

Hampshire Fire and Rescue Authority

Human Resources Committee

Agenda Item 8

10 July 2013

The National Joint Council for Local Authority Fire and Rescue Services

Report by the Chief Officer

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1 Summary

- 1.1 The National Joint Council for Local Authority Fire and Rescue Services (NJC) is the body responsible for negotiating changes for the national terms and conditions (T&Cs) of service for those within the profession of firefighter. The current infrastructure that maintains the system does not enable Fire and Rescue Services (FRSs) to directly influence the issues that are raised for negotiation with the Fire Brigades Union (FBU). All such connections are established through democratically elected members from FRAs appointed onto the Employers Committee.
- 1.2 For those elected members who sit within the national infrastructure such as the NJC itself and Fire Services Management Committee, there are limited arrangements that allow them to receive and understand the views and requirements of Fire and Rescue services individually or collectively. There are no formal links between the NJC and the Chief Fire Officers' Association (CFOA). The steps within this paper seek to improve the sense of connection between HFRS (and FRSs more generally) and the NJC.
- 1.3 The recent efficiency review that was conducted by Sir Ken Knight suggested that a review of the Grey Book would release savings and improve effectiveness.

2 Recommendation

- 2.1 That the HR Committee consider the information that CFOA has collected that detail the views of English FRSs by Region on what national T&Cs they would ideally like to change to aid future development.
- 2.2 That the HR Committee seek to influence the agenda for changing national T&Cs through existing democratic mechanisms that will benefit both HFRS and FRSs more widely.

3 Introduction and background

- 3.1 The NJC is the body responsible for negotiating changes for the national terms

and conditions (T&Cs) of service for those within the profession of firefighter on behalf of all UK FRSs. The NJC is independent of Central Government. The National Employers established an advisory body to provide a Forum of expert opinion to advise the Employers' Side of the NJC on issues within its remit. These Advisors are generally taken from within FRS's.

3.2 All UK Local Authority (LA) FRSs are bound by the national T&Cs. Uniformed operational staff (firefighters) up to the role of Area Manager are covered by the same set of T&Cs which are referred to as 'The Grey Book' for clarity and ease of reference. More senior staff at roles of Assistant Chief Officer (ACO), Deputy Chief Officer (DCO) and Chief Officer are covered under a separate set of T&Cs referred to as 'The Gold Book'. Non-uniformed staff have their T&Cs defined in 'The Green Book' which are generally common to all similar LA employees and, as such, these are controlled under separate governance arrangements and involve different trade unions. The Green Book is not covered within this paper. The colours used have no real significance other than historically these were the colours of the covers used to bind the respective documents.

3.3 The NJC itself has 28 members. The membership is allocated as follows:

Employers' side:

- LGA: 9 members.
- COSLA: 3 members.
- WLGA: 1 member
- NIFRSB: 1 member.

Employees' side:

- The Fire Brigades Union: 14 members.

3.4 Officers within individual FRS's have no ability to influence the agenda or outcomes of the NJC. From the employer's side, the Council is Member led.

4 Influence at a National Level

4.1 The current governance arrangements are predicated upon the information from individual FRSs being filtered up to the NJC via elected members. There is no understood mechanism for those individuals to be passed strategic information that is relevant to all, specific groups or a majority of FRSs. Similarly, although Advisors (see section 3.1) are asked to be mindful of the differing needs and circumstances of fire authorities throughout the UK, there is no mechanism (formal or informal) for them to do this. Therefore, Advisors can realistically only provide their personal/professional views or, at best, those relating to their individual Services.

4.2 CFOA have become increasingly aware that its collective understanding of the sector had no mechanism to be passed to the NJC. All FRSs in the UK are members of CFOA. Meetings between the CFOA HR Director (who is elected

by his peers) and the Employers' Side Secretary of the NJC have only led to that position being confirmed. In order to gain a formal mandate for change and improvement in the existing terms and conditions from its membership, CFOA undertook an exercise that aimed to collect the views of all English FRSs by Region on what national T&C's they would ideally like to change. The CFOA HR Director chairs the national committee for People and Organisational Development (POD), which provides representation for all FRSs by region in England and also for the three devolved administrations.

