

Workforce Report

Purpose of Report

For information.

Is this report confidential? No

Summary

To update the Fire Commission on workforce matters in relation to industrial relations and more widely.

LGA Plan Theme: Support to the LG Workforce

Recommendation

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

Contact details

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1. This report updates the Fire Commission on workforce matters in relation to industrial relations and more widely.

Negotiating Groups and NEOST

2. The LGA provides the employers' secretariat to a number of national negotiating bodies and the National Employers' Organisation for School Teachers (NEOST). An update on the main groups is provided below.
3. NJC for Local Authority Fire and Rescue Services (Grey Book)
 - 3.1 Agreement was reached on 6 March in respect of pay awards for 2022 and 2023:
 - A 7 per cent increase on all basic pay rates and Continual Professional Development payments with effect from 1 July 2022
 - A 5 per cent increase on all basic pay rates and Continual Professional Development payments with effect from 1 July 2023

3.2 In respect of the other points in claim the following approaches were agreed.

3.2.1 Retained Duty System firefighters:

Firefighters employed on the retained duty system are an important part of the workforce. Both parties committed to setting up a joint working group to include review of the retained duty system pay and rewards package with the intention of the joint working group concluding its work within 8 months. The group has held its first meeting. A second meeting will be held later his month and a schedule of further dates is being put in place.

3.2.2 Firefighters (Control):

Both parties recognised the important contribution of emergency fire and rescue control employees. To inform NJC consideration on the matter of the pay differential it was proposed that a joint job evaluation process be undertaken. Arrangements to do so are in hand.

3.2.3 Pay progression:

Both parties committed to continued discussion around pay structure and progression, including the continual professional scheme. A joint working party would be set up with the intention of concluding its work within 8 months. The group has held its first meeting. A second meeting will be held later his month and a schedule of further dates is being put in place.

3.2.4 New roles

Both parties remain committed to developing the work of the fire and rescue service and to do so by agreement. The need for this to be supported by appropriate investment as well as employee reward is also recognised. Discussions are taking place on how best to progress this matter.

4. NJC for Local Government Services (Green Book)

4.1. Support staff in fire and rescue services tend to be employed on NJC for Local Government Services terms and conditions (Green Book). Its scope is England, Wales, and Northern Ireland. Employee representatives on that NJC are Unison, Unite and GMB. The usual pay settlement date each year is 1 April.

4.2. The trade union claim for 2023 received in January 2023 covers:

4.2.1 RPI (10.70 per cent) + 2.0 per cent on all pay points

4.2.2 Consideration of a flat rate increase to hourly rates of pay in order to bring the minimum rate up to £15 per hour within two years

4.2.3 A review and improvement of NJC terms for family leave and pay

4.2.4 A review of job evaluation outcomes for school staff whose day-to-day work includes working on Special Educational Needs (SEN)

4.2.5 An additional day of annual leave for personal or well-being purposes

4.2.6 A homeworking allowance for staff for whom it is a requirement to work from home

4.2.7 A reduction in the working week by two hours

4.2.8 A review of the pay spine, including looking at the top end, and discussions about the link between how remuneration can be used to improve retention

5. In response, the employers' side of the NJC for Local Government Services, which once again has had to take into account the National Living Wage pressures, decided to make the following one-year (1 April 2023 to 31 March 2024), full and final offer in February to the unions representing the main local government NJC workforce:

5.1. With effect from 1 April 2023, an increase of £1,925 (pro rata for part-time employees) to be paid as a consolidated, permanent addition on all NJC pay points 2 to 43 inclusive.

