

Fire Commission Industrial Relations Report

Purpose of the Report

To update the Fire Commission on matters in relation to fire service industrial relations.

Summary

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

Recommendation

To note.

Action:

Members are asked to discuss and share local issues relevant to these issues.

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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. Our understanding is that talks did continue and included work by the Government Actuaries Department.
2. Since the last meeting of the Commission, 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 comprising of strike action and action short of strike action (refusal to undertake voluntary overtime, non-contractual overtime or voluntary additional hours. Three periods of strike action took place in England and Wales comprising 5 hours on 2 May, 12 hours on 3/4 May and 5 hours on 4 May. Action short of a strike took place in England and Wales between 4 and 9 May and in Scotland between 2 and 9 May.
5. In a later letter 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'*.
6. However there appeared to be differing views between DCLG and the FBU on the status of any proposals. As such, the FBU's Executive Council decided not to announce further industrial action, choosing instead to seek further discussions with DCLG to ascertain its current position and whether any revised pension proposals are likely to be forthcoming.
7. Members will be aware of the most recent developments – DCLG has issued consultation documents related to the earlier pension scheme reform proposals. The FBU's Executive Council has announced further periods of strike action, including for the first time a period of 24 hours, and action short of a strike. Authorities will therefore want to continue to ensure that resilience arrangements remain robust.
8. On a more positive note, 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.

9. 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 not 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 recognised this and have sought amendment to the Pension Regulations from DCLG to secure such a guarantee. We understand the proposals issued for consultation by DCLG would not alter the current discretion.

NJC for Local Authority Fire and Rescue Services

Commitment to joint work

10. 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 FRSs felt to be of additional value for the future at national level.
11. Members of the NJC will consider this work when the NJC next meets on 4 June. The expectation is that a number of work streams will be put in place to take this work forward. An update will be provided at the meeting.

Pay

12. 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. At the NJC meeting on 4 June the Employees' Side presented a claim seeking 'a pay rise for 2014 which addresses the issue of falling living standards and rising costs'.
13. Employer members, having given previous consideration to the matter of any pay award in 2014, resumed their considerations in the context of the content of the claim, financial challenges facing fire authorities, government current public sector pay policy, the current position for local authority employees and more widely within the public sector; the views of interested parties including appropriate political soundings and the views of its Advisory Forum (which contains chief fire officer, human resources, finance and legal advisers drawn from differing types of fire and rescue services across the UK).

14. Employer members decided to make the following response to the claim:

'The National Employers have considered the matter of a pay award for 2014. In doing so they have been mindful of the Employees' Side claim, and a desire to provide a pay increase for all NJC employees, balanced against matters such as affordability.

The National Employers have today agreed to offer an across the board increase of 1.0%. We believe this is the best offer possible and at the limit of what fire authorities can manage financially. Therefore we have to advise you that this is a final offer.

We would hope that agreement can be reached quickly so that a pay award can be actioned.'

15. Members will be aware from circulars issued on 4 June that the Fire Brigades Union and the Fire Officers Association will now separately consult their respective members before responding to the offer.

NJC for Brigade Managers of Local Authority Fire and Rescue Services

16. 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. At the request of APFO, a meeting of this NJC will be held in June and employer members will consider their position in advance of that meeting. Members will take their usual political soundings at local and national level, including through the FSMC.

NJC for Local Government Services

17. This NJC covers the majority of local authority staff and some non-operational staff in fire authorities (often referred to as Green Book staff).
18. The employee representative bodies are UNISON, GMB and Unite. All three, on the basis of consultation with their members, have decided to reject the Employers' pay offer and to conduct industrial action ballots during May and June. In the event of the ballots returning a 'yes' vote the unions have announced that they will be holding a one-day strike on Thursday 10 July.
19. 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%.

20. 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.