



**Merseyside Fire and Rescue Authority Constitution Disciplinary Procedures
for Relevant Officers**

The Local Authorities (Standing Orders) England Regulations 2001

DISCIPLINE PROCEDURES for STATUTORY OFFICERS

Management Guidance

1 GENERAL

Where an allegation is made in respect of a Relevant Officer which could constitute either misconduct or gross misconduct, then the Authority shall initiate its disciplinary procedure.

2 PROCEDURE

2.1 Preliminary Assessment of the Complaint or Allegation

2.1.1 The Audit Sub Committee will act as the Investigating and Disciplinary Committee and will initially appoint a Clerk or Acting Clerk to the Authority. The Clerk of the Authority role would normally be undertaken by the Monitoring Officer where the Clerk is not the Monitoring Officer and themselves subject to the allegation if in the case of a Clerk to the Authority finds themselves subject to the allegation or implicated, The Director of People and Organisational Development in consultation with the Audit Sub Committee should then appoint another appropriate substitute to act as the Clerk to the Authority for this purpose This may be a monitoring officer from another Authority

2.1.2 The Clerk (or acting Clerk) of the Authority would then undertake a preliminary assessment of the complaint or allegation(s) and given the information available and in consultation with the Audit Sub Committee take the decision if the complaint or allegation should be escalated to a formal investigation.

2.1.3 Notes should be taken throughout the process and treated as confidential administration would normally be provided by the Clerk to the Authority. Note taking whilst gathering information may also be undertaken by the Director of People and Organisational Development or a representative appointed by the Director of People and Organisational Development as appropriate.

2.1.4 The Clerk (or acting Clerk) to the Authority and in consultation with the Audit Sub Committees will undertake an initial assessment of the

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complaint /allegation and determine if a potential question of discipline exists, and if it does, whether it could not be resolved informally (e.g. through an unrecorded informal warning) or referred to another body, for example a complaint directed at the CFO but about general service provision may be passed to Professional Standards) or whether it requires a detailed investigation by an appointed designated independent person

- 2.1.5 The Relevant Officer will be informed of the complaint or allegation by the Clerk (or acting Clerk) to the Authority and the possible potential implications of the investigation process.
- 2.1.6 The Relevant Officer will be given the opportunity to and encouraged to comply, and fully cooperate with the preliminary process and assessment, to assist the process and a speedy resolution.
- 2.1.7 Where a preliminary assessment determines that there is a potential case to answer, a Designated Independent Person (DIP) will be appointed by Clerk (or acting Clerk) to the Authority in consultation with the Chair of the Audit Sub Committee to fully investigate the matter, to determine if there is a case to answer. The threshold test for the Audit Sub Committee and Clerk (or acting Clerk) of the Authority to appoint a DIP is:
- If the allegation were to be proven it could lead to dismissal or other formal action which would be recorded on the Relevant Officer's file
 - There is evidence in support of the allegation which may be sufficient to require further investigation
- 2.1.8 The Clerk (or acting Clerk) to the Authority in consultation with the Chair of the Audit Sub Committee will write to the Relevant Officer confirming to him/her that a DIP will be appointed and providing the Relevant Officer with the name of the DIP they propose to appoint to formally investigate the case. It is important that the parties agree on a DIP before the DIP is appointed.
- 2.1.9 The Relevant Officer will have an opportunity (within seven calendar days) to raise any issues or concerns regarding the DIP with the Chair of the Audit Sub Committee
- 2.1.10 A list of previous DIP nominees who have exhibited the appropriate skills or who have previous experience in a similar role may be sought from the Authority however this list is not exclusive or exhaustive. The Clerk or Acting Clerk may choose to appoint a DIP from another Authority if he/she feels this is appropriate. However if an agreement cannot be reached regarding the appointment of the DIP, further considerations and consultation with the POD Director will take place and an appointment made after taking into consideration the objections which have been raised

2.2 Formal Investigation

- 2.2.1 Once appointed, the DIP should then carry out a thorough investigation to promptly establish the facts, ensuring a written record is made throughout the process for reference later.

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2.2.2 The Relevant Officer and/or his representative will be contacted by the DIP and provided with opportunity to present their case and any evidence to the DIP. Any Technical expertise or witnesses relevant to the case will also be made available where necessary.