- 5.2. With effect from 1 April 2023, an increase of 3.88 per cent on all pay points above the maximum of the pay spine but graded below deputy chief officer (in accordance with Green Book Part 2 Para 5.42)
- 5.3. With effect from 1 April 2023, an increase of 3.88 per cent on all allowances (as listed in the 2022 NJC pay agreement circular dated 1 November 2022)
6. The [employers' full response](#) also covered the other points in the claim.
7. At a further meeting in March at which the unions sought a 'significant improvement' to the £1,925 / 3.88 per cent headline offer, the National Employers rejected the unions' request and reaffirmed the offer as full and final.
8. The national committees of all three unions rejected the employers' final offer. UNISON announced a ballot for industrial action which will commence on 23 May and run until 4 July. GMB and Unite decided to consult their members on the basis of a recommendation that the offer be rejected.
9. Unite's 'Green Book' members have since voted 75% to 25% to reject their pay offer. Of those who voted, 90% voted in favour of moving to a formal ballot for industrial action. Unite now plans to conduct a formal ballot for industrial action, which is expected to run on a timetable similar to UNISON's strike ballot. GMB has announced that its members have rejected the LGS 'Green Book' pay offer by 64% to 36%. GMB added, "If negotiations aren't reopened and a revised offer made, we will move to industrial action ballots in some areas."
10. NJC for Brigade Managers of Local Authority Fire and Rescue Services
- 10.1 The scope of this UK-wide NJC is senior uniformed managers at chief, deputy chief and assistant chief officer levels. The employee representative body is the Fire Leaders Association. Agreement has recently been reached on pay awards for 2022 and 2034:
- A 4 percent increase on basic pay with effect from 1 January 2022
 - A 3.5 percent increase on basic pay with effect from 1 January 2023
11. Police Staff Council
- 11.1 The Police Staff Council (PSC) Trade Union Side has submitted its pay and conditions claim for 2023 for police staff. The headline claim is for an increase of the Retail Prices Index (RPI) of inflation (February 2023) plus 4 per cent on all pay points. This is a 17.5% pay increase. Further details can be found here: <https://www.local.gov.uk/our-support/workforce-and-hr-support/police/police-staff/police-staff-council-circulars/emp-3>. The

PSC Employers' Side is undertaking a consultation on the claim prior to a formal response to the Trade Union Side.

12. School Teachers' Conditions of Service Handbook

12.1 A handbook setting out the conditions of service for school teachers in England and Wales has been updated for the first time in over two decades. The Burgundy Book is a national agreement between the five teacher unions and the national employers (NEOST). It is relevant to around half a million teachers and is an essential reference for all schools – both maintained and academies – with the majority choosing to incorporate the agreement into their teachers' contracts of employment. Its main provisions relate to notice periods, sick leave and pay, and maternity leave and pay. The 2023 edition updates legislation and clarifies terminology without amending the application of any of the terms and conditions of employment contained in the Burgundy Book. (Note – similar work has been taking place within the NJC for LAFRS on the Grey Book).

Minimum Service Levels

13. The Strikes (Minimum Service Levels) Bill, covering England, Wales and Scotland, provides a power for the Secretary of State to specify in regulations the relevant services, which are subject to 'minimum service regulations'. This includes fire and rescue services.
14. The government proposals set out the essential services that it considers the MSL should cover. Feedback from the Fire Services Management Committee (FSMC), and from FSMC lead members thereafter on the draft letter, informed the LGA's Resources Board response to the consultation (Appendix A).

Culture in the Fire and Rescue Service

15. The LGA Workforce and Policy teams are working on delivery of a free, one-day conference for members looking at their governance and leadership role in equality, diversity, and inclusion, alongside their employer role. The conference, planned for 27 June, will be a mix between discussion and practical training sessions including the role of scrutiny, relevant employment law and related legal framework.
16. The Inclusive Fire Service Group will be stood up again. This independently chaired, National Joint Council led, group has previously undertaken a substantial amount of work in this area, identifying many of the same problems as HMICFRS and developing improvement strategies that virtually all FRSs indicated support for. While a [monitoring report](#) in 2021 identified progress at local level, it was slow.

17. This UK-wide group is unique in the fire service in that it is comprised of employer and employee interests on the NJC, senior managers (NFCC) and employee representative bodies (FBU, FOA, FRSA). In developing the evidence-based improvement strategies it also engaged with organisations such as Stonewall, Asian Fire Service Association, Women in the Fire Service, Women in the Police Service, FBU women's, BME and LGBT groups, Unison, GMB etc. It is therefore well-placed to hear all voices, taking on board all views to maximise buy-in at all levels and drive improvement.
18. Since its introduction the [Core Code of Ethics](#) has been welcomed across the groups the partnership bodies represent – LGA, NFCC and APCC. Work has taken place, and is continuing to take place, to ensure the Core Code is adopted and embedded within all fire and rescue services in order to ensure consistency and delivery of improvements.
19. Since release of the Core Code the partnership bodies have jointly undertaken several well attended workshops with fire and rescue services, initially to complement awareness activities and to support adoption of the Core Code. Workshops then moved on to progressing implementation and embedding the principles of the Core Code within services. The partners have also agreed that sharing of good practice going forward will be hosted through Workplace, which is operated by the NFCC and open to fire and rescue service employees working in this area. Partnership work will continue to support delivery of improvement and members will recall the workshop at the Fire Conference in March.
20. In its most recent State of Fire report HMICFRS said it was 'encouraged by the progress many have made in implementing this (the Core Code)'. It also indicated it would continue to consider how well services have adopted the Core Code of Ethics for Fire and demonstrate it in their cultures in its third round of inspections. HMICFRS also promoted the Core Code in its recent spotlight report on values and culture.

