

Lancashire Combined Fire Authority

Meeting to be held on 23 February 2026

Matters of Governance in relation to the dismissal and appeals of statutory officers

(Appendix A and B refers)

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Executive Summary

The report outlines matter of governance related to the appeals and dismissals of statutory officers within Lancashire Combined Fire Authority.

In line with statutory requirements, clear processes must be established for the management of key statutory roles, namely, the Head of Paid Service (Chief Fire Officer), Section 151 Chief Finance Officer (Director of Corporate Services) and Clerk and Monitoring Officer. The importance of having robust and transparent procedures is underlined by recent national events highlighting the pressures and scrutiny associated with these senior posts and the risks of inadequate support or oversight.

The recommendations seek to strengthen governance arrangements and provide greater clarity and support for those holding statutory office.

Recommendation

The Combined Fire Authority is asked to consider the following proposals:

- The implementation of a new Disciplinary Procedure for dealing with matters of misconduct relating to Statutory Officers and agreeing that matters relating to other Executive Board members will be dealt with under Lancashire Fire and Rescue Service (LFRS) Disciplinary and Grievance procedures.
- An amendment to the Appeals Committee Terms of Reference as detailed within the report.
- Amendments to be discussed with the Independent Persons in relation to their contracts to allow them to be involved in disciplinary matters for Statutory Officers.

1. Information

There are essentially three Statutory Officers who must, by law, be formally designated by a Local Authority or Fire Authority. These statutory officers are the Head of Paid Service - within LFRS, this is the Chief Fire Officer - the Section 151 Chief Finance Officer (Director of Corporate Services in LFRS) and the Clerk and Monitoring Officer. There are clear rules in terms of maintaining impartiality between Members and Officers and a distinction between the role of the Head of Paid Service and Members in terms of operational and strategic oversight.

The roles of these statutory officers are distinct from those of other members of the Executive Board. Furthermore, following the His Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) inspection into governance, it is essential to have clear processes in place for managing dismissals and addressing issues of concern. The Local Authority (Standing Orders) Regulations (England) (Amendment) Regulations 2015 do not apply, but most authorities have used these regulations in developing their arrangements, as there are special protections which apply to statutory officers.

When developing the new arrangements, there is also a need to consider the current Scheme of Delegation, the contracts, and the terms and conditions of employment of the officers affected by the proposals. Whilst these regulations do not directly apply many Services consider the Local Authorities Standing Orders Regulations and Amendment Regulations 2015 in developing their approach.

Currently, there is no defined procedure or process for dealing with matters of misconduct or allegations against Directors of the Fire Authority, including those against Statutory Officers within LFRS. The responsibilities and nature of senior public roles mean that individuals can be exposed to different types of challenges, including potential public scrutiny and pressure, which some may interpret or perceive as harassment. Challenge and scrutiny are key parts of our democracy and the decision-making process, but challenge and scrutiny should be constructive. There is an important line that should not be crossed—between legitimate challenge and abuse. It is recognised by the Local Government Association and National Fire Chiefs Council that officers can be subject to deliberate attempts to negatively impact a person's standing or damage their reputation, usually through discrediting tactics, sometimes in a sustained and organised way. These organisations recognise the negative impact abuse and harassment can have on individuals. Harassment can lead to various negative consequences for the individual, including psychological and physical health problems. The relatively recent death by suicide of a Chief Fire Officer, who was subject to an investigation, demonstrates the devastating impact this scrutiny can have.

The establishment of defined procedures ensures matters are dealt with in a proportionate, fair and transparent way.

2. Matters of Concern

A set of regulations governing the procedural protections for statutory officers in disciplinary situations was introduced in 2001 and amended in 2015 – but as amendments to nationally negotiated contracts for Chief Executives setting out the procedures to be adopted were only made in October 2016, and amendments for Chief Finance and Monitoring Officers in August 2017, many Authorities delayed reviewing their arrangements and a review was not undertaken within LFRS. There is currently no defined procedure/process for dealing with matters of misconduct, or allegations against Directors of the Fire Authority including those against Statutory Officers.