2.2.3 Where the Relevant Officer is to be interviewed by the DIP as part of the investigation process, the Relevant Officer must be advised of the purpose of the meeting in advance and advised that they can be accompanied by a Trade Union Representative or a Merseyside Fire and Rescue Work Colleague if they so wish. When making arrangements to meet every effort should be made by the parties concerned to cooperate and be flexible, not to frustrate or delay the investigation process. The Interview(s) will be recorded.

2.2.4 As a general rule, the DIP shall:

- Notify the employee in writing immediately of the formal investigation and state the nature and details of the case.
- Keep a record.
- Conduct an appropriate investigation;
- Ensure the investigation is completed in good time.

2.2.5 Having established the facts, the DIP will refer the then complete an investigation record which will include any recommendations as to the way forward to the Clerk or acting Clerk of the Authority and Audit Sub Committee in the form of a report.

The most appropriate action recommended in accordance with the procedure may include:

- No case to answer
- Reference back to an informal stage
- Proceed with a Sub Audit Committee Hearing
- Make Recommendations for any subsequent Sanctions once the case has been heard

2.2.6 It is impossible to predict the full range of circumstances that could arise in disciplinary cases and in some cases it may be appropriate in exceptional circumstances to suspend The Relevant Officer from the workplace while an investigation or preparation for a disciplinary hearing takes place.

2.3 Recommendations

2.3.1 When the DIP considers if any disciplinary action or range of actions may be deemed appropriate to take against the Relevant Officer. The appropriate course of action may be drawn from the following list:

- First recorded warning (valid for 12 months from the date of issue)

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- Final written warning (a final written warning valid for 18 months from the date of issue)
- Demotion (in rank and salary to a lesser role within the organisation) Dismissal with notice
- Summary dismissal if the case is considered as one of gross misconduct dismissal without notice or payments in lieu of notice, or payment for accrued annual leave in excess of statutory requirements.

2.4 Gross Misconduct

2.4.1 Gross Misconduct is conduct by the employee of such a nature that the Authority can no longer tolerate the presence at the place of work of the employee. Examples of offences of gross misconduct which may lead to dismissal include:-

- Serious bullying or harassment based on sex, race, disability, sexuality, marital status, age, creed, colour, nationality or national origin;
- Major infringement of the Authority's Code of Conduct;
- Theft, fraud, bribery;
- Action endangering life and limb;
- Assault or physical violence;
- Deliberate damage to Authority property;
- Serious unauthorised disclosure of information or breach of confidentiality;
- Deliberate falsification of records;
- Serious incapability for work through alcohol or illegal drugs;
- Offences of a sexual nature or sexual/race discrimination within the workplace;
- Serious negligence which causes or might cause unacceptable loss or injury;
- Failure to comply with a significant or reasonable order, instruction or contractual requirement;
- Unauthorised absence from work;
- Serious insubordination;
- Commission of criminal offences outside work, which have a substantial impact upon the employee's ability to perform their duties or are relevant to the employees employment;
- Serious infringement of health and safety rules.

2.4.2 The list of examples of offences which may be considered as gross misconduct shown above is neither exclusive nor exhaustive, and there may be other offences of a similar gravity, which would also constitute gross misconduct.

2.4.3 If the decision is made that a Relevant Officer is dismissed summarily due to Gross Misconduct at the discretion of the Authority they will forfeit

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payment in lieu of notice and forfeit any payment in lieu of any outstanding contractual holiday entitlement over and above the current statutory minimum. (5.6weeks)

- 2.4.4 In relation to the decision to take disciplinary action which is short of dismissal any appeal to this process will result in a hearing being convened by the Appeals Committee and a review of the decision will take place as soon as reasonably possible. During the review The Appeals Committee will give careful consideration to these matters and if necessary conduct any further investigation it considers necessary to reach an informed decision. The decision of the Appeals Committee is final.

2.5 Suspension

- 2.5.1 Any suspension of the Relevant Officer must not last longer than a maximum 2 months unless the DIP recommends that the suspension should continue beyond that point.
- 2.5.2 If a Relevant Officer is suspended they should be informed of the reasons for the suspension, and that the act of suspension is a holding measure and not a sanction. They will be asked to return to work for an investigative meetings or a disciplinary hearing as soon as reasonably possible. They should be offered the opportunity to make statement.
- 2.5.3 It may be appropriate at this stage to discuss any conditions, which will apply during the period of suspension, for example, communication channels, access to information, availability to attend meetings, facilities to meet with their representative, etc.
- 2.5.4 Suspension can only be sanctioned by an authorised officer normally this is the Chair/Vice Chair of the Authority in consultation with the Clerk or Acting Clerk to the Authority or the DIP
- 2.5.5 As best practice or procedure authorised contact with the Relevant Officer should be maintained whilst they are suspended and the Relevant Officer updated as to the timescales of the process being undertaken and when the investigation will be likely to be concluded. The DIP or the Director of People and Organisational Development should attempt to maintain contact with the Relevant Officer throughout the process on behalf of the Authority.

