



# MERSEYSIDE FIRE BRIGADES UNION

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Friday, 18 September 2009

## **ALL MEMBERS CIRCULAR**

### **DISCIPLINE APPEAL UPDATE**

I write to inform you of the disappointing news that the appeal against the dismissal of Brother Kevin Hughes has not been upheld. We understand that the vote was close but regrettably the Labour and Conservative members of the appeal panel again voted together as they seem to do in Fire Authority meetings. This meant there was a three to two vote in favour of ensuring Kevin remains sacked.

The decision to uphold the dismissal of Kevin is extremely disappointing as we believe we presented a very strong case. From the outset of the appeal hearing we highlighted all of the procedural flaws that had occurred in the disciplinary process such as the fact we were aware the investigating officer had not received the required training in the disciplinary procedures and that this perhaps explained why he took the complainant to the police station and stayed with him while he gave his statement.

We also expressed that we were concerned Mr Timmins, who heard the disciplinary hearing, had not received the required training to do this. This concern stemmed from the fact we believed he had not understood some rudimentary areas of the disciplinary process in the course of the disciplinary hearing. At the appeal hearing Mr Timmins confirmed he had not received specific training on the disciplinary procedures as is required by the Grey Book. However, despite this, the appeal panel still concluded it made no difference.

We genuinely do not believe we could have done any more to highlight such significant procedural flaws, nor do we think that we could have done any more to provide such clear evidence that many of the Fire Authority's witnesses were entirely inconsistent in their testimony to the point that, incredibly, one witness said that three other Fire Authority witnesses must have been lying. We also do not believe we could have done more to demonstrate that on the balance of probabilities, the incident could not have occurred as alleged. Notwithstanding this and in spite of our best, efforts those points were clearly lost on the Labour and Conservative panel members.

Furthermore, even although almost all of our members have recently had to attend management briefing meetings with senior managers in relation to disciplinary procedures and despite our members not being able to raise any points or voice any concerns at those meetings, you can be assured we have adhered to the agreed procedures. We have acted properly and responsibly in presenting our case to the appeals committee and defending our member, all in accordance with the agreed disciplinary procedures. We do not believe the Fire Authority have acted in the same manner and we do not have faith in the disciplinary process as a whole. It is vital that members who have yet to vote in the ballot do so as soon as possible and have a say on

this issue. It is important that a clear “yes” vote is achieved to defend ourselves against the unjustified dismissal and victimisation of Kevin who is an official of this union.

The executive council have confirmed that Bro Kevin Hughes will receive victimisation pay and we are now preparing our legal case to take to a tribunal. However it is also essential we act now in the best traditions of the Fire Brigades Union and ensure that justice for Kevin will be achieved.

**Please vote yes in the ballot.**

Yours in unity

L Skarratts  
Brigade Secretary



**UNITY IS STRENGTH – AN INJURY TO ONE IS AN INJURY TO ALL**