New arrangements need to be developed. It is proposed that matters of misconduct, relating to Directors of the Fire Authority, other than the Statutory Officers, will be dealt with under the Service's Disciplinary Procedure which clearly explains the process to be followed and the support which should be in place. An additional procedure will be established for dealing with matters relating to statutory officers, who have additional provisions relating to dismissal due to their statutory protection. These provisions require approval from the full Fire Authority and will include the involvement of an

independent third-party in any proposed disciplinary investigations. The disciplinary procedure for dealing with issues of misconduct relating to statutory officers is attached at Appendix A.

3. Appeals

Further to the review of the Complaints Procedure by the Fire Authority 28 September 2010, as detailed in anecdotal non-constitutional operating procedures relating to the Appeals Committee October 2024, the role of the Appeals Committee was updated to remove reference to stage 3 complaints, but further to an administrative oversight the Terms of Reference was not updated. It is proposed to address this omission. In addition, it is proposed to amend the Appeals Committee Terms of Reference in accordance with the new arrangements for dealing with issues of concern raised against Directors including Statutory Officers from:

Appeals against dismissal of staff at Director level.

to

Appeals against action short of dismissal against the Chief Fire Officer, Director of Corporate Services (Section 151 Officer) and the Clerk and Monitoring Officer.
Appeals against dismissal of Director level officers accountable to the Chief Fire Officer, excluding Director of Corporate Services (Section 151 Officer) and the Clerk and Monitoring Officer.

Full details are attached at Appendix B.

Business risk

There is no business risk arising from the report.

Sustainability or Environmental Impact

There is no sustainability or environmental impact arising from the report.

Equality and diversity implications

The establishment of a clearly defined procedural arrangements to deal with matters of concern relating to Executive Officers ensures that the principles of transparency are applied and allows for the consistent application of processes fairly.

HR implications

The National Joint Council's Scheme of Conditions of Service for Brigade Managers within UK Fire and Rescue Services (Gold Book) and the Joint Negotiating Council (JNC) for Local Authority Chief Officers Handbook have been used in the development of the procedures for dealing with statutory officers' misconduct.

Whilst the Local Authorities (Standing Orders) (England) Regulations 2015 do not apply to Fire Authorities, the new arrangements have been developed with the requirements of the regulations in mind. The regulations require that following should apply in within a Council:

- The dismissal of the Head of the Paid Service, Section 151 Officer or Monitoring Officer, who can now only be dismissed with the approval of a resolution of full Council.
- When considering any such dismissal, full Council must consider the advice, view or recommendations of a panel; the panel must be an advisory committee (i.e. a committee without decision making powers) and the membership of the Panel must include at least two 'independent persons'; the Council must appoint 'independent persons' to the panel.

At present the Fire Authority has two independent persons. This will be a new role for the independent persons; their role is currently focused on dealing with the code of conduct for members. This will require an updating of their contract.

Additional training may be required for the independent persons, a training needs analysis will be undertaken.

Financial implications

There are no financial implications arising from the report.

Legal implications

It is a legal requirement for local authorities in England and Wales to have a specific procedure for disciplinary and dismissing statutory officers. Failure to follow specific legally mandated processes can result in unfair dismissal and breach of contract claims.

Local Government (Access to Information) Act 1985

List of background papers

Paper:

Date:

Contact:

Reason for inclusion in Part 2 if appropriate:

Appendix A

Management Guidance - Dealing with allegations against Directors

1. Background

1.1 Allegations against Directors will be dealt with in accordance with the Service's Disciplinary Procedure as determined by the Chief Fire Officer except where the matters relate to a statutory officer in terms of the Chief Fire Officer, the Director of Corporate Services (Section 151 Officer), or the Clerk and Monitoring Officer then the following procedures will apply. This guidance and procedure only apply to employees of Lancashire Fire and Rescue Service.

