

## **Response to the LGA Scrutiny Panel Investigation into the Fire Dispute Negotiations**

### **General Comments**

1. The LGA Executive thanks the Scrutiny Panel for its report which seeks to draw out lessons which will help the Association in future national negotiations. The Executive welcomes the fact that the Scrutiny Panel deliberately did not attempt to produce a comprehensive review of the fire dispute, but rightly sought to escape the mass of detail and short term controversies to concentrate on identifying specific issues which need to be addressed by the LGA and by local government employers in the future. In the same spirit, this response does not seek to focus on the detail but sets out how the LGA Executive intends to address the strategic issues set out in the Scrutiny Panel's recommendations. In drafting this response, consideration has been given to the detailed responses received from some members involved in the process.

2. The LGA Executive recognises the analysis of the dispute that the report sets out. It was long and bitter, and it did place enormous personal stress on many of those involved in the organisation of the Employers' response. Significant issues were at stake: the modernisation of the fire service – a prerequisite for Central Government support; the role of the fire service in local government; local management and appropriate pay for fire fighters in a changing service. Members made it clear throughout the dispute that the primary objective was to drive forward the modernisation of the fire service. The Scrutiny panel's endorsement of this policy, and the way it was adhered to throughout the period is particularly welcomed, as is the reminder from the panel that, in examining the detail, the LGA should not overlook the significant achievement that arose out of the dispute. As a result we now have a basis on which to develop a modernised fire service for the 21<sup>st</sup> century.

### **LGA Executive Response to Scrutiny Panel Recommendations**

#### **i. Constitutional Issues**

- There needs to be, within the LGA, a clear understanding of the accountability of the LGA representatives on the employers' side of the Fire NJC (and other NJC's) to the LGA, if necessary through the production of appropriate protocols.

In agreeing this response to the scrutiny panel report, the LGA Executive endorses the view that we need to clarify lines of accountability of LGA representatives on negotiating bodies. LGA appointees to negotiating bodies must be accountable to the LGA, as they are representing the interests of member authorities. It is the LGA's responsibility to determine and agree policy and the Employers Organisation's responsibility to advise and take forward the actual negotiations.

It is recognised that in a multi-party employers' side, like Fire, there will always be a need for the Chair and representatives to seek a consensus with other parties, particularly in this situation where negotiations are conducted on a UK basis. However, ultimate accountability rests with the appointing body. If agreement on this point is reached, there should not be the need for specific protocols.

It is recognised that the crucial issue in any negotiating process is to ensure clarity of objectives by the LGA (as the employer) and unity of purpose between the LGA and the EO in taking the objectives forward. This will only be achieved by close liaison between the bodies. Last year's reorganisation which provided a common membership between the EO Board and the LGA HR panel helpfully strengthens this approach.

- In the event of differences of opinion on accountability, there needs to be clarity as to the appropriate processes, including urgency procedures, for the resolution of such issues.

It must be recognised that the set of circumstances that were being dealt with during this dispute were extremely unusual, and it is highly unlikely that the LGA would be faced with this particular pattern of events again. The LGA Executive is pleased to note the Scrutiny Panel's findings that the procedures used to deal with this particular set of circumstances were appropriate. Whilst retaining the LGA's freedom to act, but to avoid any doubt in the future, however, the LGA Executive agrees that discussions will be held between the political groups at the LGA to produce a formal statement of procedures that would be undertaken if the removal of an office holder from a negotiating body is contemplated in the future.

## ii. LGA/Fire Authority Relations

- There is an urgent need to restore mutual trust and to build up constructive relationships with the fire authorities, including ways in which they can contribute to fire policy formulation within the LGA generally; and to the modernisation process for the service whilst preserving the benefits of a more focussed employers' side.

