

# HIGHLANDS AND ISLANDS FIRE & RESCUE SERVICE



## RANK TO ROLE APPEALS PROCEDURE

# **RANK TO ROLE APPEALS PROCEDURE**

## **1. INTRODUCTION**

This document outlines the Appeals Procedure for the implementation of Rank to Role within Highlands and Islands Fire & Rescue Service.

The procedure follows the principles outlined in the National Joint Council for Local Authority Fire and Rescue Services Rank to Role guidance, issued under cover of Circular NJC/09/05.

It also takes account of best practice advocated by ACAS within its Advisory Booklet-Job Evaluation.

The process is designed to reflect the Principles of Natural Justice<sup>(i)</sup> and to be transparent and timely.

All appeals will be treated impartially and will not impact in any way on future assessment decisions on individual cases. The appeal process will be dealt with on a confidential basis. It must be borne in mind that role evaluation is a matter of judgement and that disagreement with an evaluation panel judgement does not in itself constitute grounds for appeal.

## **2. STAFF COVERED BY THIS PROCEDURE**

The appeal process set out in this document will apply to all uniformed staff paid according to the NJC Scheme of Conditions for Local Authority Fire and Rescue Services and whose role has been evaluated by reference to National Occupational Standards and Fire and Rescue role maps.

## **3. GROUND FOR APPEAL**

An appeal may be made on the following grounds:

- Failure to follow the agreed process
- Allocation to a role does not fit the functions performed
- There has been a change in the functions performed since the allocation process was carried out
- There appears to be an equivalent job in the Service allocated to a higher role

#### **4. APPEALS PROCEDURE – OVERVIEW**

Reviews will not be undertaken because changes have been made to a post after the post was originally evaluated.

In such instances, a new job description must be agreed and a fresh evaluation made.

In accordance with best practice advocated by ACAS this appeal procedure applies to aspects of job evaluation or job sizing and as such is considered separate from the Service Grievance Procedure.

**Therefore, any dissatisfaction on the part of any employee in respect of this procedure cannot subsequently be heard under any other Service appeal or grievance procedure.**

If there is more than one appeal relating to the same job to role allocation, then this will be heard as one appeal.

No action will be taken in relation to placing a relevant employee within a role or pay band pending the outcome of this appeal process.

This process sets best practice standards and any aspect of it may be varied by the mutual consent of any parties involved.

There are two separate appeal stages. Stage 1, consists of a review by the original evaluation panel. Rejection of an appeal at this stage will automatically proceed to Stage 2, which is a review conducted by an appeal panel.

#### **5. MAKE UP OF THE JOB EVALUATION APPEAL PANEL**

- Chair – Deputy Chief Fire Officer
- 2 further members of the BMT, subject to the Principles of Natural Justice and to the proviso that, with the exception of the HR Manager, no appeal panel member will have been party to the original evaluation decision.

#### **6. JOB EVALUATION APPEAL PANEL – DECISION MAKING**

As far as is practicable, the appeal panel will reach its decision by consensus, however, a decision can be taken by a simple majority.

An appeal panel has three options available to it:

- Confirm the decision of the evaluation/stage 1 appeal panel
- Set aside the decision of the evaluation/stage 1 appeal panel and allocate the post to a different role
- Exceptionally, set aside the decision of the evaluation/stage 1 appeal panel and require a re-evaluation of the post.

## 7. **MAKING AN APPEAL**

All appeals must be made on form R2R-~~3~~, duly completed and signed by the post holder. ~~(see appendix 3)~~

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### **Stage 1 Appeal: Review by the original evaluation panel**

The appeal will go to Stage 1 if the employee disagrees with the outcome of the original evaluation. Under these circumstances the original evaluation panel may re-consider their original evaluation only in light of the grounds for appeal set out in Section 3 of this document.

### **Stage 2 Appeal: Review by Job Evaluation Appeal Panel**

The appeal will proceed to Stage 2 if the post holder disagrees with the outcome of the Stage 1 appeal and considers they have grounds for appeal as set out in Section 3 of this document.

**A decision by the Job Evaluation Appeal Panel is final and no further right of appeal is available. There is no separate recourse through the Services Grievance Procedure.**

## 8. **TIMESCALES**

**NOTE: All days are working days.**

All appeals must be lodged in writing within 21 days of the decision on letter R2R-2 or R2R-~~7~~.

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The receipt of form R2R-~~3~~ will be acknowledged within 3 days.

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A Stage 1 appeal will be heard within 7 days of the receipt of the form R2R-~~3~~.

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The Stage 1 decision will be notified in writing to the post holder within 3 days of the appeal hearing.

A Stage 2 appeal will be held within 21 days of the appeal being lodged.

The Stage 2 decision will be notified in writing to the post holder within 3 days of the Stage 2 appeal hearing.

**<sup>(i)</sup> Principles of Natural Justice**

Natural Justice is the minimum standard of fair decision making where such decisions have a direct impact on the rights or expectations of individual members of staff.

The rules of natural justice consist of 2 elements:

- (i) The right to a hearing
- (ii) The rule against bias

**1. The Right to a Hearing**

This involves the following:

- a) Prior notice of a hearing  
This requires that any post holder should be given adequate notice so that they may be in a position to make representations on their behalf, to appear in person at the appeal and to effectively prepare for the appeal.
- b) The opportunity to be heard  
The post holder has a right to attend any appeal hearing and to be allowed to present a case.
- c) Conduct of the Appeal Hearing  
The Chair of the Appeal Panel must ensure that the appeal hearing is conducted fairly ensuring that the post holder has a proper opportunity to consider or contradict any information presented at the appeal hearing.
- d) The right to representation  
The employee making an appeal under this process has the opportunity to be represented by a member of their trade union or fellow employee and will be given the opportunity to present any evidence which supports the appeal.
- e) The decision and reason(s) for it  
The details of the decision and the reason(s) for it should be communicated to the post holder in writing.

**2. Rule against bias**

The two main aspects of this rule are that the persons making up the appeal panel must have no pecuniary or proprietary interest in the outcome of the appeal and must not show any bias.

There must be no suggestion that the outcome has been decided prior to the commencement of the appeal hearing.



**HIGHLANDS AND ISLANDS FIRE & RESCUE SERVICE**

**RANK TO ROLE APPEAL FORM**

<b>NAME:</b>	
<b>POST:</b>	<b>LOCATION:</b>

<b>APPEAL STAGE</b> (please tick)	<b>1</b>	<input checked="" type="checkbox"/>	<b>2</b>	
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**GROUND FORS APPEAL**

Please select the relevant box and give details below:

	<input checked="" type="checkbox"/>
The agreed process has not been followed.	
The allocation does not fit the functions performed.	
There has been a change in the functions performed since the evaluation process was undertaken.	
There is an equivalent job within the Service allocated to a higher role.	

**DETAILS OF APPEAL**

(if more space is required continue overleaf)

**DETAILS OF APPEAL cont.**

Continue on separate sheet if necessary.

**SIGNATURE:****DATE:****For Admin Use only: Please ensure all sections below are dated and initialled****Stage 1**

Date Received		Acknowledgement sent		Appeal Date	
Appeal Panel Decision	<b>Upheld (√)</b>		<b>Rejected (√)</b>		
R2R-6 or R2R-7 sent (date and initial)		To PRF (date and initial)			

**Stage 2**

Date Received		Acknowledgement sent		Appeal Date	
Appeal Panel Decision	<b>Upheld (√)</b>		<b>Rejected (√)</b>		
R2R-6 or R2R-7 sent (date and initial)		To PRF (date and initial)			