Fit for the Future

21. Members will be aware of the joint initiative by the LGA, National Employers (England) and NFCC - Fit for the Future. It covers a broad spectrum of issues, for example reform.
22. A joint bid has been made to the Home Office seeking funding for two specialist posts, which would sit within the LGA. The postholders would be able to provide specialist advice on industrial relations and employment law to

FRA/FRSs over and above that currently provided by the LGA in a national context in order to support delivery of reform at local level.

23. The Fit for the Future improvement objectives, which were the result of wide consultation with FRAs and FRSs, are evidence-based. Accordingly, the next review will consider any amendments or additions required following the HMICFRS spotlight report into values and culture in the fire and rescue.

Decision Making Accountability (DMA)

24. The LGA Workforce team is qualified to deliver DMA reviews to councils and fire and rescue authorities. The DMA approach is an organisational design tool which establishes the number of layers of management that an organisation needs – and the units within it – to achieve its purposes most effectively, and the decision rights that managers in different layers require to be empowered. This can be used at a whole organisation or individual service level. It is a proven way of creating an effective organisation and services, and an efficient management structure. The aim of DMA is to create a healthy and effective organisation. For further information please contact suzanne.hudson@local.gov.uk

Creating effective teams

25. The LGA Workforce team has recently delivered tailored workshops centred around creating effective teams and enhancing communication. We have availability over the next few months to work with more councils on this. To find out more about how Emergenetics Psychometric Profiling workshops can support your teams, projects, team away days, contact david.drewry@local.gov.uk

Advisory Bulletins

26. LGA [Advisory Bulletin 712](#) contains details of the Government's announcement that it will conduct a review of the effectiveness of the current whistleblowing framework; Government guidance on ethnicity pay reporting and a new offence of failure to prevent fraud.

Workforce planning

27. With ageing workforces and a shortage of critical talent being among the biggest challenges facing employers, strategic workforce planning – the discipline of forecasting future gaps between demand and supply of critical talent, to ensure that you have the appropriate workforce mix three or five years

from now – has to become one of senior managers’ most important responsibilities. Engaging in workforce planning supports transformation programmes, agile and better ways of working and the development of a resilient, people risk adverse organisation.

28. The LGA Workforce Team has supported several local government organisations and their strategic and senior managers, their HR and OD teams as well as specific teams (services) to develop their skills and use of workforce planning. We also use a Bitesize Workforce Planning sessions by delivering a phased approach to support organisations to design and develop their own bespoke workforce plans.
29. Three FRSs have so far benefitted from LGA Workforce support; Lincoln FRS, East Sussex FRS and Hereford and Worcester FRS.
30. Any manager with a keen interest in workforce planning is welcome to join the national local government workforce planning network which is the ‘go-to’ place for topical workforce planning discussions and peer-to-peer learning. For more information on how the LGA Workforce Team can support your organisation with workforce planning, contact welna.bowden@local.gov.uk

Employer Link

31. Members may not be aware that the LGA workforce team also supports organisations beyond the normal fire and rescue family with the outcomes of national negotiations, through our [Employer Link](#) service.

Financial Implications

32. Any cost implications will also need to be included in the work of the NJC for Local Authority Fire and Rescue Services’ joint working groups.

Equalities implications

33. Equalities issues are taken into account in all workforce issues.

Next steps

34. Workforce issues will continue to be progressed as set out above.

APPENDIX A



From the Chair of the LGA Resources Board

Cllr Peter Marland

2 May 2023

Minimum Service Levels FRSs Consultation

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Sent to: FRSMinimumServiceLevels@homeoffice.gov.uk

Minimum Service Levels for Fire and Rescue Services – Response to Consultation

This correspondence from the Local Government Association (LGA) relates to the Home Office consultation on Minimum Service Levels (MSLs) in the Fire and Rescue Services (FRSs), published on 9 February 2023.

The LGA is the national voice of local government and our members include councils and fire and rescue authorities (FRAs). We work with councils and FRAs to support, promote and improve local government. We are a politically-led, cross party organisation which works on behalf of councils and fire and rescue authorities, PFCCs and Deputy Mayors for fire, who are members of the LGA, to ensure local government has a strong, credible voice with national government. We aim to influence and set the political agenda on issues that matter most to councils and FRAs so they are able to deliver local solutions to national problems. The LGA covers every part of England and Wales, supporting local government as the most efficient and accountable part of the public sector.

