

HUMBERSIDE FIRE AUTHORITY

APPEALS COMMITTEE

9 JULY 2019

PRESENT: East Riding of Yorkshire Council

Councillors Chadwick (in the Chair) and Fox

Hull City Council

Councillors Nicola and Randall.

Officers

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

Appellant's Representative

Gavin Marshall (FBU)

Service representatives

Miriam Heppell - Director of People and Development
Alison Veail - HR Service Partner

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

The Meeting commenced at 10.00am

1/19 APPOINTMENT OF CHAIRPERSON - Resolved - That Councillor Chadwick be appointed as Chairperson for the meeting.

2/19 DECLARATIONS OF INTEREST - There were no declarations.

3/19 EXCLUSION OF THE PRESS/PUBLIC - Resolved - That the press and public be excluded from the meeting for consideration of the following item (Minute 4/19) 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.

4/19 APPEAL AGAINST DISMISSAL (REF. 01/2019) - The Committee considered an appeal (Ref 01/2019) under the terms of the Service's Conduct and Performance Procedure against the decision of the Director of People and Development to dismiss the appellant from his post of firefighter for gross misconduct for bringing the Service into disrepute by posting inappropriate comments and memes on social media contravening the values and behaviours expected of a Service employee.

The Grounds of Appeal, as emailed to the Chief Fire Officer/Chief Executive on 14 February 2019 by the Appellant's representative, was read out by Secretary to Appeals Committee which stated that the appeal against dismissal was on the grounds that:

(i) *The severity of the outcome was too great;*

And

(ii) *New evidence has come to light.*

The written transcript of the of the Disciplinary Hearing of 7 February 2019 was confirmed by the Appellant and the Service

The Appellant's representative requested to the Committee that the Appeal should be dealt with by way of a re-hearing, stating that the Disciplinary Policy dated August 2018, which was included in the Appeals pack and had been used as part of the disciplinary process, had not been the subject of consultation with the Trade Unions and therefore this constituted a procedural defect.

The Committee determined that the Appeal had not been made on the basis of procedural defects but on the Grounds of Appeal as set out by the Appellant's representative in his email sent to the Chief Fire Officer/Chief Executive of 14 February 2019 and that no fundamental differences between the original Policy and the newer Policy had been identified to the Committee.

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

Appellant sets out grounds of appeal

The Appellant's representative addressed the Committee and set out the case for the grounds of appeal. No witnesses were called.

The Director of People and Development put forward to 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 there was no question that the Appellant had made the posts;
- that officers did not require social media training in order not to post offensive comments on social media;
- that the social media posts of 2017 and 2018 were offensive and constituted an act of gross misconduct, and
- that taking into account all the factors, including the positive social media posts made in support/promotion of the Service and character references, the decision to dismiss was appropriate.

Resolved - That the Appeal be dismissed.

The Meeting closed at 4.15pm