

5 September 2014

Independent Review of Conditions of Service for Operational Staff in the Fire and Rescue Service

Purpose

For discussion and direction.

Summary

Recommendations

Members are asked to:

- (a) Note the recent announcement about the Review, including the Chairman, Terms of Reference and questionnaires which have been issued;
- (b) Comment on which elements Members would like to submit an LGA response.

Action

Officers to progress as directed.

Contact officers: Helen Murray/Sarah Messenger
Position: Head of Programmes/Head of Workforce
Phone no: 0207 664 3266 / 0207 187 7342
E-mail: helen.murray@local.gov.uk / sarah.messenger@local.gov.uk

Independent Review of Conditions of Service for Operational Staff in the Fire and Rescue Service

Background

1. Sir Ken Knight's Review, published in May 2014 highlighted a number of areas in the fire service which could be reformed. He found that the conditions of service of firefighters could be an actual or perceived barrier to changes that could otherwise provide a more efficient service to the public although he also recognised that there could be self-limitation at local level.
2. The Government responded to the Review in a Written Parliamentary statement on 15 July and announced that it was setting up an independent review into Conditions of Service. FSMC had a brief discussion about the Review at its July meeting but now that we have more details, this has been brought forward as a substantive item for discussion.

Terms of Reference

3. On 7 August the Government opened the Review and announced that Adrian Thomas (a HR professional) would undertake the Review and set out the Terms of Reference (attached at **Appendix A**). In summary the objective of the Review is to look at the conditions of service of chief fire officers and firefighters and the processes by which they are determined to consider whether they present barriers to reform, improvement and efficiency.

Consultation with the fire and rescue service

4. Mr Thomas has committed to consult widely during the Review and, as a first step, has sent out questionnaires to both FRAs and firefighters. In summary, he has asked fire authorities for two returns: (i) statistical information about determining pay, recruitment and training of firefighters, general employment practice and industrial relations; and (ii) more detail on recruitment, promotion, crewing policy, use of on-call firefighters, views on the flexibility of the Grey and Gold Books, and collaboration with other services, including what the barriers may be to dissuade collaboration. All questionnaires are freely available on the DCLG website.
5. Responses are due back by 19 September. The Review is expected to report to the Secretary of State at DCLG by February 2015.

The Winsor Review

6. There are some parallels with the Winsor Review which was carried out in response to the Home Secretary's commitment to examine police officer remuneration and conditions of service. Tom Winsor produced 2 reports: the first focused on short-term reforms to pay and conditions that aimed to achieve quick savings for police forces; and his second Report, published in March 2012 looked into longer term strategic questions around police officer pay, including basic pay, career length and pension age, the potential to introduce compulsory redundancy for police officers and the pay negotiating machinery.

There are a number of important differences between the police and fire services as the landscapes are quite different. But, it is interesting to note that Winsor concluded that 'the Police Negotiating Board was unable to make decisions in an effective and timely way' and therefore recommended an independent pay review body which is now being taken forward. The employment position of uniformed police officers is very different to that of fire service staff in that statutory regulations rather than contracts of employment govern their pay and conditions. This means ultimate control over reform lies with Government. Fire service staff are employed directly by fire and rescue services. Control therefore lies with fire authorities either through the national negotiating bodies (NJC) or, if an individual fire authority wishes to, by separate agreement or agreed variation at local level. Therefore should fire authorities wish to take forward any of the Review's across the board recommendations, as things currently stand, negotiations would need to take place at national level. Although fire authorities could choose to pursue some of the reforms at local level, they would need to reach agreement with the representative trade unions to implement those reforms. In the absence of an agreement, reform could only be achieved locally by imposition which would bring significant legal and industrial relations challenges.