2.6 Absence Due to Ill Health

- 2.6.1 If the Relevant Officer provides or presents a Certificate from their GP which authorises their absence from the work place due to ill health, either prior or during the process taking place or on reaching a conclusion, under these circumstances the Authority's Absence and Sickness policy

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and procedure should be implemented with the appropriate payments made in line with the Absence and Sickness policy and procedure.

- 2.6.2 The Absence and Sickness process includes the Authority requesting and expecting the Relevant Officer attends a medical examination and any other health appointments the Authority deems is necessary.

2.7 Hearing

- 2.7.1 If after investigation the DIP confirms that there is a case to answer, then the Clerk or Acting Clerk to the Authority in consultation with the Chair will constitute a meeting in the form of a hearing before the Sub Audit Committee
- 2.7.2 Having carefully considered the findings and recommendations of the DIP there should be no undue delay in the Clerk or Acting Clerk of the Authority making the necessary arrangements to arrange a hearing in accordance with Statutory procedures.
- 2.7.3 The Clerk or Acting Clerk to the Authority is responsible for ensuring that the relevant documentation is prepared and provided to those involved in the process within the appropriate timescales, and in accordance with statutory requirements.
- 2.7.4 The Clerk or Acting Clerk to the Authority is responsible for ensuring that the Relevant Officer receives the necessary documentation and in turn any representations from the Relevant Officer are distributed to the authority members in good time, in line with statutory process, so that they have chance to consider the information before the hearing.
- 2.7.5 If the Dips" recommends Dismissal, this recommendation must initially be agreed as a suitable sanction by the Sub Audit Committee as a potential outcome to the hearing if the allegation is proven.
- 2.7.6 In the eventuality of a recommendation of Dismissal the Clerk or Acting Clerk to the Authority will make arrangements to inform all Authority members and provide them with the relevant information an documentation regarding the potential outcome of the hearing being a dismissal before the hearing with the Sub Audit Committee.
- 2.7.7 Any Authority Member who objects to the recommendation or feels that dismissal is an inappropriate recommendation should raise their objections or concerns as soon as possible before the hearing in writing to the Chair of the Authority. They will have a limited time period to challenge the sanction before any Hearing takes place.
- 2.7.8 In the event of absence of agreement or a Member challenging the recommendation of dismissal, The Chair shall consider any issues raised and take a view on maintaining the DIPs recommendations and the potential of dismissal being included as a recommendation or if a lesser sanction i.e. a final written warning /demotion is considered as appropriate. The Chairs decision is final.
- 2.7.9 The Clerk or Acting Clerk to the Authority must ensure that the Relevant Officer is given a minimum of 21 days notice of a hearing. The letter

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should contain enough information for the employee to fully understand the case against them with all relevant details and the reasons why if proven this is unacceptable. The notification should also include copies of the DIP report and recommendations, all the evidence/information relevant to the hearing. The employee will be advised of their right to representation

2.7.10 The Relevant Officer is entitled to representation at any of the formal stages of the process either by a Trades Union Representative or a Merseyside Fire and Rescue colleague

2.7.11 The Disciplinary Hearing will be conducted as follows:

- The Chair of the Audit Sub Committee shall first explain the process;
- The management case against the employee will be presented, normally by the Designated Independent Person (in some cases this may be presented by the Clerk or Acting Clerk to the Authority);
- The Relevant Officer and/or their Representative will present their case;
- The Audit Sub Committee shall consider the Relevant Officers case in full;

2.7.12 At the conclusion of the hearing the Audit Sub Committee must consider the evidence presented and determine, either:

the case is proved; or

the case is not proved.

2.7.13 In the circumstances of (a) above, the Audit Sub Committee must consider the recommendations as an appropriate sanction and, prior to coming to that decision must allow the employee to describe any mitigating circumstances and take evidence of character.

