

HUMBERSIDE FIRE AUTHORITY

APPEALS COMMITTEE

28 SEPTEMBER 2021

MEMBERS PRESENT:

East Riding of Yorkshire Council

Councillors Green and Smith

Hull City Council

Councillors Randall (in the Chair)

North Lincolnshire Council

Councillor Grant

Others Present:

Officers

Monitoring Officer/Secretary - Mathew Buckley
HR Advisor - Ruth Gilmour - Head of Human Resources
Clerk - Gareth Naidoo - Committee Manager

Service representatives

Niall McKiniry - Assistant Chief Fire Officer
Angie Brittan - HR Service Partner

Apologies were submitted by the Appellant

The meeting was held at the Humberside Fire and Rescue Service Headquarters

1/21 APPOINTMENT OF CHAIRPERSON - Resolved - That Councillor Randall be appointed as Chairperson for the meeting.

2/21 DECLARATIONS OF INTEREST - There were no declarations.

3/21 EXCLUSION OF THE PRESS/PUBLIC - Resolved - That the press and public be excluded from the meeting for consideration of the following item (Minute 4/21) 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.

4/21 APPEAL AGAINST DISMISSAL (REF. 01/2021) - The Committee considered an appeal (Ref 01/2021) under the terms of the Service's Disciplinary Policy against the decision of the Assistant Chief Fire Officer to dismiss the appellant from his post.

The Grounds of Appeal, as emailed to the Chief Fire Officer/Chief Executive on 15 August 2021 by the Appellant, was read out by Monitoring Officer/Secretary which stated that the appeal against dismissal was on the grounds that:

- *The issue is not proven on the balance of probabilities;*
- *There was a defect in the procedure;*

The written transcript of the Disciplinary Hearing of 4 and 5 August 2021 was confirmed by the Service.

Resolved - That the Appeal be a review of the original dismissal hearing.

In his absence the Appellant the Committee considered all the documentation that the Appellant had provided for the Committee to consider.

The Assistant Chief Fire Officer put forward the Service's case for dismissal.

The Committee retired to determine its decision.

All parties were recalled for the Committee's decision. The Committee considered whether the decision made to dismiss the Appellant was reasonable and concluded:

- that it was proven on the balance of probabilities that the WhatsApp data was legitimate, having reviewed the investigative report by the investigative officer and the stage 3 investigation hearing;
- that the Committee had reasonable belief that the Appellant had misappropriated Service property in conjunction with another person;
- that there was no defect in procedure and that the Disciplinary Policy process had been carried out correctly; it was clear that the matter had been investigated by a third party Group Manager;
- That whilst there had been a delay in the investigation process the Committee felt the Service was right to delay the process due to the ongoing police investigation.

The Committee upheld the findings of the Assistant Chief Fire Officer to the Appellant in his letter dated 5 August 2021.

Resolved - That the Appeal be dismissed.