LGA Response

7. Terms and conditions of uniformed staff (Grey Book – firefighter to Area Managers) are exclusively a matter for fire authorities and largely exercised through the National Joint Council for Local Authority Fire and Rescue Services. Fire authorities have direct involvement in the NJC. The NJC for LAFRS is a voluntary UK-wide body and authorities are generally content with that mechanism given all fire authorities in the UK apply the terms and conditions negotiated therein.
8. Whilst FRAs recognise many of the benefits of national activity on pay and conditions being done on their behalf, there are some who believe the NJC is slow to achieve change and does not operate in a way which is consistent with the flexible, fast-paced, innovative requirements of providing public services in the 21st century. However FRAs very often experience the same frustrations at local level because of the exceptional industrial strength of employees in the fire service. Consequently, it is important the Review considers reform to pay and conditions within the wider context of fire service industrial relations. The NJC can deliver quick reform and helpful agreements just as local negotiations can which last for months or years and vice versa. Reforming the machinery in itself, is not the answer to ensuring we continue to have a flexible, fairly paid, highly skilled workforce delivering the services the public need in modern Britain.
9. At the earlier FSMC discussion, there was no consensus about involvement in this Review. That said, now that it is progressing, Members are invited to take a view on engaging positively with the Review and the opportunity to invite Mr Thomas to the December meeting of FSMC.
10. Initial concerns expressed at that meeting were around the fact that this Review appears to overlap with the work of the National Joint Council which has already committed to reviewing many of these issues and, following consultation with fire authorities, a number of work streams to progress matters of interest have been jointly identified with employee representatives. Members of the NJC will need to consider how the announcement of the Review will impact upon taking that work forward. At present, the expectation is that work will continue.

11. Much of the information sought by the Review needs to be provided by individual FRAs about their particular workforce for example the increased use of retained duty system/on-call employees which is particularly sensitive to local workforce availability. Any LGA response can also draw attention to that position. However there are a number of questions where Members may wish to submit an LGA response. These are:

11.1 Section 5 – around the operation of the Grey and Gold books. Our response would mainly put on record:

Grey Book

- 11.1.1 how the NJC for LAFRS works, providing a helpful framework to fire authorities, reducing unnecessary duplication of negotiation with accompanying cost and resource savings; reducing the potential for ‘leapfrogging’ which could lead to increased costs to the service; providing fire authorities with industrial strength in what can be a difficult negotiating arena
- 11.1.2 the NJC for LAFRS has a responsibility on a continual basis to ensure the Grey Book is relevant to the circumstances of the fire service and this is currently evidenced by the joint work on developing pay, terms and conditions to meet the needs of the fire service of the future (something to which local authority trade unions have been loath to agree)
- 11.1.3 the purpose of the role maps and how they are intended to operate;
- 11.1.4 the flexibility there already is within the respective national frameworks for local discretion, including within the pay structures, acknowledging this is not always recognised at local level
- 11.1.5 the issue of employment law constraints (even if the Grey Book no longer existed)
- 11.1.6 other general perceived limitations eg use of the national dispute resolution processes which in reality have assisted fire authorities at local level to take forward a range of change issues from new shift systems to payment for additional work at flat rate.

Gold Book

- 11.1.7 Whilst the argument for maintaining national negotiations for very senior managers (chief, deputy and assistant chief officers) may be less compelling, fire authorities have nonetheless previously indicated that is a position they value.
 - 11.1.8 Not all fire authorities apply Gold Book terms and conditions to their senior staff, often because a particular fire service is provided through the county council. In such cases it applies consistency through application of the national arrangements for the council’s other chief officers. But most do choose to apply the fire service nationally negotiated pay awards.
- 11.2 Section 7 – around industrial relations. The questions ask for details about the strengths and weaknesses of the National Joint Council and we will want to

submit a clear response covering the strengths and weaknesses of the NJC for LAFRS (which it is assumed is meant by 'the NJC').

Strengths

- 11.2.1 Voluntary body, every fire authority in the UK chooses to apply the terms and conditions therein.
- 11.2.2 Is an effective way of conducting negotiation, making decisions and resolving disputes given both employer and employee interests are directly involved and the vast majority of employees in the fire service are union members. Delivers results both in terms of national negotiation and facilitating resolution to local disagreements and is the quickest and most efficient way to introduce change commonly sought across all fire authorities.
- 11.2.3 Avoids duplication of effort on common issues and the associated resource time and costs.
- 11.2.4 Seeks fire authority views, directly and indirectly. Also seeks the views of other interested parties and maintains good communication with them eg the work done to assist resolution to the current dispute between DCLG and the FBU.
- 11.2.5 Utilises specialist strategic, operational, human resources, finance and legal advice and wider specialist advice e.g. QC's opinion as appropriate.
- 11.2.6 Provision of joint industrial relations training to key fire authority and union representatives at local level to improve local industrial relations.