- 4.3 Following completion of this exercise, the results were shared and confirmed at the POD. These are available to all FRSs. It has also been passed directly to the Employers' Side Secretary of the NJC. However, as there is no formal recognition of CFOA by the NJC, this will be for advice and information only and cannot form any basis for a mandate for change. That would have to come through elected members who sit within the existing governance structure.
- 4.4 It was agreed by the HR Committee that once HFRS has received the national priorities for change as outlined above, these will be presented to the HR Committee for discussion. It remains for the HR Committee to consider how best to use that information and to compare that to the current and future needs of HFRS. Where appropriate, it may wish to seek to influence change at a national level. Councillor (Cllr) Roger Price was previously a member of the Fire Services Management Committee for HFRA. At the point of drafting shortly after the recent elections that status is yet to be confirmed. The Service is keen to support Elected Members in seeking to influence the national priorities for the NJC should they consider that appropriate.
- 4.5 If direct influence through the Fire Services Management Committee is not possible, the following options may be considered:
 - Formally writing to the Group Leads on the Fire Services Management Committee, laying out the Authority's priorities and relating those to the nationally identified priorities.
 - Seek a meeting with the Chair of the Fire Services Management Committee (currently Cllr Kay Hammond (Surrey FRS)) to discuss Authority's priorities and relating those to the nationally identified priorities.
- 4.6 The consolidated responses from FRS's are contained at appendix A.

5 Supporting our corporate aims and objectives

- 5.1 These plans support our overall objectives as stated in the Service Plan.

6 Risk analysis

- 6.1 There is a risk that if the NJC is unaware of the key priorities for FRSs they will not be in a position to discuss making changes with the FBU that are most beneficial to the long term improvement of the Fire Sector.

7 People Impact Assessment

- 7.1 The proposals in this report are considered compatible with the provisions of the European Convention on Human Rights, the Human Rights Act 1998, and the Race Relations (Amendment) Act 2000.

8 Environmental and Sustainability impact assessment

- 8.1 There are no identified environmental or sustainability impacts at this point.

9 Resource implications

9.1 Human Resources

There may be some work required internally to consider how the Service may wish to proceed with some specific areas of national T&Cs. Similarly, work will continue to be done with Regional and National colleagues. Any such work will be contained within existing establishment levels.

9.2 Physical Resources

There are no Physical Resources implications at this stage.

9.3 Information and Communications Technology Resources

There are no Information and Communications Technology implications at this stage.

9.4 Financial Implications

There are no Financial implications at this stage.

10 Consultation

- 10.1 Consultation has already occurred at a regional level, with all Services in the South East Region contributing to the return provided to the POD on our behalf.
- 10.2 Discussions involving all regions of England and the devolved administrations have been led by the CFOA HR Director within the governance arrangements of the POD. Discussions have also taken place between by the CFOA HR Director accompanied by CFOA POD colleagues and the Employers' Side (Joint) Secretary of the NJC accompanied by a selection of her Advisors. Individual telephone conversations have also been conducted.

11 Conclusion

- 11.1 HFRS are governed by national terms and conditions (T&Cs). These have a significant effect on how it can operate. The current arrangements for

considering changes to those T&Cs do not allow for direct influence by Fire and Rescue Services employees. The route to influence these T&C's is via elected members who sit on the NJC Employers' Committee.

- 11.2 The proposals to bring together the collective priorities of FRSs through the existing infrastructure of CFOA will provide an opportunity to help align future organisational needs to the changes that the NJC may seek to bring about through its negotiations with the FBU. The engagement of Elected Members in this process is key to being able to use the existing democratic processes to meet the organisational needs of this, and other FRSs.

