

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.

Action:

Officers to note comments.

Contact officer: Gill Gittins
Position: Principal Negotiating Officer
Phone no: 020 7187 7335
E-mail: gill.gittins@local.gov.uk

FSMC Industrial Relations Report

DCLG/FBU Pension Scheme Reform Dispute

1. Members will be aware that this dispute remains unresolved.
2. Since the last meeting of the FSMC there have been two periods of strike action by Fire Brigades Union (FBU) members in England and Wales (excluding control members):
 - 2.1. 24 hours - commencing at 9.00a.m. on 12 June; and
 - 2.2. 7 hours – commencing at 10.00a.m. on 21 June.
3. In addition, action short of a strike also took place as follows:
 - 3.1. 9.00a.m. on 13 June until 10.00a.m. on 21 June; and
 - 3.2. 5.00p.m. on 21 June to 9.00 a.m. on 22 June.
4. Further periods of strike action have recently been announced and will take place as follows:
 - 4.1 Thursday 10 July - this is also a day of wider industrial action by a number of public sector unions including UNISON, GMB, Unite and the NUT
10.00 to 19.00
 - 4.2 Monday 14 July, Tuesday 15 July, Wednesday 16 July, Thursday 17 July
06.00 to 08.00
17.00 to 19.00
 - 4.3 Friday 18 July
06.00 to 08.00
23.00 to 01.00 on Saturday 19
 - 4.4 Saturday 19 July
11.00 to 13.00
23.00 to 01.00 on Sunday 20
 - 4.5 Sunday 20 July
17.00 to 19.00
 - 4.6 Monday 21 July
06.00 to 08.00
17.00 to 19.00
5. Following the final period of strike action above, action short of a strike will commence until further notice. There is no indication at present of what that will consist of.

6. Our understanding is that talks have recently taken place again between DCLG and the FBU, but given the escalation of action set out above a resolution does not appear to be in sight. This move is clearly disappointing as well as frustrating given we are not directly party to the dispute but the effect of such action falls upon fire authorities.
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 and remain available to continue 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. On a more positive note, constructive discussion continues 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 was 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.

Pay

10. 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 National Employers considered a pay claim when they last met on 4th June. The claim sought to address *'the issue of falling living standards and rising costs. We also seek a clear commitment from the Employers to address this issue for the long-term in discussions over coming years.*
11. Employer members had taken their usual political soundings at local and national level. In addition, they considered:
 - 11.1 the financial challenges facing fire authorities;
 - 11.2 economic pressures on the workforce;
 - 11.3 Government current public sector pay policy;

- 11.4 the current position for local authority employees and more widely within the public sector; and
- 11.5 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.
12. The following response was made at that day's meeting of the National Joint Council:
- '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.'*
13. The Fire Brigades Union is currently consulting its members on the offer. The Fire Officers Association is also consulting its members.

NJC for Brigade Managers of Local Authority Fire and Rescue Services

14. 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 has expressed their concern over that position. Some senior managers may have received an increase at local level since 2009. A claim has also been recently received from this group and is currently under consideration. The claim seeks an across the board increase of 1.9%. The points in paragraph 11 will apply equally to this group.