1.2 The following principles will apply in relation to any allegation made against any Director.

- I. Directors are expected to demonstrate the highest standards of behaviour in public life and consistently demonstrate the personal qualities and attributes expected of a Brigade Manager.
- II. The Service ascribes to a set of core values and the National Core Code of Ethics and these shape the relationship between Officers and their employers.
- III. However, Principal/Executive Officers, due to the visibility of their role, can be subject to vexatious allegations, smear campaigns and complaints. It is recognised that, once formal disciplinary procedures have been instituted against a Director, experience shows that the inevitable high-profile element of the case can make it more difficult for normal working relationships to be resumed.
- IV. Where concerns are expressed in relation to conduct or behaviour, the process followed will ensure fair and reasonable treatment, with all parties involved being dealt with in a fair and honest manner.
- V. In applying Disciplinary Procedures LFRS will give due regard to the LFRS Disciplinary Procedure/Disciplinary Procedure for Statutory Officers and abide by the Advisory, Conciliation and Arbitration Service (ACAS) Code of Practice on disciplinary and grievance procedures.
- VI. All matters will be dealt with confidentiality; matters will not be discussed on social media and in the public domain.
- VII. It is recognised that the Service has an obligation to conclude issues in a timely and efficient manner.
- VIII. All parties will conduct themselves professionally.
- IX. Suspension of any Director will only be considered if it is a last resort and necessary in the best interests of the investigation, including any business critical or safeguarding concerns, or for securing or preserving evidence, and

any other measures/options will be explored first. The LFRS suspension risk assessment will be completed prior to activating any suspension, recording the decision/reason for the suspension. In relation to any safeguarding issues, the LFRS safeguarding risk assessment will be completed and the Local Authority Designated Safeguarding Officer may be informed (LADO). Where an employee is suspended, they will receive full pay throughout the period of the suspension unless they commence sickness absence in which case their pay will be in accordance with their sick pay scheme. If the individual is still suspended at the commencement of reduced sick pay, then the authority will consider continuing to pay the individual the full rate of pay.

- X. The provision of appropriate welfare arrangements must be considered when applying investigative or disciplinary procedures to Directors. This includes but is not limited to:
- Referral to Occupational Health.
 - Appointment of a welfare officer – this may be internal or external.
 - An internal point of contact whose role is to keep the officer regularly updated on progress of the investigation and/or next steps.
 - Signposting to Employee Assistance.
 - Safeguarding.
 - Consideration of the involvement of the Chair of the National Fire Chiefs Council (NFCC).

2. Disciplinary Procedure for Statutory Officers

2.1 Introduction

This procedure outlines the process to be followed when dealing with disciplinary matters for Statutory Officers in Lancashire Fire and Rescue Service to provide a fair and consistent process specifically for dealing with disciplinary action, the use of suspension, carrying out investigations, dismissals and appeals for the post-holders who hold the office of Head of Paid Service (Chief Fire Officer), Clerk and Monitoring Officer and Section 151 (Director of Corporate Services) referred to as Statutory Officers. This procedure only applies to employees of Lancashire Fire and Rescue Service.

The following has been considered in the development of these procedures:

- The Local Authorities (Standing Orders (England) Regulations 2015 amended. The Local Authorities (Standing Orders) (England) Regulation 2001 regarding the disciplinary procedure for statutory positions within Authorities.
- The JNC has issued a revised edition of the National Salary Framework and Conditions of Service Handbook for Local Authorities' Chief Executives. The included Model Disciplinary Procedure (England and Wales) forms the basis of this procedure (applies to S151 and Monitoring Officer).

2.2 Disciplinary Action

- 2.2(i) The disciplinary action in relation to this process includes any action occasioned by alleged misconduct or poor performance which, if proven, would be recorded on the Statutory Officer's personal file. This includes any proposals for dismissals of the Statutory Officer for any reason other than redundancy, permanent ill health or infirmity of body where another more appropriate procedure may be invoked.
- 2.2 (ii) Where an allegation is made in respect of a Statutory Officer which could constitute either misconduct or gross misconduct, then the Fire Authority may initiate this disciplinary procedure.
- 2.2 (iii) If the employee raises a grievance during the disciplinary procedure, the employer can pause the disciplinary investigation/hearing and deal with the grievance first. It may be appropriate to deal with both at the same time if the grievance and the disciplinary case are related.

