

FSMC Industrial Relations Report

Purpose of the Report

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

Summary

This paper briefly describes the position in respect of the current key industrial relations issues as at the date of issue of the report.

Recommendation:

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

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DCLG/FBU Pension Scheme Reform Dispute

1. Members will be aware that the Fire Brigades Union (FBU) suspended industrial action in January, to allow time for further discussions with DCLG on the areas of dispute.
2. Our understanding is that talks did continue and included work by the Government Actuaries Department. The FBU advised DCLG that its Executive Council would expect to see revised proposals when it met on 24 April.
3. The Fire Minister in England wrote to the FBU's General Secretary on 23 April stating: *'.....we are now considering this proposal across Government. While we are not yet in a position to respond positively to your suggested changes, I will inform you of the outcome of those deliberations as soon as possible...'*
4. The FBU's Executive Council met as planned the following day and decided, in the absence of any firm revised proposals to resolve the dispute, to announce further industrial action, which comprised:

4.1 Strike action (England and Wales excluding control members)

2 May 2014 from noon until 5.00p.m.

3 May 2014 from 2.00pm until 2.00a.m. on 4 May.

4 May from 10.00a.m. to 3.00p.m.

4.2 Action short of a strike (England and Wales excluding control members)

4 May 2014 at 3.01p.m. until noon on 9 May, namely a refusal to undertake voluntary overtime, non-contractual overtime or voluntary additional hours.

4.3 Action short of a strike (Scotland excluding control members)

2 May 2014 at noon until noon on 9 May, namely a refusal to undertake voluntary overtime, non-contractual overtime or voluntary additional hours.

5. In one of his more recent letters to the FBU the Fire Minister wrote: *'...I had also been clear with the union leadership that it was only possible to consider such proposals during a period when strike action was in abeyance. ...We will now proceed with implementation of the Proposed Final Agreement and the necessary legislation will be put before Parliament soon'*. However there appears to be differing views between DCLG and the FBU on the status of any proposals.
6. At the time of writing the FBU's Executive Council has decided not to announce further industrial action at this time, choosing instead to seek further discussions with DCLG to ascertain its current position and whether any revised pension proposals are likely to be forthcoming. The Executive Council is scheduled to meet regularly over the next few weeks.

7. Members will be aware that we have worked closely with the parties to the dispute both separately and jointly where it is appropriate to do so. For example, there is a matter relating to capability that falls out of the proposals on pension scheme reform. We consulted fire authorities on a potential way forward on that matter and the NJC has now reached agreement in principle on all but one of the principles related to that issue. Detailed supporting documentation is also being prepared.
8. However, it will not be possible for employer/FBU discussion to resolve the direct matter under dispute (as part of the over-arching 8 point dispute). This is because the FBU seeks a position whereby an employee would never leave the service for capability reasons between the ages of 55 and 60 without access to a full rather than actuarially reduced pension. QC opinion sought by the LGA is clear that it would be unlawful for an authority's current discretion to be fettered by agreement to such a blanket approach either at local or national level. The FBU have recognised this and as such have sought amendment to the Pension Regulations from DCLG to secure such a guarantee.

NJC for Local Authority Fire and Rescue Services

Commitment to joint work

9. There has been very constructive discussion under the NJC for Local Authority Fire and Rescue Service's commitment to work jointly on 'changes identified by each Side 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 includes the increasing need to consider how the workforce's skills and commitment can best be utilised and the type of activities undertaken. To support this discussion a joint survey of fire and rescue services has been undertaken to map out what currently happens on the ground and to identify the types of activity felt to be of additional value for the future.
10. Members will consider this work when the NJC next meets on 4 June. The expectation is that a number of workstreams will be put in place to take this work forward.

Pay

11. The usual settlement date for employees covered by the NJC for Local Authority Fire and Rescue Services is 1 July. The NJC covers employees from firefighter to middle manager levels. The expectation is that a claim will be received prior to the next meeting of the NJC on 4 June, which is likely to reflect RPI or CPI figures and focus on real term slippage in pay levels. Whilst the National Employers have discussed their approach to pay for 2014, no decisions have been made at this time and they will consider their position when they next meet on 4 June. Members will take their usual political soundings at local and national level and any comments from today's meeting will be fed back to members of the National Employers.

NJC for Brigade Managers of Local Authority Fire and Rescue Services

12. This NJC covers senior uniformed managers such as Chief Fire Officers, Deputy Chief Fire Officers and Assistant Chief Fire Officers and pay is also an issue for this group. The employee representation is the Association of Principal Fire Officers and the historic settlement date is 1 January. This group last received a national uplift in pay in 2009 and have expressed their concern over that position. Some senior managers may have received an increase at local level since 2009. A claim is expected shortly. Whilst the National Employers have discussed their approach to pay for 2014, no decisions have been made at this time. Arrangements are currently being made for a meeting of this NJC and employer members will consider their position in advance of that meeting. Members will take their usual political soundings at local and national level and any comments from today's meeting will be fed back to members of the National Employers.

NJC for Local Government Services

13. This NJC covers the majority of local authority staff and some non-operational staff in fire authorities (often referred to as Green Book staff).
14. The employee representative bodies are UNISON, GMB and Unite. All three, on the basis of consultation with their members, have decided to reject the pay offer and ballot for industrial action.
15. The Employers' offer is for increases of between 1.25% and 4.66% for those on the bottom six pay points (those earning less than £14,013 per annum) which would ensure headroom of 25p per hour above the National Minimum Wage on the bottom pay point. 1.0% would be applied to remaining employees. This would increase the overall national pay bill by 1.069%.
16. UNISON has indicated its ballot will cover fire and rescue services and we understand that directly, or where appropriate through its County Council, fire and rescue services have now received ballot notification to this effect. The ballot will run from 23 May to 23 June.