

The Thomas Report – Conditions of Service for Fire and Rescue Staff in England

Purpose

For discussion and direction.

Summary

The Thomas Report was published at the start of November. Adrian Thomas will be attending the Committee to introduce his report and its recommendations. This report covers key areas of his recommendations and steps the sector may wish to take to address them.

Recommendations

Members are asked to:

1. Note the publication of the Review;
2. Discuss and comment on the Review's recommendations to inform LGA work in response to the Review going forward; and
3. Agree that where possible the LGA should coordinate its response to the Review with other bodies and organisations in the sector as well as other partners.

Actions

Officers to note members' comments and views and take action accordingly.

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Background

1. The Department of Communities and Local Government (DCLG) commissioned Adrian Thomas in the summer of 2014, at least partially in response to views expressed by Sir Ken Knight in his earlier '*Facing the Future*' Review. He had highlighted a number of areas in the fire service which he felt could be reformed, arguing that the conditions of service of firefighters could be an actual or perceived barrier to change although he also recognised that there could be political or management self-limitation at a local level.
2. In summary the objectives of the Thomas Review were to look at the conditions of service of chief fire officers and firefighters and the processes by which they are determined, in order to consider whether they present barriers to reform, improvement and efficiency. Technically his remit covered only England. He submitted his review to DCLG in February 2015 and it was published by the Home Office at the start of November 2016. The full review can be found [here](#). The executive summary and key findings are attached as **Appendix A** to this report.
3. Mr Thomas makes 45 recommendations covering the following themes:
 - 3.1 The working environment;
 - 3.2 Documented conditions of service;
 - 3.3 Industrial relations;
 - 3.4 Retained Duty System; and
 - 3.5 Management of the Fire and Rescue Service.
4. The bulk of the recommendations are aimed at the sector, rather than central government. It should be noted that one of his recommendations aimed at central government (the removal of the right to strike regarding blue light activities) has been rejected by the Home Office at this time. This report does not address each and every one of the recommendations, but looks at some of the issues arising from the five themes listed above.

Issues

The working environment

5. This section includes recommendations relating to management of change, culture and communication. It also covers diversity and bullying and harassment issues within the service. To address these issues the Review proposes among a range of actions that the service develops an employee engagement survey which is linked to management performance objectives; training is provided on effective change management and employee engagement; the flow of information to frontline staff is improved; unconscious bias training is rolled out across the service; and there is an active register of firefighters with second jobs.

6. There is already work underway on a number of the proposals made by the Review. For example the National Joint Council-led Inclusive Fire Service (IFS) Group, involving a wide range of employer and employee stakeholders has been working over the last year to:
 - 6.1 evidence the current position on issues such as levels of female, Black and Minority Ethnic, and Lesbian Gay Bisexual and Transgender employees and behavioural and cultural issues and to seek the views of special interest groups. A copy of the report can be found [here](#).
 - 6.2 develop improvement strategies. The group has issued guidance in respect of use of social media and is currently developing guidance on the collection, recording and monitoring of data given the inconsistencies of FRA approaches identified in responses to its wide-ranging survey.
7. The group is now in the process of arranging to talk directly with such employees (focus groups and survey), Equality and Diversity Officers and employee representatives with interest in those areas and senior fire service managers (both through workshops). The purpose of the group is not to draft model policies but rather to develop practical strategies to secure improvements at local level relating to recruitment and promotion, as well as bullying and harassment issues.
8. To support the specific recommendation directed at the LGA and the Chief Fire Officers Association (CFOA) to publish a Memorandum of Understanding (MoU) about how people will be treated within the service, the LGA has written to stakeholders linked to the IFS Group and other special interest groups with the aim of developing the MoU over the next couple of months. This will be complementary to the work of the IFS group.
9. As these strands of work demonstrate responding to the recommendations in the Review will require the involvement of a range of bodies and groups across the service including the LGA, CFOA, employee representatives and special interest groups.