2.3 Right to be accompanied

- 2.3(i) The Statutory Officer will have the opportunity to be accompanied by their trade union representative or some other person of their choice (at their own cost), excluding, in exceptional circumstances, where there is a need to suspend the Statutory Officer in an emergency.
- 2.3(ii) The statutory right to be accompanied applies only to hearings where disciplinary action may be taken or confirmed. Whilst every effort will be made to agree suitable dates the unavailability of a representative cannot unduly delay the procedure. In this procedure the statutory right to be accompanied would arise as follows:
- Where the Investigation and Disciplinary Committee (IDC) considers the report of the Independent Investigator (II) and provides the Statutory Officer with the opportunity to state their case before making its decision.
 - During any appeal against the decision taken by the IDC for action short of dismissal.
 - At a Fire Authority Meeting considering a recommendation for dismissal which also fulfils the requirement relating to a right of appeal.
- 2.3(iii) At any of these detailed stages the Statutory Officer, where the representative is unavailable, will have the right to postpone the meeting for a period of up to ten calendar days.
- 2.3(iv) If the Statutory Officer representative is unable to attend within that period the Fire Authority has the right to proceed with the hearing without further delay, although reasonable consideration should be given to arranging an alternative date.

2.4 Suspension

- 2.4(i) The Chief Fire Officer (CFO), in consultation with the Chair of the Authority or, in his/her absence, the Vice Chair holds the delegated power to suspend the Director of Corporate Services and the Clerk and Monitoring Officer immediately in an emergency. The Chair and any Leaders of other political groups will be advised that a Statutory Officer has been suspended on emergency grounds.
- 2.4(ii) Where there is a consideration to suspend the CFO, an Investigation and Disciplinary Committee (IDC) will be established and the facts considered.
- 2.4(iii) Suspension will not take place until paragraph 1.2 (ix) has been applied.

2.5 Informal fact finding

- 2.5(i) This procedure will allow for an initial fact finding or preliminary investigation to be undertaken. The purpose of the initial fact finding, or preliminary investigation is to determine if a potential question of discipline exists and, if it does, whether it could not be resolved by a quiet word, informally (e.g. through an unrecorded informal warning).
- 2.5(ii) However, it will depend upon the seriousness of the situation. The working context will also be considered, for example a challenging period for employees or communities such as, industrial action, changes to service delivery. The potential for a vexatious complainant, and or smear campaign will also be considered. Advice can be provided by the CFO, the Monitoring Officer, the Legal Services and Standards Manager and Deputy Monitoring Officer and the Director People and Development, as applicable and depending on the circumstances of the case. Records should be kept of allegations and preliminary investigations.
- 2.5(iii) On receiving the initial fact-finding report, the Clerk and Monitoring Officer, or Deputy Monitoring Officer and, if the matter relates to the Clerk and Monitoring Officer, the CFO (in consultation with the independent person) will determine whether a case should be referred to the IDC. The IDC will comprise a group of five members politically constituted with the Chair usually being the Chair of the Fire Authority.

2.6 Informal Stage

- 2.6(i) If an allegation/other issue raised against a Statutory Officer is considered to require a full investigation, the following process will apply.
- The Clerk and Monitoring Officer, or their deputy will receive and refer the allegation/issue to the IDC. The Clerk and Monitoring Officer or their deputy will act as Clerk to the IDC providing necessary procedural and administrative support including noting the meetings accordingly. The IDC will decide when receiving the initial allegation, the appropriate person to assist them with information gathering that may be required at this initial stage. This may be the Clerk and Monitoring Officer, or their deputy, or another appropriate person as determined by the IDC.

