

Industrial relations

Purpose of the Report

To update the Fire Service Management Committee on current industrial relations issues.

Summary

This paper briefly describes any current industrial relations issues.

Recommendation

Members are asked to note the issues set out in the paper.

Action

Members are asked to approve a nomination to the National Employers' Advisory Forum

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National Joint Council issues

1. The information below provides a brief update on a selection of current NJC for Local Authority Fire and Rescue Services issues.
2. Since the last report, agreements have been reached on the following matters.
 - 2.1 Mileage rates review – agreement has been reached to alter the mileage rates applicable to essential and casual users. This will be introduced on a phased basis commencing on 1 July 2013 with all essential and casual users covered by a simple link to Her Majesty's Revenue and Customs approved rates by 1 April 2014. This will provide significant savings to fire authorities and remove the burden of tax administration.
 - 2.2 Pay, terms and conditions – the NJC has committed to work jointly on a wide-ranging and strategic look to the future to ensure that there is a pay framework alongside terms and conditions in the fire and rescue service which reflect the responsibilities of, and current and future demands on, the service and the profession. This will recognise the need to consider how the workforce's skills and commitment can best be utilised, including the type of activities undertaken, any additional functions that may be required and the implications of this for the nationally agreed rolemaps. Consideration will include issues covered in the recently published independent Knight Review - *Facing the Future* – which was commissioned by DCLG. This will provide an excellent opportunity for fundamental discussion on the shape of the workforce and how the fire service will be delivered in the future.
 - 2.3 Pay award 2013 - agreement has been reached to apply a 1% across the board increase to basic pay and to continual professional development payments with effect from 1 July 2013
 - 2.4 Part-time Workers (Prevention of Less Favourable Treatment) Regulations
A related terms and conditions matter has arisen to do with the granting of time off in lieu for retained duty system employees who are available, but do not attend, for duty on public holidays. Each Side having taken advice, the NJC has agreed to jointly seek a legal determination on this matter and to be bound by the outcome rather than be locked into more employment Tribunal cases.

Local issues

3. Since the last meeting of the FSMC there has been one referral from an FRS for formal Joint Secretaries conciliation assistance, which was successfully resolved.

Arrangements are currently being made in connection with another referral and we are working with a number of services on an informal basis.

Other issues

Compensation Regulations

4. Members will be aware that, at the request of fire authorities, the National Employers approached the Department for Communities and Local Government (DCLG) some time ago with a view to securing the same flexibility to enhance redundancy payments for fire authority uniformed (Grey Book) employees as it has for support (Green Book) employees. Control staff are not affected. Progress had been slow despite persistent contact with DCLG.
5. We raised the matter with Sir Ken Knight as part of his preparatory work on the *Facing the future* review and were pleased to see his support for such a position in the final report.
6. At the time of writing this report we believe matters are now once again progressing. We have recently attended another meeting with DCLG and that discussion will be continuing. Recognising that DCLG will be speaking with other interested parties, we would hope that a positive outcome will soon be achieved.

Pension Scheme Reform

7. Members will be aware that both the Fire Brigades Union and the Fire Officers Association have registered trade disputes with Ministers in respect of the reform proposals.
8. Circular EMP/7/13 included the response from the Minister to the FBU (http://www.local.gov.uk/c/document_library/get_file?uuid=4ecf10c8-749e-43ac-bd00-4c77ec2de4bc&groupId=10171). The letter indicates that this is the 'final offer' and is conditional upon reaching agreement. The Minister sought a response by 12 July. The FBU's Executive Council decided to consult its members through its structures and did not recommend acceptance. Having considered the outcome of that consultation the Executive Council has this week decided to ballot its members on the potential for strike action.
9. FBU members who are not members of (or are not eligible to be members of) the Firefighters Pension Scheme/New Firefighters Pension Scheme/ 2015 Firefighter scheme will not be included in the ballot e.g. control staff. Neither will this ballot include its members in Northern Ireland.
10. The ballot will run from 18th July to 29th August.

11. With the exception of Northern Ireland, the FBU has also written again to Ministers registering a trade dispute. We understand this reiterates the 7 points of dispute (ref. circular EMP/6/13):
http://www.local.gov.uk/c/document_library/get_file?uuid=2f877f7d-387d-4d85-8577-59ffc25eb5b0&groupId=10171
12. But, additionally, resolution to the pension aspect of the Part-Time Workers (Prevention of Less Favourable Treatment) Regulations long-standing employment tribunal cases will now be included in the trade dispute
13. Should it be required, we have provided guidance to FRAs on pay issues connected to industrial action as they relate specifically to employees covered by the National Joint Council's Scheme of Conditions of Service (Grey Book).
14. Should the ballot result in a decision to take strike action:
 - 14.1 It must commence within four weeks from the close of the ballot (or such longer period not exceeding eight weeks as the union and employer may agree).
 - 14.2 Within that period, 7 days' notice must be provided to the employing FRA before the action can begin.
15. Further general advice in respect of industrial action can be found on our website:
http://www.local.gov.uk/web/guest/employment-relations/-/journal_content/56/10171/3510449/ARTICLE-TEMPLATE
16. The Minister has also written to the other unions, attaching a copy of the final offer made to the FBU and asking the other unions for any observations. It was encouraging to see in the FOA's trade dispute letter that it is keen to find a resolution without recourse to industrial action. However, it should also be noted that it reserves the right to do so.

Advisory Forum

17. Members will be aware that the National Employers utilise a forum of expert opinion to advise them on issues within the National Joint Council for Local Authority Fire and Rescue Services remit.
18. The fourteen advisers are appointed by the full Employers' Side of the NJC (having sought nominations from the Employer stakeholder bodies on the NJC) specifically to utilise professional expertise in a number of areas - senior management (strategy), finance, legal and human resources.

19. Advisers are not appointed to represent their particular fire authority and must be mindful of the differing needs and circumstances of fire authorities throughout the UK.
20. There is currently one LGA-nominated vacancy on the Forum as Roy Wilsher, Chief Fire Officer Hertfordshire FRS, has stood down given his new wider responsibilities at local level working with the police commissioner.
21. Discussion has taken place with the LGA's lead adviser and Chair of the Advisory Forum (Ron Dobson), and members are asked to approve the nomination of Sean Ruth, Chief Fire Officer, West Sussex FRS. As with Hertfordshire, West Sussex is also a county council fire service and this appointment would therefore maintain the balance of different types of fire authorities on the Forum.
22. Sean has over 25 years' experience with the fire and rescue service most of which has been with a county council service although he has also worked within a metropolitan service and a combined service. He has experience as a senior advisor at DCLG as part of what was then Sir Ken Knight's team, advising Ministers and senior civil servants on national fire and rescue policy. He has also led on national operational guidance, operational assessment (developing the original toolkit issued by DCLG) and was the policy lead on Health and Safety. During that secondment he took up the role of interim Deputy Chief Fire Officer with Buckinghamshire FRS to help the fire authority stabilise the management team and assist in the recruitment of a Chief Fire Officer. He moved to West Sussex FRS as the Deputy Chief in 2009. Change programmes since his appointment have delivered significant change resulting in a 13% reduction in budget whilst improving performance across a wide range of indicators. He was appointed Chief Fire Officer in January of this year and appointed as a County Council Director at the same time with a remit that includes emergency management, health and safety and a reduction in road deaths and accidents. He is currently leading on a fundamental review of the fire and rescue service, which aims to deliver integrated services across the county council, develop multi agency community hubs and broaden the role of firefighters to deliver improved outcomes at a reduced cost. This is a piece of work that is also very relevant to the joint wide-ranging strategic discussions recently committed to within the NJC.