Documented conditions of service

10. Many of the recommendations in the section of the review on conditions of service relate to either slimming down national conditions of service, or in the case of senior management abolishing national provisions. For example, the Review suggests removing any reference to shift systems or role maps from the Grey Book. It is not clear from the Review where Mr Thomas sees the appropriate level for the determination of core contractual issues such as basic leave entitlement and occupational maternity and sick pay.
11. The existing national conditions are collective agreements and can of course be varied by agreement of both sides. In the absence of such agreement then a decision by either side to 'walk away' from such agreements has no effect on key terms and conditions which are incorporated into individual's employment contracts. All such provisions would remain in place until they could be changed at local level. Ultimately

an employer can seek to change terms without agreement, but this can have significant employee relations consequences.

- 12 Clearly it is too early for the national employers to have determined a position on the potential to reform the National Joint Council (NJC) framework and that position will be informed by the views of individual services. It is worth re-iterating that the NJC is UK-wide and the Review's remit covered England. However on the recommendations regarding the NJC, the Review indicated the recommendations were also addressed to other stakeholders.
- 13 The Review's recommendation for an employer/union/government review of the existing "Protocol for Good Industrial Relations", were written when the pensions dispute between the Fire Brigades Union (FBU) and DCLG was at its height, so its reference to government involvement should be seen in that light. This protocol relates to the effective management of industrial relations at local level and, of course, all such documents should be reviewed occasionally to ensure they remain relevant and this one has proven to be useful. However, it is an NJC document and as such any consideration including government would potentially need to involve central governments across the UK.
- 14 There is one recommendation in this section that does not specifically relate to conditions of service. It is that the sector in conjunction with central government creates a national communication programme highlighting the range of activities and skills beyond firefighting currently undertaken by firefighters. This may assist future recruitment programmes by making the public and potential applicants aware of the changing nature of the fire service.

Industrial relations

- 15 This section of the Review examines the role of the NJC. It recommends that the NJC should still determine basic pay, albeit with a suggestion for greater local variation on total pay, possibly with the NJC 'acting regionally'. It is not clear how Thomas envisages such an arrangement/structure would work, or what the advantages are. For example, it could mean clusters of services seeking to negotiate through regional joint bodies, possibly involving a core of NJC members, plus additional representation from within the cluster of services.
- 16 The removal of the right to strike is considered in this section of the report. As indicated earlier, the Home Office has said that at this time it does not plan to take forward the recommendation, although it may wish to take forward the alternative recommendation of seeking no-strike agreements.
- 17 In this section the Review also recommends the abolition of both the Technical Advisory Panel and Resolution Advisory Panel and going instead to ACAS when any external assistance is needed to resolve such local disputes. It is unclear what advantage this would deliver over existing arrangements.
- 18 The report also recommends that the Independent Chair of the NJC should instigate a review of the structure and representative make-up of the Council. It highlights that a number of stakeholders spoken to during the writing of the Review felt excluded from

it. There is no specific suggestion that the NJC be made larger to involve more people, and were that possibility explored a major consideration would be whether that would make the Council more cumbersome. In terms of the LGA's majority representation on the Employers' Side, this is determined through the political groups. Clearly the identification of representatives and how they interact with the wider sector is a matter for the LGA and would not need to be part of a wider review.

Retained Duty System (RDS)

- 19 The Review focuses in this section on issues related to recruiting and retaining RDS employees. A number of recommendations relate to the primary employment of retained firefighters. One proposal is that legislation is introduced to provide RDS employees similar employment protection in their 'primary' employment to that provided for military reservists and magistrates; a change that would have to be taken forward by central government. The Review also recommends that there should be a trial of the use of an annual bounty payment for primary employers of retained firefighters.
- 20 Another issue that could impact on the degree of support from primary employers would be the potential for RDS employees to be away from their primary employment for far greater periods of time if we reach a position in which Emergency Medical Responses and wider work (as part of the NJC's discussions on broadening the role of the firefighter) were to become a core part of the role, although clearly this impact could vary significantly across the country.
- 21 In order to support fire and rescue services recruit retained firefighters the Review calls for a national awareness programme for retained duty system personnel to be developed. Alongside this the report also calls for FRAs to provide an annual statement on the use of retained firefighters, justifying any decision not to use them on operational grounds, and in particular to report on the level of mixed crewing or co-working with wholetime personnel. These proposals could be considered by the RDS group on which FSMC is represented.