- Where the allegation/issue relates to the Clerk and Monitoring Officer then the CFO will nominate an appropriate person to be responsible for the receiving and referring the allegation/issue to the IDC. In such circumstances the Deputy Monitoring Officer will provide procedural and administrative support to the IDC as necessary. The IDC will decide, when receiving the initial allegation, the appropriate person to assist them with the information gathering at this stage. This may be the Deputy Monitoring Officer, or another appropriate officer as determined by the IDC.
- The IDC will, as soon as is practicable, inform the Statutory Officer in writing of the allegation or other issues under investigation and will also provide, as soon as is practicable, him/her with any evidence the IDC is to consider. This includes the right to hear any oral evidence that may be presented.
- The Statutory Officer will be invited to put forward written representations and provide any evidence, including evidence from any witnesses they wish the IDC to consider. The IDC will also provide the opportunity for the Statutory Officer to make oral representations direct to the IDC. The IDC, having considered the allegation or other issues, supporting evidence, written and/or oral representations of the Statutory Person and report (oral or written) prepared by the information gatherer, will decide whether the allegation/issues considered:
 - Require no further action
 - Can be resolved via issue of an unrecorded oral warning
 - Should be referred to an Independent Investigator.

2.6(ii) In determining whether an allegation of misconduct by a Statutory Officer should be investigated in accordance with the Authority's approved procedures, it may be decided to take no action if one or more of the following applies:

- insufficient information has been provided on which to base a decision on whether the allegation should be investigated.
- the allegation appears to be simply malicious or "tit-for-tat"
- the allegation is deemed vexatious.
- Based on the evidence, the allegation is unfounded, by reference to a cursory examination of the facts on a balance of probability.

2.6(iii) Where an informal/unrecorded oral warning is to be issued the Clerk and Monitoring Officer, (the Deputy Monitoring Officer, for issues involving the Clerk and Monitoring Officer), will make necessary arrangements for the Statutory Person to attend a planned meeting of the IDC.

The threshold test for the appointment of an Independent Investigator is where the IDC considers:

- there is sufficient evidence in support of the allegation to require further investigation.
- should the allegations be upheld it would lead to either dismissal or another formal sanction that would be recorded on the Relevant Officers file.

2.6(iv) The IDC will aim to advise the Statutory Officer in writing of its decision within a maximum period of two months, following initial submission of the allegation/complaint to the IDC. In exceptional cases where the IDC anticipates further time is necessary beyond two months the Statutory Officer will be notified of this.

2.6(v) The IDC will request officer support, when required, to ensure the formal stages can progress procedurally as necessary. This may involve the Clerk and Monitoring Officer, Deputy Monitoring Officer, Director of People and Development, members of Democratic Services and/or relevant deputies as appropriate to ensure the procedure can progress in a timely manner.

2.7 Formal Stage

2.7(i) Independent Investigator

- The IDC are responsible for the appointment of an Independent Investigator (II). This may be from the nationally maintained list, Northwest Employers, a suitably qualified and trained investigator, or a Fire Sector expert. The IDC will be provided with three names which will then be provided to the Statutory Officer who is subject to the complaint. The Statutory Officer will be invited to select one of the names and may only discount names where a genuine conflict of interest exists. If the Statutory Officer has not agreed a name within 14 days, the IDC will select the Investigator from the names provided.
- The IDC will be responsible for ensuring the Independent Investigator is provided with terms of reference for their role and has sufficient facilities, support, access to information and officers, and is appropriately remunerated for this role.
- Once appointed, the Independent Investigator should carry out a thorough investigation in line with the ACAS Code of Practice on Discipline and Grievances to gather evidence and establish the facts promptly, ensuring a written record is made at all stages for later reference.
- Where the Statutory Officers is to be interviewed by the Independent Investigator as part of an investigation they will be advised of the purpose of the meeting in advance. When making these arrangements this should not frustrate or delay the investigation.
- The Relevant Officer and/or his Representative will be given the opportunity to present their case and any relevant evidence to the Independent Investigator. Any technical expertise or witnesses relevant to the case will also be made available where necessary.
- Notes of any interviews taken as part of the investigation process should be treated as confidential and also treated with discretion. However, those taking part in the process should be advised that any records, notes and statements or interviews, taken as part of the process, may be shared as appropriate, if assessed as relevant information to be considered within the context of this policy and procedure.

