

**HUMBERSIDE FIRE AUTHORITY****APPEALS COMMITTEE****25 SEPTEMBER 2015****PRESENT:** Councillors Allen, Hodgson and Payne

The Monitoring Officer/Secretary, Head of HR, Senior HR Officer and Committee Manager were also present.

*The meeting was held at the Humberside Fire and Rescue Service Headquarters, Kingston upon Hull. Meeting commenced at 1.00 p.m.*

**4946 DECLARATIONS OF INTEREST** – There were no declarations.**4947 APPOINTMENT OF CHAIRPERSON - Resolved** – That Councillor Hodgson be appointed Chairperson for this meeting.**4948 EXCLUSION OF THE PRESS/PUBLIC - Resolved** – That the press and public be excluded from the meeting for consideration of the following item (Minute 4949) 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).*

**4949 APPEAL AGAINST DISMISSAL (REF 1/2015)** – The Committee considered an appeal (Ref 1/2015) under the terms of the Service's Conduct and Performance Procedure against the decision of the Director of Emergency Response to dismiss the appellant from his post of Crew Manager. The appellant was represented at the meeting by Mr R Walker (FBU representative). The Humberside Fire and Rescue Service was represented by GM P McCourt and SM P Hayden. The Director of Emergency Response attended as a witness for the Humberside Fire and Rescue Service.

The grounds of appeal set out by the Appellant were:

1. The issue was not proven on the balance of probability.
2. The sanction was too severe.

New evidence was submitted by the Appellant and was circulated at the meeting.

With regard to the grounds of the appeal the Committee found:

With regard to the ground that the issue was not proven on the balance of probabilities the Committee found that the evidence supported a conclusion that the allegations of bullying and harassment had been proved.

With regard to the ground that the sanction was too severe the Committee found that the actions constituted gross misconduct and therefore the sanction of dismissal was not too severe.

The Committee has therefore **Resolved** that the appeal be dismissed.

*Meeting closed at 16.43pm*

