

**HUMBERSIDE FIRE AUTHORITY**

**APPEALS COMMITTEE**

**1 NOVEMBER 2017**

**PRESENT:** Councillors Chadwick, Finlay and Mathieson

The Monitoring Officer/Secretary, Director of Human Resources and Committee Manager were also present.

*The meeting was held at the Humberside Fire and Rescue Service Headquarters, Kingston upon Hull. Meeting commenced at 1.30 p.m.*

**5646 DECLARATIONS OF INTEREST** – There were no declarations.

**5647 APPOINTMENT OF CHAIRPERSON - Resolved** – That Councillor Finlay be appointed Chairperson for this meeting.

**5648 EXCLUSION OF THE PRESS/PUBLIC - Resolved** – That the press and public be excluded from the meeting for consideration of the following item (Minute 5649) on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

*(In making its decision the Committee confirmed that having regard to all the circumstances it was satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosing the information).*

**5649 APPEAL AGAINST DISMISSAL (REF 2/2017)** – The Committee considered an appeal (Ref 2/2017) under the terms of the Service's Absence Management Policy against the decision of the Director of Emergency Response to dismiss the appellant from his post of retained duty system firefighter. The appellant was represented by Mr P Hayes (RFU representative). The Humberside Fire and Rescue Service was represented by the Director of Emergency Response and P Cook, Human Resources Partner.

The grounds of appeal were set out in the Appellant's letter of appeal dated 23 August 2017 which was read out at the meeting by the Monitoring Officer/Secretary.

As requested by the Appellant's representative additional correspondence relating to the case had been circulated electronically prior to the meeting and hard copies were distributed at the meeting.

At the close of the presentations and final submissions the parties left the meeting to enable the Committee to deliberate in private, with only the Officers present. The parties were then invited back in to the meeting and were informed of the Committee's findings and decision.

The Committee found that the appeal was based on alleged failures in relation to the process, FF Marshall informed the appeal panel that he had informed the Brigade of a change of address on 22 June 2017, the Appellant accepted that he had been informed of meetings prior to this, and had been unable to attend some meetings, and had informed the Brigade on those occasions. The Brigade accept that some letters had not gone to the correct address. It was also accepted that the Appellant had had 3 days' notice of the final hearing. The Panel also noted that the letter of dismissal was not sent recorded delivery but it was sent to the correct address.

The Brigade indicated that the most up to date advice received from Occupational Health was that given on 26 July 2017 that his condition was no longer stable and that he was temporarily unfit for duty. They noted that the waiting time for surgery could be approximately 12 weeks and 6 weeks recovery time with no guarantee that he would be fit for operational duty at this point. The Panel was informed that the next appointment with the Specialist was on 12 November 2017. There was no date for an operation. The Panel therefore felt that that the action of the Brigade was a reasonable decision and the Committee has therefore **Resolved** that the appeal be dismissed.

*Meeting closed at 2.47 p.m.*