- Having investigated and established the facts, the II will refer the completed investigation report and evidence gathered, including any recommendations with rationale as to the way forward, to the IDC via either the Clerk and Monitoring Officer, Deputy Monitoring Officer, or other appropriate officer as pre-determined by the IDC.

2.7(ii) Consideration and decision of the IDC

- The IDC will consider the report of the Independent Investigator and the recommendations made during a Formal Disciplinary Hearing conducted in accordance with the ACAS Code of Practice and its supporting Guidance, before deciding on the course of action to take.
- During the Hearing the Statutory Officer will be provided with the opportunity to make representations or provide mitigating circumstances at the hearing and may be accompanied. The Statutory Officer will have the opportunity to challenge the recommendations of the Independent Investigator and question any witnesses.

2.7(iii) Recommendation of the IDC

- Following the Formal Hearing the IDC will make a recommendation as follows:
 - No case to answer
 - Disciplinary action short of dismissal
 - Dismissal
- Where there is no case to answer the IDC will advise the Statutory Officer, in writing, of their decision confirming the ending of any suspension, if required.
- In such instances appropriate communication can be prepared in consultation with the Statutory Officer to ensure as far as possible that there is no damage to their reputation.

2.7(iv) Disciplinary Action Short of Dismissal

The IDC when recommending disciplinary action short of dismissal, will be responsible for taking the action and imposing any appropriate penalty. There is no requirement for full Authority to approve action short of dismissal. The actions short of dismissal available to the IDC are as follows:

Issue a written warning;

- Either a verbal warning valid for 6 months from the date of issue
- Or a written warning valid for 12 months from the date of issue
- Or issue a final written warning valid for 18 months from the day of issue

The IDC will communicate its decision to the Statutory Officer in writing outlining the rationale for the decision. The Statutory Officer will have the right to appeal

disciplinary action short of dismissal to the Appeals Committee of the Fire Authority.

2.8 Recommendation for Dismissal

Where the IDC decision is to recommend dismissal, the Statutory Officers must be notified in writing of the recommendation and advised that this recommendation will be sent to the Independent Panel, along with copies of the Independent Investigators report. The Statutory Officer must be advised of the option to submit written representation to the Independent Panel.

2.9 The Independent Panel

- The Independent Panel (IP) is an advisory committee appointed by the Fire Authority that consists of two independent persons appointed under S28 (7) of the Localism Act 2011 established for the purpose of advising the Fire Authority on matters relating to the dismissal of the statutory officers. Guidance issued by the Department of Communities and Local Government (DCLG) recommends that the Independent Panel should consist of Independent Persons only. This approach is consistent with the JNC for Local Authority Chief Executives Model Disciplinary procedures.
- The IP will be responsible for considering any recommendation from the IDC to dismiss a Statutory Officer and will consider both the IDC decision report along with the report from the Independent Investigator. The IP meeting is not a re-hearing, and witnesses will not be called. The Statutory Officer however should be present at the meeting of the IP, and the IDC should be represented by a nominated person.
- The Statutory Officer will be entitled to submit written representations for consideration by the IP as well as being afforded the opportunity to make oral representations at the meeting of the IP. The nominated representative of the IDC will be invited to respond to any of the points made by the Statutory Officer during the meeting. Both parties may be questioned as necessary by the IP.
- The Independent Panel will consider the IDC recommendations, the submission of the statutory officer and the report of the Independent Investigator and make their recommendations in a report for Full Fire Authority. The report of the IP will outline a clear rationale if they disagree with the recommendation of the IDC to dismiss. The Panel may give advice, express its views and make its own recommendations before the Fire Authority to consider whether to approve a proposal to dismiss a Statutory Officer.
- The Panel may have access to external legal and professional advice as necessary.