Management of the Fire and Rescue Service

- 22 The report suggests that Fire and Rescue Authorities (FRAs) should keep the number of members on the authority under review, taking into account the need to balance providing effective scrutiny with the burden that a large authority – and a number of FRA sub-committees – can place on Chief Fire Officers.
- 23 It also suggests that greater collaboration between fire and rescue services should be pursued, with FRAs coming together to work on the introduction of new technology, recruitment, succession planning and senior leader programmes. Where FRAs decide that such collaboration should be taken forward by further mergers, the Review suggests the Government provides financial assistance. It also points out that lack of collaboration between FRAs between '46 fire authorities [can] mean any change appears to be required to undergo evaluation, be proven and then implemented 46 times'.

- 24 A particular concern in the report, which results in a number of recommendations regarding recruitment to senior roles, seems to be that 'shrinking fire and rescue services are going to struggle to find the managers and leaders of the future from within their dwindling ranks'. The review therefore calls for changes to arrangements around competencies and a more national approach to leadership and fast-track management recruitment.

FSMC's and Fire Commission's response to the Review

- 25 The sector's response to the Review's recommendations will have long term implications for the overall management of the Fire Service, in particular on the nature and scope of collective bargaining at both national, local (and potentially regional) levels. In governance terms any changes to NJC terms and conditions fall to the Employers' Side of the NJC, but as usual the views of FSMC and the Fire Commission would be sought as they have been consistently on significant changes.
- 26 However recognising that one of the concerns that the Review identified was that some stakeholders feel remote or excluded from the process, other mechanisms for seeking wider views can be considered. Again, Members are reminded within this context that the NJC is UK-wide and Thomas addressed recommendations on the NJC to all stakeholders.
- 27 It should also be noted that the Independent Chair of the NJC has asked to meet with the NJC Joint Secretaries. That meeting on 16 December will be used as an opportunity to seek her views on the recommendation regarding a review of how the NJC operates in terms of structure and representative make-up.
- 28 The LGA has already given a preliminary response to the Review's publication through a media release. This is reproduced at **Appendix B**. The FSMC Chair will also be writing to FRA chairs on the subject of the Review.
- 29 In order to inform the LGA's next steps it would be helpful to have Members' views on the Review as a whole, but especially on the questions set out below. These comments and views will be used to develop a work programme in response to the Review, with FSMC receiving further updates on this work at future meetings.
- 29.1 Are there areas which the FSMC feels it, rather than NJC, should lead on?
- 29.2 What messages if any should FSMC address to the sector?
- 29.3 Are there any quickly attainable objectives and would they be valuable to the service?
- 29.4 Are there recommendations which while not being quickly attainable would be of most benefit to the sector to take forward?
- 29.5 How can we best ensure that the views of FSMC and the Fire Commission can inform the decisions of LGA members on the Employers' Side of the NJC?

- 29.6 If reframing the balance between nationally and locally determined terms and conditions in the current financial climate proves after full consideration to be attractive to FRAs, how can it be done in a way that makes a collective agreement on it possible?
- 30 As the Review's recommendations have implications for a range of bodies in the fire sector, and no single organisation can respond on its own, it is proposed that FSMC seeks to coordinate its work with a range of bodies and organisations in the sector, as well as partners. It is understood that CFOA is already looking at what the Review means for their work programme and is considering next steps, and it would make sense to ensure that FSMC's and CFOA's work are mutually complementary and supportive.

Next Steps

- 31 Members are therefore asked to:
- 31.1 Note the publication of the Review;
 - 31.2 Discuss and comment on the Review's recommendations to inform LGA work in response to the Review going forward; and
 - 31.3 Agree that where possible the LGA should coordinate its response to the Review with other bodies and organisations in the sector as well as other partners.

Implications for Wales

- 32 As indicated above while the remit of the report was England only, the NJC operates on a UK-wide basis. The Review specifically states that recommendation with regard to the NJC are aimed at all stakeholders.

Financial Implications

- 33 The significant majority of Fire Service spending is on pay and others conditions of service. Therefore it is clear that any adjustments to these arrangements will have financial implications, even if there is no change to the overall financial envelope. Clearly some of the recommendations would have a direct cost, for example any bounty payment to primary employers of RDS firefighters.