Weaknesses

- 11.2.7 Speed of output on occasion.
- 11.2.8 Need to continue to build on work in relation to streamlining the machinery itself.
- 11.2.9 Cannot provide everyone with everything they want all of the time.

12. Members are asked to provide a steer on these areas. There are other areas which are more politically contentious where Members will wish to comment locally such as their authority's view on whether firefighters should have the right to strike but these are areas where we are unlikely to reach a consensus within the LGA.

CFOA Response

13. In order to facilitate change many Services have made local agreements and adaptations of the Grey Book and this has led to a diverse landscape of need for central systems and processes. CFOA therefore welcomes the Review as they believe there have been issues around the current arrangements and also hope that clarity of central vs local decision making will assist further change. The questionnaires have raised some concern from CFOA around the independence of the Review and the quality of thinking behind the questionnaires. We understand that some areas have taken a decision not to forward on the fire fighter questionnaire to individual firefighters until the plan is clearer.

FBU Response

14. The Fire Brigades Union initially wrote to its members expressing concern about the balance of the questions and options for response referring to the questionnaires as negatively 'skewed'. The letter asked FBU members to refrain from responding to the questionnaire until such time as the Executive Council had time to discuss the review, including the survey. Having now done so, the advice to its members is that '...these surveys pose significant risks for everybody working within our Service and for the future of pay, terms and conditions and pensions. Members are therefore advised not to cooperate with these surveys or to complete or return them.' Further information can be found in the most recent circular to its members: <http://www.fbu.org.uk/resources/dclg-fire-minister-launches-another-attack-conditions-service/>

Next Steps

15. The review is predominantly focused on issues relating to the pay and conditions of fire service employees and, as such, any response to and engagement with the Review team will require the involvement of LGA members who sit on the NJC. However, the Review also impacts on the strategic direction of the fire service in England and it is therefore important that members of the FSMC are involved in determining a response to the Review. The LGA's Workforce and Safer Communities teams are already working closely on preparing a response and our recommendation to members is that, if they wish to submit an LGA response, it should explain the respective roles of the NJC and the FSMC and reflect the views of members from both bodies, as appropriate.
16. If Members wish to submit a LGA response, we will circulate a draft to Lead Members for approval prior to the 19 September consultation deadline.

Appendix A

Terms of reference

To review the conditions of service of chief fire officers and firefighters and the processes by which they are determined to consider whether they present barriers to the reform, improvement and efficiency of fire and rescue services.

In particular, the review should consider barriers to:

- the flexibility and responsiveness of workforce management practices, staffing and crewing arrangements.
- people working longer, and ensuring they achieve, or if desired, exceed their normal pension age
- collaboration and integration with other emergency services.
- the increased use of on call firefighters.
- clarity of process in the fair recruitment and remuneration of chief fire officers and fire officers

The review should also consider the national arrangements for agreeing conditions of service, in particular:

- whether a UK-wide process remains appropriate;
- whether there is sufficient independent advice and expertise in the process;
- whether there are sufficient mechanisms to ensure that conditions of service keep pace with the rest of the public sector;
- consider the current usefulness of the Grey and Gold Books, and the present arrangements for dispute resolution within the Grey Book;
- consider the arrangements for agreeing remuneration of senior officers in fire and rescue authorities;
- identify any barriers in moving between the Grey and Green Books;
- the impact on services by the undertaking of activity, by firefighters, outside of normal working hours/shift systems.

In conducting this review, the review team should consult with fire and rescue authorities, firefighters, representative bodies, and others they deem relevant. It will be an independent report to government but may make recommendations to others, including fire and rescue authorities and representative bodies.

Where possible, recommendations should be costed and of sufficient detail to enable effective implementation. The Review should also have regard to the Government's wider fiscal and public sector pay policies and recommendations from the Review should not increase total costs.

