

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

Introduction

1. This response is submitted on behalf of the Local Government Association (LGA), encompassing the views of the Fire Services Management Committee and the LGA's representatives who sit on the Employers' Side of the National Joint Councils (NJC's). The relationship (and differences) between the two are outlined in **Appendix A**.
2. It is disappointing that there was no proactive contact with us at the on-set of the Review, as we could have made a contribution to the construction of a survey form which could have provided more rounded and relevant information on the workforce/terms and conditions issues in relation to operational service delivery. However, we are pleased that direct engagement with the Review Chair is now underway.
3. Our response addresses areas of interest in the questionnaire although on some, more detailed information will be provided directly by FRSs. For example, the increased use of retained duty system/on-call which is particularly sensitive to local workforce availability.
4. There are some parallels with the two-stage Winsor Review which was carried out in response to the Home Secretary's commitment to examine police officer remuneration and conditions of service. The first review focused on short-term reforms to pay and conditions that aimed to achieve quick savings for police forces. The second report 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.
5. There are a number of important differences between the police and fire services. However, 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.
6. 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 NJCs 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.

Key messages

- The LGA welcomes the opportunity to contribute to the Review. Locally elected politicians on Fire and Rescue Authorities, along with senior operational teams, are committed to providing the best possible service to our communities and as the service transforms itself, we recognise that the terms and conditions need to enable and positively support new ways of working.
 - Further financial reductions in the fire and rescue service will provide new challenges and national activity must continue to show that it delivers genuine added value for FRSs and employees alike and be receptive to change where better results can be achieved.
 - We recognise that improvements can be made to the joint negotiating machinery and a commitment to do this work is already underway. However, the principle of collective bargaining for a public service is an important one which should be preserved.
7. Also, the future of any UK-wide collective bargaining arrangements (not just in the Fire Service) will need to be considered in the light of the Scottish Referendum. In the light of future moves towards devolution-max it is not clear as to whether Scotland may wish to establish separate arrangements for pay and conditions of service in the Fire Service. However, there are no constitutional obstacles to continuing with the existing arrangements.

The national context – Grey Book

8. Terms and conditions of uniformed staff (Grey Book – firefighter to Area Managers) are exclusively a matter for fire authorities and largely exercised through the NJC for Local Authority Fire and Rescue Services (LAFRS). Fire authorities have direct involvement in the NJC. It is a voluntary UK-wide body and all fire authorities in the UK choose to apply the terms and conditions negotiated therein.
9. However, we remain committed to periodically reviewing both the nature and content of agreements, as well as structural issues to ensure positive engagement by stakeholders. To this end the NJC has reached an agreement to review the pay and conditions framework to ensure it meets the future needs and professionalism of the service.
10. Whilst FRSs 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 FRSs 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 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.
11. The national machinery seeks to provide 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. The current national framework provides for some local flexibility, including within the pay structures and this is not universally recognised. Of course on

particular issues the constraints on local flexibility might be related to employment law provisions rather than any terms contained within national agreements such as the Grey Book.

12. The national dispute processes are designed to assist fire authorities to implement change with the agreement of the trade unions, with minimal industrial relations disruption. Whilst inevitably this will involve compromise on both sides, the processes have largely been successful in helping authorities to implement change.
13. Through the NJC, joint industrial relations training is provided to management and union representatives at local level to help improve industrial relations. This training has been well-received.
14. Rolemaps are a set of generic descriptions covering each of the existing uniformed roles. FRSs can require any reasonable activity to be carried out by an individual employee within his/her role map and are free to develop additional roles on different terms and conditions, subject to the requirements of employment law.
15. It is recognised that there is a view in some FRSs that rolemaps can inhibit change. The Employers' Side has given serious consideration to this concern including seeking specialist professional advice. The advice provided concluded that whilst it could be simpler to achieve change without nationally agreed rolemaps, used correctly and supported by robust job descriptions at local level, they do not prevent change. Indeed, many FRSs have introduced a range of 'new' duties since the inception of role maps.
16. Neither the rolemaps nor the Grey Book set academic entry standards and FRSs are free to recruit external applicants at every level on a full or part-time basis. There are no NJC restrictions on the movement of personnel either before or after promotion nor does the NJC determine crewing levels or how stations are crewed.
17. Pay levels, and progression, through the NJC for LAFRS pay structure is competence and contribution based containing no solely time-served increments.
18. The Grey Book is pay, terms and conditions focused and therefore does not deal with matters such as the sharing of estates with other emergency service providers.

Senior Managers

19. Whilst the argument for maintaining national negotiations based on the Gold Book for very senior managers (chief, deputy and assistant chief officers) through the NJC for Brigade Managers, may be less compelling, when FRSs were last surveyed in 2009 most continued to see value in retaining it. 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 terms and conditions are determined in line with the council's other chief officers (which are determined nationally). Pay levels and progression for senior managers are determined locally subject to minimum salary levels set by the NJC for Brigade Managers.

Strengths and weaknesses of the national structure

20. These are as follows:

Strengths

- Every fire authority in the UK chooses to apply the terms and conditions framework set nationally, hence it avoids duplication of effort on common issues and the associated resource time and costs

- It is an effective way of conducting negotiations, 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.
- It can deliver results both in terms of national negotiation and facilitating resolution to local disagreements and is the quickest and most effective way to introduce change commonly sought across all fire authorities.
- It seeks fire authority views, directly and indirectly. Also seeks the views of other interested parties and maintains good communication with them so that soundings, current issues and background context and concerns can all be factored in to negotiations. This includes work done to assist in the current national dispute between DCLG and the FBU on pension reform.
- It utilises specialist strategic, operational, human resources, finance and legal advice and wider specialist advice on behalf of the sector as a whole

Weaknesses

- The speed of output on occasion.
- It cannot provide everyone with everything they want all of the time, as by definition negotiation will often require compromise, and 46 fire and rescue authorities' needs will vary.
- There is a need to continue to build on work in relation to streamlining the machinery itself.

21. These weaknesses are common to all national bodies, but it is important to remain alive to the perceptions formed as a result of them. For example, the speed of output is often not because of a failing within the NJCs structures and processes, but when FRSs are awaiting important outcomes it is understandable that their frustration is directed towards the NJC.
22. We hope that our submission provides useful context to the Review. Should there be any questions on the content of our submission, or any related matters, we will be happy to answer them.

The LGA (through the Fire Services Management Committee) represents the views and concerns of fire authorities in England on both policy and operational matters. The Employers' Side of the NJCs covers two separate bodies. These are: the National Joint Council for Local Authority Fire and Rescue Services (NJC for LAFRS), which includes the Middle Managers Negotiating Body; and the NJC for Brigade Managers of Local Authority Fire and Rescue Services (NJC for BM). Both bodies (and the terms and conditions agreed within them) are UK-wide in their scope and this is reflected in the representation within the Employers' Side, although the LGA is the largest stakeholder in terms of seats.