2.10 Full Authority

- A report will be submitted to Full Fire Authority by the Clerk and Monitoring Officer or Deputy Monitoring Officer or another appropriate officer as necessary which includes:

- The recommendation of the IDC
 - The Independent Investigators Report
 - The comments made on the recommendation for dismissal from the Independent Panel.
- The Full Fire Authority will consider the recommendation to dismiss the Statutory Officer. The meeting will not be a re-hearing, and witnesses will not be called. However, the Statutory Officer will be invited to attend this meeting and given the opportunity to address the Fire Authority. The Independent Investigator may also be invited to attend to provide clarification if required.
 - Following full consideration, the Fire Authority should either confirm or reject the recommendation to dismiss. It is a statutory requirement that the Full Fire Authority must take into account any advice, views or recommendations of the Independent Panel when they are considering the proposed dismissal of a Statutory Officer and before dismissal (with or without notice) is confirmed to them.
 - The Fire Authority will vote on whether to dismiss (majority vote) and their decision will be final.
 - If rejecting the recommendation, the Fire Authority may elect to impose a lesser disciplinary sanction or take no further action.
 - If the recommendation is confirmed the Statutory Person will be notified in writing.
 - An interlude is required of at least 20 working days between the Independent Panel and the full Fire Authority meeting.

2.11 Appeals

2.11(i) Appeals against disciplinary action short of dismissal

- The Statutory Officer has the right to appeal against action short of dismissal to the Appeals Committee. The Statutory Officer must appeal within seven calendar days of receiving the notice of the sanction and the outcome of the Hearing. The notice of any appeal must be in writing and should clearly specify one or more of the grounds of appeal such as:
 - There was a defect in the procedure
 - The II report being inaccurate or incomplete.
 - The issue is not proven on the balance of probabilities
 - The disciplinary sanction was too severe
 - New evidence has come to light since the hearing which will have an impact on the decision.
- The Appeals Committee will consider the report of the II and any other relevant information considered by the IDC. The Statutory Officer will have the opportunity to appear at the meeting of the Appeals Committee and present their case.

- The Appeals Committee will consider all matters before deciding as to whether to:
 - Reject the appeal and confirm the IDC's decision
 - To allow the appeal in part and impose alternative action short of dismissal
 - To allow the appeal and take no further action against the relevant Officer
- The decision of the Appeals Committee is final.

2.11(ii) Appeals Against Dismissal

- The ACAS Code of Practice requires that an employee who is dismissed is provided with the opportunity to appeal against the decision.
- The whole Fire Authority should approve a dismissal before notice of dismissal is issued, there may be some concerns about the ability to offer a fair appeal if the whole of the Authority is familiar with the issues and already taken the provisional decision to dismiss.
- All information will be provided to all Fire Authority members in line with statutory requirements providing an opportunity for members to raise objections.
- The Statutory Officer will have the option to make written representations in advance to the Authority and attend the meeting to make oral representations before the decision is taken on the recommendation to dismiss. Those representations constitute the Relevant Officers final right of appeal.

Appendix B

Lancashire Combined Fire Authority

Appeals Committee outline Terms of Reference

The Appeals Committee meets only when required. Political balance rules and regulations apply.

The Appeals Committee's core function is to hear and determine final stage internal appeals against grievances, high level disciplinary matters where the final sanction has involved dismissal, or final internal stage complaints by members of the public, specifically:

- Unresolved grievances against the Chief Fire Officer;
- ~~Stage 3 Complaints by members of the Public who are dissatisfied with the manner in which the LFRS has performed;~~
- ~~Appeals against dismissal of staff at Director level.~~
- Appeals against action short of dismissal against the Chief Fire Officer, Director of Corporate Services (Section 151 Officer) and the Clerk and Monitoring Officer. Appeals against dismissal of those officers accountable to the Chief Fire Officer, excluding Director of Corporate Services (Section 151 Officer) and the Clerk and Monitoring Officer.

It is preferable, although not essential, that members of the Committee have some background knowledge in business or people management or within a trade union.

It is also recommended that members of the Committee attend appropriate training where possible.

The Appeals Committee will only be quorate and therefore constitutionally able to conduct business and make decisions if there are at least 3 members present. Should the Committee be inquorate it shall stand temporarily adjourned for 30 minutes and if, thereafter, there is still not a quorum the meeting shall stand finally adjourned. At the point of adjournment, or subsequently, the Chair may agree arrangements for the meeting to be reconvened.