2.7.14 The only Sanctions which can be considered by the Audit Sub Committee are those contained within the boundaries of the DIP report and the recommendations by the DIP therein. It is always open to the Committee to impose a lesser sanction than that recommended but it cannot impose a greater sanction.

2.7.13 Sanctions may range or combine a written warning, final written warning through to demotion or dismissal with or without notice.

2.7.14 In conduct cases any written warning may be issued which may remain "live" for 12/18 months on the employee's record. No reference will be made to any expired written warnings during subsequent disciplinary investigations or hearings.

2.7.15 In the circumstances of (b) the case is not proved, no further action will be taken. This decision will be confirmed to the Relevant Officer in writing within seven days of the decision being made by the Clerk or Acting Clerk of the Authority.

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- 2.7.16 In cases which prove to be more a question of capability issues, alternative options such as early retirement, secondment, training programmes or redeployment should be considered.
- 2.7.17 At the conclusion of the Hearing the Chair of the Audit Sub Committee shall advise the Relevant Officer of their decision and that the decision will be confirmed in writing. It shall be the responsibility of the Clerk or Acting Clerk to the Authority, to ensure that the Relevant Officer receives the decision of the hearing in writing as soon as possible after the conclusion of the hearing and this will normally be within 7 calendar days of the decision being made.
- 2.7.18 If any sanction is awarded, the Relevant Officer will also be advised of the appeal process. If the potential outcome of the hearing is an intention to dismiss, any dismissal must not take place or be confirmed until the Director of People and Organisational Development has been informed, opportunity to consider the relevant information and to object to the proposal a meeting has been convened for the full Authority, the relevant officer an opportunity to make representations. See below.

2.8 Appeal against Dismissal

- 2.8.1 ACAS code of practice 1 Disciplinary and Grievance Procedures requires that an employee who has been dismissed is provided with the right of appeal against the decision.
- 2.8.2 In accordance with the Local Authorities' (Standing Orders) (England) Regulations 2001 Statutory Instrument No. 3384, the following arrangement shall apply.
- 2.8.3 The Chair of the Audit Sub Committee will initially arrange to inform the Relevant Officer of the DIPs recommendation to dismiss and their decision to put the proposal to dismiss to the Fire Authority along with any necessary material e.g., the report of the Designated Independent Person for their consideration.
- 2.8.4 The Chair of the Audit Sub Committee will make arrangements to inform the Chair of the Authority and Director of People and Organisational Development of the DIPs recommendation to dismiss and their intention to put the proposal to dismiss the relevant officer to the Fire Authority.
- 2.8.5 The Audit Sub Committee Chair will inform The Clerk or Acting Clerk of the Authority of the intention to dismiss the relevant officer. The Clerk or Acting Clerk of the Authority will make the necessary arrangements to advise the Authority Chair and to convene a Special meeting of the full Authority alternatively make the arrangements to include the proposal to dismiss in the agenda of any scheduled meeting of the full Authority within the given time frame and allowing for the DIP report and accompanying information to be provided to members in accordance with statutory requirements.
- 2.8.5 The Clerk or Acting Clerk of the Authority would make the necessary arrangements to contact and advise the Relevant Officer of the date of the meeting. The Clerk or Acting Clerk of the Authority would also request

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confirmation of the Relevant Officer attendance, advise the Relevant Officer of their right to be accompanied by a Trade Union representative or a Merseyside Fire and Rescue work colleague and request that any representations or provisions for any mitigating circumstances are provided at least 7 days before the meeting is convened so allowing sufficient time for the Authority members time to consider the information prior to the meeting in line with statutory requirements.

2.8.6 All the members of the Fire Authority will be given the opportunity to consider the relevant information and raise any objections via the Chair of the Authority to the proposal that the Relevant Officer should be dismissed prior to the meeting.

2.8.7 The Relevant Officer will be able to present and make representations during the meeting.

2.8.8 No notice of dismissal in respect of the Relevant Officer shall be given until:

(i) The Director of People and Organisational Development has been notified of the name of the person who is proposed to be dismissed and of any other particulars which are relevant to the proposed dismissal.

(ii) The Clerk or Acting Clerk of the Authority has made arrangements to notify every Member of the Authority of the proposed/intended dismissal and has provided to them all the relevant information contained in the DIP report.

(iii) A date has been agreed by which the Chair of the Authority may, on behalf of the Authority Members, object to the Audit Sub Committee; about the proposed dismissal.

