

## EAST SUSSEX FIRE AUTHORITY

**Date** 11 June 2020

**Title of Report** Review of Terms of Reference of Human Resources and Principal Officer Appointment Panels

**By** Abraham Ghebre-Ghiorgis, Monitoring Officer

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**Background Papers** Section B - Fire Authority Constitution

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**Appendices** Appendix 1 – Revised Terms of Reference for Human Resources and Principal Officer Appointments Panel

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### Implications

<b>CORPORATE RISK</b>	✓	<b>LEGAL</b>	✓
<b>ENVIRONMENTAL</b>		<b>POLICY</b>	
<b>FINANCIAL</b>		<b>POLITICAL</b>	
<b>HEALTH &amp; SAFETY</b>		<b>OTHER (please specify)</b>	
<b>HUMAN RESOURCES</b>	✓	<b>CORE BRIEF</b>	
<b>EQUALITY IMPACT ASSESSMENT</b>			

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**PURPOSE OF REPORT** To propose changes to the Terms of Reference of the Human Resources and Principal Officer Appointments Panel

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**EXECUTIVE SUMMARY** The Service's Disciplinary Procedures are incompatible with the Gold Book Terms and Conditions of Service, under which the Principal Officers are employed. Minor changes to the Terms of Reference of both the Human Resources and Principal Officer Appointments Panel will address the issue.

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**RECOMMENDATIONS** That the Fire Authority:

- i) approve with immediate effect the amended Terms of Reference for the Human Resources and Principal Officer Appointments Panels as set out in Appendix 1
- ii) authorise Assistant Director Planning and Improvement to amend and re-publish Section B of the Constitution to reflect those amendments

## **1 INTRODUCTION**

- 1.1 The Fire Authority's constitution provides that substantial changes to the constitution including changes to the terms of reference of any Panel require full Fire Authority approval.
- 1.2 Whilst the Service's Disciplinary Procedure is appropriate for staff on Grey and Green Book Conditions, it is not entirely compatible with Gold Book Terms and Conditions of Service for Brigade Managers. The Service's Principal Officers are Brigade Managers for the purposes of the Gold Book. Consideration is being given to the introduction of a separate Disciplinary Procedure for Principal Officers, but as an interim measure, it is proposed to amend the terms of reference of the Human Resources and Principal Officer Appointment Panels to clarify their roles and add a right of appeal.

## **2 PANEL TERMS OF REFERENCE**

- 2.1 In relation to disciplinary matters, the Human Resources Panel is entitled to hear and determine appeals in relation to dismissal and disciplinary action taken against any officer or employee and any other matter referred to the panel under the disciplinary procedure of the Fire Authority.
- 2.2 The Principal Officer Appointments Panel deals with the appointment of Principal Officers and their terms and conditions of service, including remuneration.

## **3 DISCIPLINARY PROCEDURE**

- 3.1 The Service has a detailed Disciplinary Procedure running to 39 pages. It is compliant with the ACAS Code of Practice on Disciplinary and Grievance Procedures, and reflects the agreement on Disciplinary Procedures outlined in the National Joint Council for Local Authority Fire and Rescue Services Scheme of Conditions of Service (Grey Book) and the National Joint Council for Local Government Services National Agreement on Pay and Conditions of Service (the Green Book). It applies to all ESFRS employees. The ultimate sanction under the procedure is dismissal. There is a right of appeal to the Authority against an officer decision to dismiss to the Authority. Such appeals are heard by the Human Resources Panel. There is no further right of appeal.
- 3.2 For Principal Officers, the Disciplinary Procedure provides that "Where a Principal Officer is subject to investigation, Gold Book Terms and Conditions will apply. The investigation will be undertaken by an external investigator and heard by the Fire Authority". That hearing is a function of the Human Resources (HR) Panel. In its capacity as a Disciplinary Panel, the HR Panel will hear cases and where appropriate consider a suitable sanction such as oral/written warnings, final written warning through to dismissal with or without notice.
- 3.3 The Gold Book further provides, "Where a Brigade Manager is dissatisfied in respect of matters concerning disciplinary proceedings and /or the outcome of proceedings they should exercise their right of appeal under the Disciplinary Procedure." There is no right of appeal in the current procedure for Principal Officers, and to address this incompatibility with the Gold Book, it is proposed that an appeal to the Principal

Officer Appointments Panel be introduced for Brigade Managers/Principal Officers dissatisfied at the decision of the Human Resources Panel acting as a Disciplinary Panel.

- 3.4 Only minor changes to the Panels' Terms of Reference are required to introduce the proposed change. They are shown in bold in Appendix 1. Given that they are limited in scope, it is recommended that they should take immediate effect, and that the Assistant Director Performance and Improvement/Democratic Services be authorised to arrange publication of the amended terms on the Service's website. The changes will provide the Authority with a fair disciplinary process for Principal Officers, compatible with their contractual terms and conditions.