Trade Union representative. To avoid confusion and to comply with good practice it is, therefore, recommended that this change be included in the Health Panel documentation.

The other amendments are for clarification or show changes made over time in the interests of making the procedures equitable to all parties and to ensure that any points of debate are ironed out as far as possible before they come in front of Members.

5 Financial Implications

There are no direct financial implications arising from this report.

6 Legal Comment

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

7 Appendices

Appendix A Proposed amendments to Health Panel Procedures

Appendix B Proposed amendments to Form HP1

8 Background Papers

There are no background papers to 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.

Balance Score Card		Integrated Risk Management Planning	
Business Continuity Planning		Legal	
Capacity		Member Involvement	*
Civil Contingencies Act		National Framework	
Comprehensive Performance Assessment		Operational Assurance	
Equality and Diversity	*	Retained	
Efficiency Savings		Risk and Insurance	
Environmental		Staff	*
Financial		Strategic Planning	
Fire Control/Fire Link		West Midlands Regional Management Board	

For further information about this report please contact Louise McKenzie, Assistant Chief Officer, on 01743 260201 or Alan Taylor, Chief Fire Officer, on 01743 260201.



Shropshire and Wrekin Fire Authority Health Panel

Procedure for considering appeals against a decision of the Chief Fire Officer relating to applications for extension of sick pay

- The Health Panel is a committee of Shropshire and Wrekin Fire Authority, made up of three Members of the Authority. Its terms of reference include consideration and determination of 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.
- When an employee has lodged an appeal against such a decision of the Chief Fire Officer, he/she will be informed in writing of the date of the Health Panel meeting when the appeal will be considered, and that he/she can be accompanied by a **colleague or a trade union representative** friend or representative, who may speak for him/her. Officers may also introduce advisors to provide professional support.
- ~~Papers for the Health Panel must be sent out in accordance with statutory requirements. All papers for consideration, including Form HP1 requesting details of who will attend the meeting, must, therefore, be lodged with the Human Resources Personnel Manager at least 36 days before the meeting ten working days before the meeting (working days are defined as Mondays to Fridays excluding Bank Holidays).~~
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 Health Panel**
 - **7 days for legal comment to be provided (required under the Fire Authority's Service Level Agreement with Borough of Telford & Wrekin)**
 - **The papers to be sent out to all parties involved 8 days before the meeting (i.e. 5 clear working days beforehand, not including the day the papers are sent out 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 timescale above is likely to** ~~this requirement will~~ delay consideration of the case until the next scheduled meeting **of the Health Panel.**

- Consideration of cases will be in private. A Legal Advisor will be present to advise on legal and procedural matters and a Committee Clerk to take minutes and record the Panel's decision. Neither officer will take part in the decision-making process.
- The Health Panel may deal with a case in the absence of the employee and/or **colleague or trade union representative** a friend or representative.

- The proceedings on the day will be conducted as follows:
 - Introduction by the Chair of the Health Panel
 - Presentation by officers and the Brigade Medical Advisor (if relevant) of their report
 - Opportunity for the employee or his/her **colleague or trade union** representative to ask questions of officers on the information provided
 - Questioning of officers and/or the Brigade's Medical Advisor on the above from Members
 - Presentation by the employee and/or his/her **colleague or trade union** representative of papers previously lodged with the **Human Resources Personnel Manager**
 - Opportunity for officers and/or the Brigade Medical Advisor to ask questions of the employee and his/her **colleague or trade union** representative on the information provided
 - Questioning of the employee and/or his/her **colleague or trade union** representative on the above from Members
 - Any further questions of officers, the Medical Advisor and/or employees from Members
 - Opportunity for an officer followed by the employee or his/her **colleague or trade union** representative to make a closing statement and summary of the case, 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.
- Officers, the Brigade Medical Advisor, the employee and **colleague or trade union representative** ~~friend/representative~~ will be asked to leave the meeting, whilst the Health Panel considers the case and reaches its decision. The Legal Advisor will remain to advise on legal and procedural issues and the Committee Clerk to record the decision. All parties may be recalled prior to the Health Panel's reaching its decision, if further information is required.
- Once the Health Panel has reached its decision, officers, the Brigade Medical Advisor, the employee and **colleague or trade union representative** ~~friend/representative~~ will be invited back into the meeting. The Legal Advisor will then read out the decision of the Health Panel and the employee, if present, will be provided with a written record of the decision by the Committee Clerk.
- ~~If the employee is not present at the meeting,~~ The decision of the Health Panel will be notified to **the employee** ~~him/her~~ in writing by the **Human Resources Manager** ~~Committee Clerk~~ within 5 working days of the meeting.
- There is no right of appeal against the decision of the Health Panel in respect of an application for extension of sick pay.

**SHROPSHIRE AND WREKIN FIRE AUTHORITY
HEALTH PANEL**

Name

Meeting to be held on

At.....

Please circle the appropriate answer.

- | | | | |
|----|--|------------|-----------|
| 1. | Do you intend to be present at the meeting?
If you do not attend, your case will be considered by the Health Panel in your absence. | Yes | No |
| 2. | Do you wish your case to be presented by someone else at the meeting? | Yes | No |

Please note that under Health Panel procedures you are entitled to be accompanied by a colleague or a trade union representative.

If you answer Yes **to question 2**, please give details of that person below:

Name

Position

Address.....

.....

Telephone Number

- | | | | |
|----|---|------------|-----------|
| 3. | Do you intend to provide written information in support of your case? | Yes | No |
|----|---|------------|-----------|

If you do, you must supply this to the **Human Resources** ~~Personnel~~ Manager at least **36 calendar days** ~~ten working~~ days before the meeting (~~working days are Mondays to Fridays and exclude Bank Holidays~~). This enables the Health Panel to consider fully the information you provide. Providing written information on the day does not comply with Health Panel procedures and will not, therefore, be accepted. ***For your information and guidance a copy of the Health Panel Procedures are attached to this form.***

Signature..... Date