12 Background papers

- 12.1 The following documents disclose the facts or matters on which this report, or an important part of it, is based and has been relied upon to a material extent in the preparation of the report:

“None”

Note: The list excludes: (1) published works; and (2) documents that disclose exempt or confidential information defined in the Act.

Appendix A

Chief Fire Officers Association People and Organisational Development Strategic Committee Consideration of the Priorities for National Terms and Conditions of Employment

At the meeting of the Chief Fire Officers Association (CFOA) People and Organisational Development Strategic Committee (POD) on 22 January 2013, a number of Priorities for National Terms and Conditions of Employment were agreed in broad terms. These are summarised below:

Issue: Role Maps. Role maps should be reviewed and their link with pay should also be removed.

Rationale: Prior to the industrial dispute FRSs had flexibility to ensure job descriptions or roles met the needs of the Service. This flexibility should be regained to allow for roles to meet the needs of individual IRMPs, changing financial challenges, industry requirements and the differing needs within Authority areas. This will also help address claims that some aspects of work should receive additional pay because they are not listed in the role map, despite being work that prior to the strike may have been legitimately undertaken. Role maps should not be fixed in time as they currently are. The work of a firefighter is changing constantly, e.g. water rescue. Authorities need to be able to flex to meet the changing finances and risks in the world we work in.

Issue: Hours of Duty and Duty Systems

Rationale: By removing constraints applied by the national conditions, local negotiation could take place based on IRMP needs for hours of duty. There needs to be flexibility to develop shift systems and patterns locally that are legally compliant and deliver the Services needs. Local negotiations should be just that and not require the involvement of Regional Officials. RDS conditions could be based on part-time working, local needs and market forces.

Linked to this, the TAP/RAP process should be reviewed to either remove it and provide direct referral to arbitration via ACAS or vary the status of outcomes from advisory to give more binding authority on either party.

Issue: Pay

Rationale: To consider options to improve and provide more flexible mechanisms for pay and reward. In particular the current rules on the application of ARAs, FDS, RDS payments and all other legacy payments e.g. mess managers allowance, overtime rates, etc.

Issue: Leave

Rationale: With the way that annual leave is calculated, there is a real disparity in entitlement caused by the fact that leave is granted in days irrespective of the length of shift which significantly benefits shift workers – albeit this is partly offset by the

requirement to include rota days between shifts. If leave lost to rota days is removed the actual leave is very similar to Green Book. Consideration of alternative systems might be worth considering.

Further consideration of moving the leave year to the financial year rather than calendar may be of value. Other leave aspects or entitlements could be reviewed.

Issue: Allowances

Rationale: A review of existing allowances and overtime would be helpful. There were a number of individual items for consideration which could be worked up as may be required.

Issue: Occupational Health

Rationale: The rules under this section need modernising but as some aspects are linked to pension schemes provision for ill health they in particular would not be simple to do. This may well be best placed as a separate guidance document. Within the review the rights on sick pay during extended periods of absence should be considered.

Issue: Disciplinary and Grievance Procedures

Rationale: The Discipline and Grievance Procedures need to be simplified and less prescriptive in the detail. All procedures should be based on ACAS advice/guidance. In line with the proposal below, consideration should be given to removing this 'guidance' completely. The ACAS code of practice provides the legal framework from which local procedures should be provided. The current 'guidance' is way above that required by the ACAS code of practice.

Specific prescriptions such as the following can cause Services difficulty: Section 6, Para 3.4 - Criminal offences; states that an individual can not be dismissed solely due to being on remand.

Issue: Move to separate guidance. Remove any guidance from the terms and conditions. Guidance documents could be issued separately

Rationale: The status of parts of the Grey Book is often disputed between employers and employee side representatives. If the 'Grey Book' only contained conditions of service this would simplify the process and reduce the potential for dispute.

Guidance could be attached but be clearly separated from the agreed conditions of services as this can be 'misinterpreted'. The format of the Green Book is seen as far more useful and effective.