

HUMBERSIDE FIRE AUTHORITY

GOVERNANCE, AUDIT AND SCRUTINY COMMITTEE

13 APRIL 2026

PRESENT: Independent Co-opted Members Chris Brown (Chair), Karen Cowan, and Melissa Dearey.

Officers Present: Matthew Sutcliffe – Assistant Chief Fire Officer, Antoinette Diovisalvi – Joint Deputy Chief Finance Officer/Deputy S.151 Officer, Donna Chambers – Assistant Director of People and Culture, Richard Gibson – Area Manager of Service Improvement, Jamie Morris – Head of Corporate Assurance, Gareth Naidoo – Senior Corporate Assurance Officer, Lisa Nicolson – Monitoring Officer/Secretary, and Rob Close – Committee Manager.

The meeting was held at the Humberside Fire and Rescue Service Headquarters, Kingston upon Hull.

20/26 APOLOGIES FOR ABSENCE – Apologies for absence were received from Nigel Saxby and Gerry Wareham.

21/26 DECLARATIONS OF INTEREST – No declarations of interest were made with respect to any items on the agenda.

22/26 MINUTES – Resolved – That the minutes of the meeting held on 16 March 2026 be approved as a correct record.

23/26 AMENDMENT TO THE CONSTITUTION – APPEALS COMMITTEE – The Committee received a report of the Monitoring Officer/Secretary which set out a proposal to amend the Humberside Fire Authority Constitution in relation to the Appeals Committee.

Members were advised that the Authority currently operated an ad hoc Appeals Committee, comprising of four Members, to determine appeals against employment dismissal. This approach did not comply with the seventh edition of the National Joint Council (NJC) Scheme of Conditions of Service (the “Grey Book”) which required that appeals be heard by a more senior manager not previously involved in the case.

The position agreed by National Joint Council (NJC) for appeals was that “the appeal shall be heard by a higher level of manager. Arrangements for the final appeal stage against dismissal should be determined locally but be consistent with the principle that the corporate level involved should be higher than the level which heard the previous stage”. The same document was explicit regarding the level (role) at which dismissal could be considered; this was at Area Manager (AM) level or above.

The Service was an outlier in that appeals against dismissal were heard by Members of the Fire Authority. Across UK public services, including most Fire and Rescue Services, appeals against dismissal were determined by senior officers rather than elected Members, ensuring consistency and professional HR led practice.

The Committee was informed that the current arrangements exposed the Service to a heightened risk of Employment Tribunal challenge, particularly where delays occurred or where decision-making was not aligned with Advisory, Conciliation and Arbitration Service (ACAS) best practice. It was noted that ACAS guidance required appeals to be heard promptly and by an appropriately senior and impartial individual, with failure to comply potentially resulting in increased compensation awards.

Members were advised that convening an Appeals Committee had, on occasion, resulted in delays due to Member availability, and that there had been instances nationally

where procedural defects, rather than the merits of a case, had led to successful tribunal outcomes. The report further highlighted that Member-led appeal arrangements may present risks in relation to role clarity, potential bias and inconsistency, given that employment matters were operational in nature and required specialist HR expertise. The Committee noted that the proposed officer-led model would enable appeals to be heard by the Chief Fire Officer, or an appropriately senior delegated officer, ensuring compliance with national guidance, improving timeliness and strengthening procedural consistency. It was also noted that this approach aligned with sector practice across fire and rescue services and supported clearer separation between Member strategic oversight and operational decision-making.

The Committee expressed support for the proposal but queried the absence of explicit reference to Human Resources (HR) professional involvement within the appeals process. It was confirmed that HR support was embedded within the internal process and that a HR professional was always present throughout an appeal. Consideration was also being given as to whether Equality, Diversity and Inclusion (EDI) representation should be included in the process.

The Committee sought clarification on whether appellants were entitled to union representation in appeals. It was confirmed that all employees had the right to representation, whether they were a member of a trade union or not.

Recommended to the Fire Authority – That the Authority approves the abolition of the Appeals Committee (Option 1 in the report):

- (i) Appeals against dismissal will be heard by the Chief Fire Officer or an appropriate senior delegated officer, in accordance with the National Joint Council Scheme of Conditions of Service and Advisory, Conciliation and Arbitration Service Code of Practice.
- (ii) Part 2, Article 8 - Appeals Committee specifies that the new process will be supported by an HR representative.

24/26 REVIEW AND REAFFIRMATION OF THE CONSTITUTION – The Committee received a report of the Monitoring Officer/Secretary which set out the proposed annual review and reaffirmation of the Authority's Constitution. Members were advised that the Authority was required to review and reaffirm its Constitution on at least an annual basis.

The primary proposed amendment related to the Scheme of Delegation, specifically increasing the Chief Fire Officer and Chief Executive's delegated authority to vary the overall establishment from 0.5 per cent to 1 per cent of the total annual budget. It was explained that the existing threshold had been in place for a number of years and was no longer reflective of current conditions, particularly in light of sustained wage inflation and increased workforce pressures.

Members were informed that the proposed increase would provide greater organisational flexibility to respond to fluctuations in workforce demand, support timely recruitment, and enable more agile management of resources, whilst retaining existing safeguards. These included a cap of 10 full-time equivalent posts, a requirement for affordability to be confirmed by the Section 151 Officer, alignment with the Strategic Plan and Community Risk Management Plan (CRMP) and continued annual reporting to the Authority on the use of delegated powers.

In response to a question, the Committee was advised that, historically, the organisation had been able to increase or reduce staffing levels within existing parameters on a cyclical basis. However, it was noted that this flexibility had been constrained in recent years

due to sustained wage increases. The Committee was informed that increasing the delegation to 1 per cent of the total annual budget, equating to approximately £621,000, would provide greater flexibility to manage workforce changes.

The Committee noted that this approach would support the organisation in realigning resources, managing natural turnover and responding to financial pressures without reliance on more formal workforce reduction approaches. It was further noted that the Service was currently operating a moratorium on vacancies, and that the proposed change would support a more agile approach to workforce management.

The Committee sought assurance regarding the impact of workforce changes on capacity. It was confirmed that, whilst there had been recent changes within teams, this had not resulted in a loss of overall capacity.

The secondary proposed amendments related to the previous item discussed (Minute 23/26 Amendment to the Constitution - Appeals Committee) whereby subject to the approval of the abolition of the Appeals Committee, the Constitution would be updated to remove all references to the Appeals Committee and to reflect an officer-led appeals process in line with national guidance and best practice.

Recommended to the Fire Authority - That the Authority approves the amendments to the Constitution as set out in Appendix 1 to the report:

- (i) that the Authority approves the amendment to the Scheme of Delegation to increase the Chief Fire Officer and Chief Executive's authority to vary the overall establishment from 0.5 per cent to 1 per cent of the total annual budget;
- (ii) that the Authority approves the removal of all references to the Appeals Committee within the Constitution and the corresponding amendments to the Scheme of Delegation.

25/26 OVERVIEW AND SCRUTINY WORK PROGRAMME – Resolved – That the Committee's 2026/27 Scrutiny work programme be approved.