Appendix B

Questionnaire for completion by Fire and Rescue Authority

Section 1: Recruitment of firefighters

1 (a). Do you plan future recruitment according to the following factors? (please tick as appropriate):

Predicted rates of staff turnover	<input type="checkbox"/>
Promotions	<input type="checkbox"/>
Overall number of firefighters needed as per your Integrated Risk Management Plan	<input type="checkbox"/>
Likely task/role changes	<input type="checkbox"/>
Advancement of technology	<input type="checkbox"/>
Other (Please specify)	<input type="checkbox"/>

1 (b) Please attach a copy of your recruitment plans if available

2. Are there any other factors you take into account in planning recruitment?

3 (a). Do you place a cap on the number of applications per vacancy?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

3 (b). If YES, please give details on how such a cap is decided

4 (a). Are vacancies advertised for a specified period of time?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

4 (b) If YES, please give details on length of period and method of advertising

5. Do you consider that role maps and/or the grey book adversely impact recruitment? (Please tick)

Not at all	<input type="checkbox"/>
Prevention of recruiting above the basic entry grade	<input type="checkbox"/>
Prevention of setting academic entry standards	<input type="checkbox"/>
Number of firefighters recruited	<input type="checkbox"/>
Contracted working hours, i.e. full or part time	<input type="checkbox"/>
Rigid pay structure	<input type="checkbox"/>
Use of fire staff to do non-operational roles	<input type="checkbox"/>
Use of assessment centres	<input type="checkbox"/>
Other (Please specify)	<input type="checkbox"/>

6 (a). Do you operate a graduate recruitment scheme?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

6 (b) If you do not operate a graduate recruitment scheme, please state why?

7) Please detail your selection criteria for external recruitment.

Section 2: Promotion of firefighters

8. Please give details of your selection criteria for internal promotion

9. Do you think it would be beneficial following a promotion process or development discussion to give individuals the opportunity to move to different...

Please tick.

...Authorities?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
...Stations?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
...Watches?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

Section 3. Crewing policy

10 (a). What mechanisms do you currently use to determine the appropriate number of firefighters in any one area?

10 (b). By what mechanism do you determine whether an individual fire station should be crewed by on-call staff, whole time staff or a mix,

10 (c) In response to the above question, do you believe that there is an opportunity to change this method and if so what barriers are there for change?

10 (d) Do you think there are benefits to changing the mechanism?

10 (e). By what mechanism do you decide on your crewing levels in each fire station?

11 (a). Has your authority ever experienced a conflict or any other issues as a result of staff having second jobs?



**Fire Services Management
Committee**

5 September 2014

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

11 (b) If YES, please provide details:

Section 4: Use of on-call firefighters

12(a) Do you employ on-call/retained firefighters?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

12(b) If NO, please may you state why? (Then skip to Section 5)

12(c) If YES, how do your on-call/retained firefighters work alongside your whole time crews as part of normal station working?

Integrat ed	<input type="checkbox"/>
Separat e	<input type="checkbox"/>

What benefits or challenges of this approach have you observed:

12 (d) How many hours are your retained firefighters normally available per month, and how many hour are they required to attend for drill nights and training? :

Normal hours available per month	
Normal hours	

required for drill nights/ training	
---	--

13. If you do operate an on-call/retained duty system, what barriers if any have you encountered to operating the system effectively? (please tick as appropriate)

Poor response to recruitment campaigns	<input type="checkbox"/>
Poor standard of applicants	<input type="checkbox"/>
Public perception	<input type="checkbox"/>
Union tensions	<input type="checkbox"/>
Minimum expected response times	<input type="checkbox"/>
Cost	<input type="checkbox"/>
Training	<input type="checkbox"/>
Poor interaction with whole time crews	<input type="checkbox"/>
Employer resistance	<input type="checkbox"/>
Level of remuneration	<input type="checkbox"/>
Level of commitment required	<input type="checkbox"/>
Lack of awareness of on-call system	<input type="checkbox"/>
No barriers	<input type="checkbox"/>
Other (Please specify)	<input type="checkbox"/>

14. Please provide details if any of the above apply

--



**Fire Services Management
Committee**

5 September 2014

Section 5. Grey /Gold Book

15. Which of the following statements do you believe is appropriate in respect of GREY BOOK employees?

The current graded pay structure is appropriate to the provision of current services	<input type="checkbox"/>
The graded pay structure works sometimes but Fire and Rescue Authorities need more flexibility	<input type="checkbox"/>
The graded pay structure coupled with national terms and conditions needs fundamental change to ensure FRSs have the required flexibility to meet the future needs of the service and communities.	<input type="checkbox"/>
Other (Please specify)	<input type="checkbox"/>

Comments:

16) Which of the following statements do you believe applies to GOLD BOOK employees?