The LGA Executive welcomes the tone and thrust of the scrutiny panel's report in this area. It is recognised that the dispute placed unprecedented demands on all parties involved. Whilst the strains this placed on relationships is regrettable, it must not be forgotten that out of the dispute has come a ground breaking agreement about the future direction of the fire service. This is something that all sides agree and need to build upon. It is imperative that the LGA and fire authorities work closely together to maintain the momentum. The new structural arrangements for fire agreed by the LGA Executive at its meeting on 10 March, and endorsed by the Safer Communities Board will address these issues and will provide a better framework for closer working in future.

## iii. The negotiating process

- There needs to be an understanding – and if necessary a debate- between the LGA and EO on the extent to which negotiators have the freedom to negotiate.
- Attention needs to be given, within the negotiating process, to finding ways to remove any confusion as to extent of delegated authority; and report back mechanisms.

The LGA Executive accepts that it is difficult to codify the extent of freedom negotiators have to negotiate. There must always be some freedom to negotiate. However, the debate in every negotiating round should be on employers' aims and objectives from which will come, in each circumstance, an understanding of the relative freedom to negotiate on a range of aspects within each claim.

A close relationship between the LGA and EO at both member and officer level is the essential mechanism to ensure that negotiators know their scope for negotiation. It is equally important that those in a negotiating role check systematically with all stakeholders. It is recognised that negotiation is a subtle and subjective art, but does need the framework of clarity of objectives and of 'red lines' for it to work. It also needs the more bureaucratic underpinning of clear arrangements for reporting back within which negotiators can have space to work. The LGA Executive considers such arrangements ought to be spelled out clearly for each set of negotiations (as they will vary with circumstances). It is also recognised that negotiators need support, in particular, political advice, from their representative bodies. The LGA Executive proposed to discuss these issues further with the EO to better understand the issues and to take on board the procedural lessons to be learnt.

- Consideration should be given by the employers' side to the timetabling of the negotiating process, so as to avoid marathon negotiating sessions.

The LGA Executive accepts the scrutiny panel's view that marathon negotiating sessions should be avoided. It is recognised, however, that negotiations are joint affairs and the timetabling of sessions needs to be discussed with all parties in advance.

- The training needs of members in negotiating roles should be reviewed.

The LGA Executive accepts this recommendation and welcomes the work that has already begun with the Employers Organisation to take this forward.

- Key parties involved in negotiating and advising on negotiations should agree and be clear on how communications between those parties are to be maintained throughout the period of the negotiations.

The LGA Executive accepts this recommendation.

- The LGA and EO should review their media arrangements to ensure that there is a cohesive approach to publicising the employer message.

The LGA Executive accepts this recommendation. It is important that employers' public face is coordinated and that there is a single, clear voice representing the employers view. The LGA's media and communications function is currently the subject of review which will enhance the resource and capacity. Also, ongoing work on the collaboration project will enable the LGA, EO and other central bodies to explore further joining up of activity and sharing advice and expertise in this crucial area.

#### iv) Other Issues

- The LGA should devise mechanisms to provide the local government equivalent of the central government's emergency situations procedures (a COBRA committee situation). Such mechanisms should include clear protocols on leadership and executive powers to act in situations which threaten the organisation, the reputation of local government or the well-being of the communities that the LGA represents. Such mechanisms should clearly spell out member and officer roles, responsibilities and accountabilities in such situations. The Scrutiny Panel's

**supplementary report on the role of the LGA in national emergencies (January 2004) made a small number of recommendations which could be pertinent to the development of such emergency arrangements.**

**The LGA Executive accepts this recommendation. The LGA Chairman and LGA Group Leaders constitute the LGA's emergency group (supplemented as appropriate dependent on the circumstances). The LGA Executive has already taken on board the Scrutiny Panel's earlier recommendations of the need to establish such a group, but accept that it might not have made it explicit that the Group leaders and Chairman of the Association act in this capacity. To remove any doubt in the future, the arrangements will be incorporated into the LGA's political protocols.**

- The LGA should review its procedures for informing members of any changes to the representative structure.**

**The LGA Executive accepts this recommendation. Discussions will be held with the political group offices and LGA secretariat to clarify the respective roles.**