

Item 3

FSMC Industrial Relations Report

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:

1. Note the issues set out in the paper; and
2. Provide feedback on key issues emerging locally in relation to the dispute.

Action

Officers to progress as appropriate.

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Item 3

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Pension Scheme Reform

1. The main focus of industrial relations since the FSMC last met in July has been the trade disputes in connection with pension scheme reform proposals registered separately by the Fire Officers Association (FOA) and the Fire Brigades Union (FBU) with Government Ministers.
2. While the dispute remains one between central government and the trade unions, the Employers' Side of the National Joint Council has a key interest in employee relations issues arising from it. The activity and actions mentioned below have been taken in support of this Employers' Side remit. FSMC members will individually and collectively have an interest in operational issues arising from the potential for strike action. The meeting offers an opportunity for Members to discuss any key operational issues at local level and any reaction from local communities, media or the workforce. Any common themes will be useful as part of the LGA's intelligence gathering and where appropriate will be shared with the NJC Employers' Side.

Fire Officers Association

3. FOA has since indicated acceptance of the Government's offer in England and decided not to ballot its members on industrial action. It has however not withdrawn its trade dispute in case there should be any further adjustments to the current proposals.
4. Providing the proposals are not negatively amended, FOA does not intend to move towards industrial action. It has also said that it cannot recommend to its members to undertake any more than normal 'contractual obligations' during any period of strike action. However, FOA is open to local discussion about contingency arrangements.

Fire Brigades Union

5. The FBU undertook a ballot of its members between 18 July and 29 August, seeking support for discontinuous strike action. The outcome was:

Yes: 18,277 (78%)

No: 5,166

Spoilt: 64

19 September 2013

Item 3

Total received: 23,507

6. 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 were not included in the ballot e.g. control staff. Neither did the ballot include FBU members in Northern Ireland.
7. No strike dates have been announced at present. In order to keep the mandate for strike action live the FBU must commence action within four weeks from the close of the ballot. Within this period 7 days' notice must be provided to the employing FRA before the action can begin. Therefore 7 days' notice could be given at any time now. The latest commencement of action date would be 24 September.
8. It is possible for the union and employer to agree an extension of a further 28 days and if the parties to this dispute believe they need additional time to conclude discussions that may become an option. That period could not be extended further.
9. The FBU's General Secretary attended the Commons Select Committee Inquiry into the Knight Review on 9 September. Members of the Committee took the opportunity at the end of the session to ask him about the current dispute and potential strike action. He reinforced the FBU's willingness to resolve the matter by dialogue but also to set out that firefighters believed they should have access to the benefits they signed up to when originally joining the pension scheme and that age 60 was not an appropriate Normal Pension Age.
10. The FBU is holding a national demonstration and rally against pension reform and cuts on 16 October in Westminster.

National Employers

11. Whilst this is a dispute between the FBU and Government, from an industrial relations perspective, we have taken whatever action we can to assist fire authorities in dealing with the impact of the ballot outcome.
12. For example, the FBU's General Secretary instructed the union's local officials that they could not reach local agreements in respect of any form of contingency arrangement. Consequently, we approached the FBU to explore the possibility of such arrangements at national level (albeit that the detail of any such arrangements could only be handled at local level).
13. Discussion initially focused upon the principle of permanent minimum level of cover arrangements for individual fire authorities based on local need. Whilst the

Item 3

matter was actually debated by the FBU's Executive Council, in the end the response was that such an arrangement would not be possible.

14. Discussion then focussed on potential response to major incidents and members will be aware that agreement has been reached in that regard, and circulated to fire authorities (circular NJC/9/11):

<http://www.local.gov.uk/web/workforcelibrary/fire-and-rescue-services-joint-circulars>).

15. This is a 'strategic framework agreement to facilitate and assist detailed discussion at local level'. There is no compulsion upon a fire authority to make use of the agreement. However, where a fire authority does wish to do so, FBU officials will be 'ready to respond' and the FBU will exempt from strike action those who wish to respond in such circumstances for the duration of the incident/s. It will also support such a response.
16. There are a small number of principles in the agreement. For example, access to stations. On the surface this may appear unpalatable. However the operational advisers were comfortable that this was in the context of 'a robust means of communication', 'immediate access to personal protective equipment' and allowing 'notifications of incidents and turnout arrangements to be as effective as possible'. The agreement includes the caveat that this is 'reasonable access'. So, for example, if working staff at a station were drawn from outside the usual workforce, or are part of the usual workforce but normally work elsewhere, a CFO would be extremely unlikely to regard access for striking firefighters to be reasonable in such circumstances.
17. There are separate agreements for England, Scotland and Wales but the substantive wording is the same. As far as England is concerned there are three parties to the agreement, DCLG, the FBU and, for pragmatic reasons given the situation crosses England, Scotland, and Wales, the National Employers. The LGA's lead adviser, Ron Dobson (London Fire Brigade's Commissioner), who also chairs the National Employers' Advisory Forum, worked on the agreement as too did DCLG's Chief Fire and Rescue Adviser.

Local Government Association

18. We have worked closely with DCLG not just on the agreement above, but whenever appropriate to do so.
19. We have issued guidance to fire authorities on pay issues connected to industrial action as they relate specifically to employees covered by the National Joint

Item 3

Council's Scheme of Conditions of Service (Grey Book). We have also produced guidance on assessing the impact and implications of an industrial dispute, and deciding upon the appropriate response within the joint context of employment legislation and good industrial relations practice.

20. We have responded directly to individual fire authority queries on a number of related matters.
21. The Workforce team has provided information to fire authorities including key messages it may wish to use in communicating with employees and for the same reason signposting factual information available on DCLG's website in connection with the fitness aspect of the trade dispute.
22. The Chair of the Fire Service Management Committee, Cllr Hammond, wrote to all fire authority Chairs and portfolio holders in similar terms.
23. The LGA's agreed media line is as follows

"The LGA is disappointed at the FBU's move toward strike action. We hope the FBU will be mindful of the potential risks to the public and businesses. We welcome the national framework agreement on responses to major incidents during any period of strike and ask that they also work with us to ensure that plans can be put in place to provide for a minimum level of day to day cover should action be taken."

Local issues

24. 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.
25. In addition, Merseyside Fire and Rescue Service referred a matter to the NJC's Resolution Advisory Panel. Both parties consequently confirmed that they would accept the panel's recommendation.
26. The Joint Secretariat has been working with an FRS that wishes to improve its local industrial relations relationship. A further day has also been scheduled to continue this work.

Conclusion

27. Given that the matter of pension scheme reform and related industrial action could change quickly, an oral report will also be provided at the meeting.