The current pay structure is appropriate to the provision of current services	<input type="checkbox"/>
The pay structure works sometimes but should be applied either more consistently or flexibly across differing authorities	<input type="checkbox"/>
The pay structure needs fundamental change to ensure value for money	<input type="checkbox"/>
Other (Please specify)	<input type="checkbox"/>

Comments:

17 (a). Do the 'grey book' and 'role maps' provide appropriate flexibility in the way you manage the existing service?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

17 (b) If NO, what are the issues? (please tick as appropriate)

Operational management/ decision making	<input type="checkbox"/>
People Management	<input type="checkbox"/>
Use of latent capacity	<input type="checkbox"/>
Co-responding with other emergency services	<input type="checkbox"/>
Community safety	<input type="checkbox"/>
Fear of legal action	<input type="checkbox"/>
Other (Please specify)	<input type="checkbox"/>

18. Could local terms and conditions enable services to improve the outcomes and value for money to local communities? Please tick

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

19 (a). When a member of staff is injured at work or is taken ill, what are the procedures that follow in regards to sign off, sick pay and level of absence? Please provide details.

5 September 2014

19(b). Are the current conditions of service a barrier in this process?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Comments:

--

Section 6. Collaboration with other services

20. Have you explored joint training opportunities with other Fire and Rescue Authorities?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

21 (a). Have you pursued co-responding with other emergency services?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

21 (b) If NO, to one or both of the above, then what were the reasons for not doing so? (Please tick all that apply)

Role Maps do not allow it	<input type="checkbox"/>
Representative body resistance	<input type="checkbox"/>
Fear of legal action	<input type="checkbox"/>
No clear leadership	<input type="checkbox"/>
Extra burden on the service	<input type="checkbox"/>
Not a priority	<input type="checkbox"/>
Other (Please specify)	<input type="checkbox"/>

Please provide details if any of the above apply

--

22 (a). Have you explored sharing your estate with other emergency service providers?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

22 (b) If NO, is this the result of an issue related to the grey book?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Please Comment:

--

23. Have you explored any other opportunities for more closely integrated/ joint working with other fire and rescue services or other organisations?

Please provide comments:

--

Section 7. Industrial relations

24. How do you rate the effectiveness of the National Joint Council as a means of making decisions and resolving disputes?

Very effective	<input type="checkbox"/>
Somewhat effective	<input type="checkbox"/>
Not at all effective	<input type="checkbox"/>
Other (Please specify)	<input type="checkbox"/>

25 (a). If you answered 'very effective' or 'somewhat effective' what do you consider the key strengths of the National Joint Council?

25 (b). If you answered 'somewhat effective' or 'not at all effective' what do you consider the key weaknesses of the National Joint Council?

26. Does the National Joint Council represent the views of employing authorities effectively?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

If not, then please give details why and how this could be improved.

27. What has been the impact of strike action on your operations? (Not limited to the current industrial dispute over Pensions)

28 (a). Do you think firefighters should have the right to:

Strike	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Strike, but legally required to return to duty in certain circumstances	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Take industrial action short of strike	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Be required to maintain a skeleton emergency service to the public in the event of strike action.	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Be required to give more than 7 days' notice of strike action during a dispute.	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

28 (b) If the answer to the last question is yes, how much notice should be given to allow an Authority to prepare for strike action?

5 September 2014

29 (a). Should current return to work arrangements during industrial action be legally formalised?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

29 (b). If yes, who should be held accountable for this arrangement?

Local Employer	<input type="checkbox"/>
Relevant trade union	<input type="checkbox"/>

30. What industrial relations training do you provide for your managers/employees (by grade)? Please give specific details.

If you any further comments you would like to make about firefighters' conditions of service (<https://www.gov.uk/government/news/minister-opens-independent-review-of-firefighter-conditions>). Please tell us here.

--

THANK YOU FOR COMPLETING THE SURVEY.
PLEASE REMEMBER TO SAVE IT AND THEN EMAIL IT TO FRSCOMMS
PLEASE RETURN BY FRIDAY 19 SEPTEMBER 2014