(iv) A date is agreed to convene a meeting when the Relevant Officer will have the opportunity to be able to make representations or present their case, to the Authority as their appeal to the intended dismissal.

(v) The Chair of the Authority has, within the timescales agreed notified the Audit Sub Committee and the Director of People and Organisational Development that neither he nor any Member of the Authority has any objection to the dismissal being made or no objection has been received by the Director of People and Organisational Development within the objection period; or

(vi) The Audit Sub Committee is satisfied that any objection which has been raised and received by the Chair of the Authority or Director of People and Organisational Development within the objection period is not material or is not well founded.

(vii) The Relevant Officer has been provided with a reasonable opportunity to make representations or be able to present his or her case at the meeting in which allows the process a form of appeal to the Fire Authority before any decision to dismiss has been taken.

2.9 Appeal against lesser sanctions

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2.9.1 The Relevant Officer must inform the Clerk or Acting Clerk of the Authority of their intention to appeal within 7 calendar days of receiving the notice of the outcome of the Hearing the sanction proposed. 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
- Either the investigatory report or the DIP 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

2.9.2 The appeal will be made to the Clerk or Acting Clerk to the Authority who will, in consultation with the Chair of the Authority arrange a meeting or appeal hearing the Appeals Committee to hear the appeal.

2.9.3 The Relevant Officer shall be given not less than 21 days notice of the appeal hearing with the Appeals committee.

2.9.4 The decision of the Appeals Committee will be final and there will be no further right of appeal

3.0 Note taking

3.1 Note taking throughout the process is confidential and arrangements for note taking provided by the Monitoring Officer unless he /she is the subject of the allegation

3.2 In this instance note taking at interviews may be undertaken or arranged by the Director of People and Organisational Development or their representative as appropriate

4.0 Grievances raised by a Relevant Officer during Disciplinary Proceedings

4.1 Where a Relevant Officer is in the process of a Disciplinary/Capability Investigation and raises a grievance relating to the case, the Audit Sub Committee members will decide how to deal with the grievance.

4.2 This will depend on the facts of the case, the stage of the procedure reached and nature of the grievance raised.

4.3 In some cases it may be appropriate to hear the grievance before continuing with the disciplinary investigation.

4.4 In other cases it will be appropriate to deal with the issues raised in the grievance as part of the wider disciplinary/capability investigation

5.0 References to Disciplinary Roles Specifications and Composition of Committees

5.1 Conflicts of interest:

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- 5.1.1 The procedure envisages, and it is strongly recommended that the authority take steps to establish, a standing Investigating and Disciplinary Committee. The procedure envisages the role of the Investigating and Disciplinary Committee would be that of the Audit Sub Committee.
- 5.1.2 The basic statutory rules concerning the membership of the Committees provides a structure to manage the procedure. However, because any standing committee will comprise of named councillors there may be occasions when this presents a problem of conflict of interest, for example where a member of the committee is a witness to an alleged event, or is the person who makes the original complaint or allegation. Councillors in this position should take no part in the role of the Investigation/Disciplinary Committee, although they will of course be able to give evidence, if required.
- 5.1.3 The Authority should attempt to construct its Committees, and establish quorums, by which the relevant political parties are represented, a minimal number of officers and members of a committee or organisation, usually a majority, who must be present for valid transaction of business. Establish substitution rules in order to minimise the likelihood of an individual conflict of interest delaying the procedure. Where a number of members find themselves in a prejudiced position, there may be no alternative but for the Authority to establish a new Committee to perform the function of the Investigating and Disciplinary Committee.
- 5.1.4 Decisions made by the Authority acting in quasi judicial capacity and its Committees and Sub-Committees, Members or Officers when acting in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations of any person, will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights

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The Designated Independent Person (DIP)
Terms of Reference
<p>The Designated Independent Person must be agreed between the Clerk or Acting Clerk of the Authority, the Audit Sub Committee (Investigating & Disciplinary Committee) and the Relevant Officer, If there is a failure to agree on a suitable Designated Independent Person then further considerations in consultation with the Director of People and Organisational Development will take place and an appointment made based on the skills required and any previous experience gained in a similar role or depending on the circumstances the DIP may be chosen from another Authority</p> <p>Once a Designated Independent Person has been appointed, the Clerk or Acting Clerk of the Authority in consultation with the Audit Sub Committee (Investigating & Disciplinary Committee), will be responsible for providing the necessary administration, facilities, agreeing remuneration if necessary and providing all available information regarding the allegations.</p> <p>The Designated Independent Person will fully investigate the allegation and propose recommendations which will be appropriate given the circumstances and be able to be implemented if the allegation is subsequently proven.</p> <p>The Designated Independent Person has the authority to extend any suspension longer than two months if necessary.</p>
Person Specifications
<p>A Designated Independent Person is an individual who is not compromised, has the necessary experience and skills to undertake a comprehensive investigation on behalf of the Authority. It is likely that this may be a senior officer from another Fire and Rescue Authority, or a suitable senior member of the audit team. The Authority may have a list of previously appointed DIPs which may also be consulted for appropriate nominees for the role.</p>

The Investigation and Disciplinary Committee - The Audit Sub Committee
<p>Where an allegation is made relating to a Relevant Officer, or there is some other substantial issue that requires investigation, the matter will initially be considered by the Clerk or Acting Clerk to the Authority appointed by Audit Sub Committee.</p> <p>This Committee will be a standing committee appointed by the Fire Authority consisting of a minimum of 5 members. Arrangements for Flexibility and a Quorum already being established by the Authority by which the relevant political parties are represented, are recommended in the event that a member of the standing committee has a conflict of interest and to ensure the process is not unduly delayed.</p>
Terms of Reference - for the Audit Sub Committee
<p>Authority to appoint the Clerk or Acting Clerk to the Authority to initially investigate the allegation To consider and determine if a Designated Independent Person needs to be appointed. To propose and where appropriate appoint a Designated Independent Person to formally investigate the allegation To consider the DIP investigation report and the evidence therein and make a decision based on the recommendations from the DIP In the case of objections raised by the relevant officer against the nominated DIP Chair of Audit Sub Committee will consider the objections raised and if the objections are without substance appoint the DIP or defer the authority to make the DIP appointment to the Director of People and Organisational Development</p>
Membership – minimum of 5 members
<p>Where ever possible the committee should have an established quorum which includes either the Chair of the Audit Sub Committee or at least the Vice Chair and by which by which the relevant political parties are represented, the minimal number of officers and members of a committee or organisation, usually a majority, who must be present for valid transaction of business. Establish substitution rules in order to minimise the likelihood of an individual conflict of interest delaying the procedure.</p>

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THE APPEALS COMMITTEE – Appeal against Disciplinary Sanctions
Terms of Reference
To consider and determine the Appeal of the Relevant Officer against the outcome or in respect of lesser sanctions than that of dismissal.
The Appeals Committee will have a limited role. Its purpose will be to hear appeals against action taken short of dismissal and to take a decision either to confirm the action or to award no sanction or a lesser sanction
Membership – minimum of 5 members
Authority Chair, Vice Chairs and any Party Group Leaders who were not involved in the Audit Sub Committees Disciplinary Hearing and decision making
These officers have delegated powers to make such decisions, and whom have not direct interest in the case
Where ever possible the committee should have an established quorum in place which includes either the Chair of the Audit Sub Committee or at least the Vice Chair and by which by which the relevant political parties are represented, the minimal number of officers and members of a committee or organisation, usually a majority, who must be present for valid transaction of business. Establish substitution rules in order to minimise the likelihood of an individual conflict of interest delaying the procedure.

THE AUTHORITY - Appeal against Dismissal

ACAS code of practice 1 Disciplinary and Grievance Procedures requires that an employee who has been dismissed is provided with the right of appeal against the decision.
As Standing Orders Regulation require that the whole Authority is notified of the DIP/Sub Sub Audit Committees recommendation to dismiss and its members have an opportunity to raise any objections to the 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.
However the process provides the Relevant officer with the opportunity to make further representations to the whole of the Authority and the Authority has the power to uphold the relevant officers appeal
The appeal will be made to the Clerk or Acting Clerk to the Authority who will, in consultation with the Chair of the Authority ensure all the Authority is notified of the decision to dismiss and the appeal process. Then make the necessary arrangements for the Authority to meet and for the relevant officer to have the opportunity to make their representations to the Authority.
The Authority should establish substitution rules in order to avoid delaying the Appeal procedure by establishing and having in place wherever possible an established quorum which includes the Authority Chair or Vice Chair and by which by which the relevant political parties are represented, the minimal number of members, usually a majority, who must be present for valid transaction of business and before a decision can be made regarding the appeal..