



**Safest People, Safest Places**

## **Combined Fire Authority**

**9 December 2022**

### **Minor Amendment to the Constitution**

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## **Report of the Director of People and Organisational Development**

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### **Purpose of Report**

1. The purpose of this report is to seek approval for a proposed minor amendment to the Combined Fire Authority's (CFA) Constitution.

### **Background**

2. County Durham and Darlington Fire and Rescue Authority has agreed a constitution which sets out how the Authority operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people.
3. A review of internal processes has resulted in a proposed amendment being put forward.

### **Suggested Amendment**

4. The amendment is as follows:

#### **4.1 Section 3 – Committee delegations and referrals**

The Appeals Committee currently has the following functions delegated as part of their responsibilities in the constitution:

- 1) Considering and deciding upon appeals on grievances referred to the Authority under the Grievance policy and procedure.

- 2) Considering and deciding upon appeals referred to the Authority under the Disciplinary policy and procedure.
  - 3) Considering and deciding upon appeals referred to the Authority under Stage Two of the Firefighters' Pension Scheme: Internal Dispute Resolution Procedure (IDRP).
5. The Services Grievance Policy and Procedure has been reviewed. The previous versions of these documents included a second stage appeal process which was heard specifically by the Appeals Committee. This has been removed from both processes which now aligns to the ACAS code of practice meaning there is no requirement for the appeals panel to be involved in processes related to point one outlined above.
  6. Leaving this in the constitution poses a risk to the Authority if challenged by an employee of the Service as this clearly states an appeals panel would hear any Grievance appeals.
  7. It is proposed to remove this responsibility (point 1) from the Appeals Committee to alleviate this risk and ensure internal processes are followed correctly and are clear to those utilising them.
  8. The revised responsibilities of the Appeals committee would be as follows:

The Appeals Committee shall have the following functions:

1. Considering and deciding upon appeals referred to the Authority under the Disciplinary Policy and Procedure.
2. Considering and deciding upon appeals referred to the Authority under Stage Two of the Firefighters' Pension Scheme: Internal Dispute Resolution Procedure (IDRP).

## **Recommendations**

9. The Authority is requested to:
  - i. **note** the contents of the report and the revised responsibilities of the Appeals Committee.
  - ii. **approve** the amendment to the constitution as set out in paragraph 8 above.