

Workforce Report

Purpose of Report

To update the Fire Services Management Committee on matters in relation to fire service industrial relations and pension matters.

Summary

This paper is for information and briefly describes the main industrial relations and pension issues at present.

Recommendations:

Fire Services Management Committee members are asked to:

1. Note the issues set out in the paper.
2. Agree the nomination to the Scheme Advisory Board (paragraph 5).
3. Approve the nominations to the National Employers' Advisory Forum (paragraphs 20 to 23).

Action:

Officers to action as appropriate.

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Pensions

Scheme Advisory Board

1. The next Scheme Advisory Board meeting is 6 March 2017.
2. Councillor Philip Howson has advised that due to other commitments he can no longer commit to the Scheme Advisory Board.
3. FSMC members will recall that seats on the Scheme Advisory Board are proportioned as follows:

3 Conservative
2 Labour
1 Liberal Democrat
1 Independent
4. The Independent Group have nominated Councillor Jason Zadronzny who sits on Nottinghamshire Fire and Rescue Authority, who is able and keen to be on the board.
5. Members are asked to agree this nomination.

Local Pension Boards

6. The Pensions Regulator has indicated a very high response rate to the Governance and Administration survey sent to all scheme managers in October 2016 of over 90 per cent.
7. This contrasts to a response rate of 37 per cent in the same survey carried out between July to September 2015. This represents significant progress for pension boards.
8. Over 50 per cent of English Local Pensions Boards have had board training from LGA.

Contributions Holiday

9. Government have now provided the necessary funds to FRAs to enable the refund payments.
10. These payments should now be made by the end of the financial year.

Key wider workforce issues

Broadening the role of the firefighter

11. Substantial work has already been undertaken including through five joint workstreams. More recently work has focused on two workstreams in particular. This is because at present there is no need for additional detailed work arising from the other three workstreams, not that the outcomes of that first phase have been set aside.
12. The NJC agreed that an external organisation would undertake an independent evaluation of the trials taking place through the Emergency Medical Response workstream and a team led by the University of Hertfordshire has been commissioned to do so. It includes people with expertise/experience of issues such as co-responding e.g. from the South East Ambulance Trust as well as more widely in order to cover the full scope of the trials. The team, with the support of LGA research, has gathered in substantial amounts of data and also undertaken interviews with a number of FRSs. The evaluation report is due to be provided shortly.
13. Discussion through the Joint Secretariat following the NJC meeting in June secured an extension to the over-arching trial period from the end of June 2016 to the end of February 2017. Discussions continue on what the position will be after the end of February.

Multi-agency response workstream

14. This workstream has now concluded work on matters relating to operational guidance and Marauding Terrorist Firearms Attacks, albeit with the employees' side caveat that it is in the context of agreement being reached on related contractual matters and the wider discussions on broadening the role of the firefighter. Those issues relate to pension and compensation matters and discussion continues including seeking clarity and/or support from government.

Inclusive Fire Service Group

15. This group is NJC-led and also includes representation from the CFOA, FOA and the RFU. It has issued guidance on the personal use of social media and is developing national guidance on data collection, recording and monitoring. In the future a periodic national monitoring exercise will be undertaken to measure improvement and if necessary provide further support and guidance.
16. The group is continuing its work on developing improvement strategies relating to the recruitment and retention (and career progression) of female and Black and Minority Ethnic (BME) employees; bullying and harassment; senior management commitment to improvement, levels and reasons for of female and BME uniformed employees grievance/discipline cases.

- 16.1. A number of focus groups have been held with LGA Research acting on behalf of the NJC and including participants drawn at random from female, BME and Lesbian Gay Bisexual and Transgender (LGBT) employees who had expressed an interest in taking part. Participants explored their experiences of working within the fire service across the UK, including: does it feel like an inclusive place to work (what works well, suggestions for improvement); recruitment and retention; and whether cultural issues such as bullying, harassment and the apparent lack of career progression are affecting all three groups.
- 16.2. At the time of writing, and building upon the focus group work, a survey of all employees (Grey and Green Book) will shortly commence. This will be an opportunity to gain a full picture of employee experience and suggestions for improvement.
- 16.3. Four regional workshops have been arranged which will draw upon the expertise of Equality and Diversity leads within services from both management and union perspectives.
- 16.4. Two workshops have been arranged for senior fire service managers, to explore how they can ensure commitment to support and improvement. Action at the highest level of management will be a key factor in taking this work forward and securing improvements from better levels of recruitment, retention and promotion of female, BME and LGBT employees to tackling cultural issues across the board such as bullying and harassment.

