

HUMBERSIDE FIRE AUTHORITY**APPEALS COMMITTEE****2 OCTOBER 2018**

PRESENT: Councillors Mathews, Randall (Mrs) and Rodmell.

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 10.00 a.m.

5967 DECLARATIONS OF INTEREST – There were no declarations.

5968 APPOINTMENT OF CHAIRPERSON - Resolved – That Councillor Mathews be appointed Chairperson for this meeting.

5969 EXCLUSION OF THE PRESS/PUBLIC - Resolved – That the press and public be excluded from the meeting for consideration of the following item (Minute 5970) 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).

5970 APPEAL AGAINST DISMISSAL (REF 1/2018) – The Committee considered an appeal (Ref 1/2018) under the terms of the Service's Conduct and Performance Procedure against the decision of the Director of Organisational Training to dismiss the appellant from his post of firefighter. The appellant was represented at the meeting by Mr G Marshall (FBU). The Humberside Fire and Rescue Service was represented by the Director of Operational Training and Mr N Baker, HR Service Partner.

The grounds of appeal were set out in the Appellant's letter of appeal dated 6 July 2018 which was read out at the meeting by the Monitoring Officer/Secretary. The grounds of appeal set out by the Appellant were:

1. The severity of the outcome was too great.
2. New evidence, I hope to gain more evidence between now and the appeal to strengthen my case.

At the request of the Appellant's representative additional correspondence in support of the appeal had been circulated prior to the meeting. The Director of Operational Training circulated at the meeting a case summary.

In his letter of appeal the Appellant had requested a full re-hearing be held. Having invited the views of the parties the Committee decided that in view of the additional submissions received since the previous disciplinary hearing on 13 March 2017 a full re-hearing was appropriate. The Committee also decided that in these circumstances they should see the CCTV footage of the driving incident that occurred on 6 November 2017. The meeting adjourned whilst arrangements were made for the footage to be shown. The Appellant's representative requested that the Appellant be allowed to leave the meeting whilst the footage was shown. It was noted that the transcript of the hearing on 13 March 2018 was agreed by both parties. During the presentation by the Appellant's representative asked that the Committee to allow a witness (BD) to speak in support of the appellant. The Committee agreed to hear the witness.

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 decision.

Resolved Unanimously – That the decision of the Panel is that the action of the Appellant in driving a skip lorry towards a member of the public did constitute an act of gross misconduct for which the Appellant could be dismissed. However the Panel considered that there were mitigating factors in that the Appellant had been the subject of a campaign of harassment over a number of years; the Appellant has said that he will resign from his job at the skip company, and will continue to receive counselling. The Panel has decided to reinstate the Appellant with a Final Warning on his file for 5 years and a transfer to another Station and that he shall not drive any fire services vehicles for 5 years.

Meeting closed at 1.40 p.m.