



**MINUTES OF THE STAFFING SUB-COMMITTEE held on 30 January 2013
at Fire Service HQ, Winsford.**

PRESENT: Councillor J Joyce (Chair)
Councillor B Livesley
Councillor G Merry
Councillor B Rudd

PROCEDURAL MATTERS

1 Declaration of Members Interests

There were no declarations of interest.

2 Exclusion of the Press and Public

That under Section 100(A) (4) of the Local Government Act 1972, as amended by the Local Government (Access to Information) Order 2006, the press and public be excluded from the meeting for the items of business listed below on the grounds that they involve the likely disclosure of exempt information as defined in Schedule 12A to the Act in the paragraph indicated.

Item 3	Paragraph
Firefighters' Compensation Scheme 2006- Internal Dispute Resolution Procedure: Stage 2	(1) Information relating to any individual

PART 2 MATTERS TO BE DISCUSSED IN PRIVATE

3 FIREFIGHTERS' COMPENSATION SCHEME 2006 – INTERNAL DISPUTE RESOLUTION PROCEDURE: STAGE 2 – WATCH MANAGER “H”

Members were advised that they were reconsidering the matter and that their decision could replace that made at Stage1 of the Internal Dispute Resolution Procedure.

Members considered the report of the Head of People and Development which included various appendices, including a submission by Watch Manager “H”. The Head of People and Development took Members through the report and appendices to ensure they fully appreciated the context within which they were being asked to make a decision at Stage 2 of the Internal Dispute Resolution Procedure. The Head of Legal and Democratic Services provided Members with a summary of the key

provisions of the Firefighters' Compensation Scheme 2006 (the Scheme) and the questions that they were required to consider.

Under Rule 1(1) of Part 2 of the Scheme a regular firefighter who has retired and is permanently disabled is eligible for an injury award if the infirmity was occasioned by a qualifying injury.

Watch Manager "H" maintained that he was eligible for an injury award and Members were asked to consider whether Watch Manager "H" had suffered a

Qualifying Injury, defined (in Rule 7(1) of Part 1 of the Scheme) as:

"...an injury received by a person, without his own default, in the exercise of his duties as a regular firefighter".

Members concluded that whilst attendance at the community event was authorised and supported by the Service, participation in the activity that led to the injury was not. Members noted that Watch Manager "H" indicated in his statement that he had felt uncomfortable watching the gymnastic activities that were being demonstrated and felt obliged to take part. He confirmed that he did so of his own accord (and allowed another firefighter to do so), thereby exposing himself and his colleague to unnecessary risk of injury.

Members concluded that it was not unreasonable to expect a Watch Manager with 13 years experience to carry out an adequate assessment of the activity, both from a risk and reputational perspective. If Watch Manager "H" had done so he would not have taken part in the activity (nor allowed a colleague to do so). Accordingly, his action in participating in the gymnastic activity fell outside the exercise of his duties.

RESOLVED:

Members decided that the injury sustained by Watch Manager "H" was - not a Qualifying Injury as it was not sustained "in the exercise of his duties as a regular firefighter". He was not, therefore, eligible for an injury award under the Scheme.