Employment Tribunal cases

17. The long-running Part-time Workers (Prevention of Less Favourable Treatment) Regulations settlement process is finally drawing to a close. Popularis, the independent data processor handling the settlement offers, is in the process of providing affected FRAs (all except London and Merseyside) with end reports indicating the status of each of their offers. In cases where settlement has not been made as contact has not been possible with the individual, the respective union (FBU/RFU) will advise the Tribunal accordingly and that it will not be continuing to support such cases. FRAs will then be able to apply for the cases to be struck out. A decision will also need to be taken by FRAs on whether they wish to pursue a claim for negligence against the original legal advisers in respect of the applicability of tax and insurance deductions to the settlement payments. FRAs have been contacted and responses are currently awaited.
18. We are currently working on behalf of all fire authorities with Bevan Brittan and Adrian Lynch QC in respect of the Employment Tribunal cases supported by the FBU in relation to the pension scheme transitional protection arrangements. At the time of writing, the main hearing is underway (listed for the 9 - 25 January 2017). Tribunal has accepted an

appeal on a related issue (in short, whether FRAs had any power to act differently) and agreed to stay the appeal until the outcome of the main hearing is known.

Memorandum of Understanding (MoU)

19. Following a recommendation in the Thomas Review we have been working with policy team colleagues to put in place a memorandum of understanding with special interest groups and trade unions. The MoU is covered in detail elsewhere on today's agenda.

Advisory Forum

20. FSMC members will be aware that the National Employers are advised by a group of 14 advisers drawn from fire services across the UK, specialising in strategic, legal, HR and finance areas. This is known as the Advisory Forum.
21. Whilst appointed for their professional expertise and not to represent their own FRS, a balance of differing types of services does need to be maintained.
22. There are currently two vacancies on the Advisory Forum as a consequence of those advisers leaving the fire service, not just the Forum. The first vacancy has arisen due to the retirement of the previous Commissioner of London Fire Brigade, Ron Dobson. Members are asked to consider Dany Cotton, the new Commissioner, as the nomination to the National Employers to fill that vacancy. Dany's expression of interest is shown below:
 - 22.1. *As you are aware, I have recently been appointed as the first woman Commissioner of the London Fire Brigade after serving nearly 29 years as an operational firefighter.*
 - 22.2. *The London Fire Commissioner's role is one of the most diverse and challenging Chief Officer roles in the UK fire service and I think this would bring a useful addition as an adviser.*
 - 22.3. *The changes to the governance structure that the Office of the London Fire Commissioner will undergo following the implementation of the Police and Crime Bill will also bring a unique governance perspective.*
23. The second vacancy is a county fire and rescue service HR vacancy. Following an approach to such services, members are asked to approve the nomination to the National Employers of Lynne Major, Norfolk Fire and Rescue Service. Lynne's expression of interest is shown below.
 - 23.1. *I would like to express my interest in being nominated for this vacancy as I believe I have the necessary background and experience and have a keen interest in contributing to furthering the work of the NJC at such a poignant time. My current role*

is HR Business Partner for Norfolk Fire and Rescue Service and I have held this role for 7 years.

- 23.2. *In this role I am responsible for advising the Chief Fire Officer and Senior Management team on the full spectrum of people related issues and, in order to do this effectively, this also requires me to have a necessary depth of understanding of the operational issues affecting the service. The service has been through a period of significant change over the last few years and I have advised on a range of issues including:*

*Change management within context of reducing budget
Driving up performance standards
Operational improvement / readiness
Reduction of the wholetime establishment and utilisation of operational staff in different roles;
Effective management of retained availability;
Exploration of different duty systems;
Expansion of the role of the firefighter (to include FRMR, Water Rescue, Co-responding and Forced entry) and the implications for the role map and Grey Book;
Implications of working time regulations;
Implementation of the Firefit recommendations and the implications for the service;
Changes to the Firefighter Pension schemes;
Introduction of mental health and wellbeing strategy in partnership with MIND*

- 23.3. *I work in a collaborative way to deliver the best outcome for the service and have established an effective People Steering Group comprising all operational middle managers and an effective liaison forum with the recognised trade unions. I have extensive experience in developing and reviewing policy and conducting consultation and negotiation with the trade unions*

- 23.4. *I have previously held the roles of Head of Human Resources for a Unitary Local Authority and Corporate Director for Resources for a District Council, and have experience of working closely with elected members. I am also a fellow of the Chartered Institute of Personnel and Development.*

- 23.5. *I believe this is a pivotal time for the Fire and Rescue Service. The recent independent review of conditions of service for Fire and Rescue staff in England 2015 by Adrian Thomas has issued a number of challenges to both the Fire and Rescue services and the National Joint Council. This is therefore both a challenging and*

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interesting time to become involved in this role and contribute to advising on negotiating strategies to ensure pay and employment strategies are fit for purpose as the role of the service changes and finances reduce.

- 23.6. *In summary I believe that I can offer a great deal to this role. I believe I can bring that wider experience of working at a senior level in different organisations, an analytical, solutions based approach and the ability to build strong and productive relationships.*