The LGA also provides the secretariat for the employers' side of the National Joint Council for Local Authority Fire and Rescue Services (NJC), the national representative body for fire and rescue service employers. The NJC is a UK wide body and we note that this consultation does not relate to Northern Ireland and may apply differently in Scotland and Wales which presents an inconsistent position which will need to be recognised and accommodated.

The consultation questions issued by the Home Office primarily relate to operational matters on which the NFCC is better placed to respond. However, the wider context of industrial relations in the fire and rescue sector is fundamentally affected by the Home Office's proposals on minimum service levels and we do wish to take this opportunity to raise our observations on likely consequences.

The fire and rescue sector, through the NJC, has successfully agreed pay and conditions changes without national industrial action for 20 years. The last national strike action was in 2013/14 concerning a dispute with government about changes to the pension scheme. As the employers of fire and rescue staff we are directly impacted by the decision to impose regulations on the conduct of industrial action in the sector. To date, industrial action, and its impact on the public, has primarily been managed in two ways. Firstly, by achieving negotiated outcomes to disputes with the recognised representatives of our employees over pay and all other areas of terms and conditions over which employers have control. In this we have been very successful compared with other sectors. The only area in recent years where there has been national industrial action related to pension reform and decisions made by the Home Office and HM Treasury over which employers had no control. The second mitigation approach is to reach agreements with the relevant trade union/s (usually the FBU but UNISON, GMB and others also represent various sections of the FRS workforce) on exemptions and return to work triggers in the event of strike action. Generally, these are both national, as was agreed earlier this year when the FBU secured a mandate for strike action; and local, to reflect the particular circumstances of each FRS in implementation. The LGA is deeply concerned that by introducing legislation in this area, the potential for appropriate management of services during strike action will be more limited as the context for dialogue between employers and unions is immediately more oppositional than has historically been the case.

It is important that Home Office understands that the tension between employers and employees, reflected by their trade union representatives (we estimate at least three quarters the workforce are members of a trade union), will cause a deterioration of industrial relations in the sector. This is already evident in the public statements of many trade unions, including those in the fire and rescue sector.

As strike action is the result of a legal dispute between trade unions and employers, it is imperative that fire and rescue sector employers, locally and nationally, are sighted on and, where appropriate, have involvement in, any implementation of MSLs Regulations. While it is

appropriate for local operational needs to have a high level of priority when setting MSLs, there should be broad engagement of those who have a governance responsibility in a Chief Fire Officer's deliberations.

The introduction of Regulations in this area will cause inconsistency across the UK and within the NJC as the Regulations do not apply in Northern Ireland and the Scottish First Minister has been clear that they will not be acted upon in Scotland. Customarily the FBU (who are the primary representatives of firefighters) conducts 'national industrial action' on a UK-wide basis. Currently there are differences in ballot thresholds within the UK but that has not been an issue in the sector as the FBU has always exceeded those requirements across the UK. These Regulations will mean the conduct of industrial action will differ within the UK and this may not be a positive dynamic when seeking to resolve a dispute. In practical terms, this will also introduce a new level of challenge and uncertainty in relation to cross border working which will be an issue for some FRSS.

In terms of wider governance issues, the LGA believes it should be for local areas to decide how they should be governed, and there should be no mandatory transfers of governance. As with levelling up, real change and improvement within the sector and communities will be more successful if local councils and fire and rescue authorities are empowered to decide what their local governance structure will be, based on the needs of their communities. Therefore, transfers of governance should only take place where there has been local agreement to and support for the transfer. Local support for any change of governance should be the principal basis for making any determination on the future of the service, therefore empowering local decision makers. The implementation of the MSLs Regulations should not alter the existing governance arrangements and in particular how the employment relationship is managed.

Customarily, to address the balance between the right to strike and reducing risk, agreements have been reached between the National Employers and the Fire Brigades Union (through the NJC) to provide cover allowing striking fire personnel to be exempted from strike action by the union so they can respond to any major incident. This has occurred for disputes both with the National Employers and those with government and with sufficient time to ensure arrangements are in place prior to any such action. Such agreements allow available people, equipment and resources to respond to such incidents in a safe and co-ordinated way. While voluntary in nature, experience has shown such agreements to be effective during the national strike action as part of the dispute with government on pension reform. The similar arrangements put in place more recently were not in the end required as the dispute related to pay was resolved within the NJC without FBU members commencing strike action.

The principles having already been agreed nationally, it is then a matter of expeditiously putting in place a local practical procedure to ensure implementation. The Chief Fire Officer determines the resources necessary to attend such incidents. Where a major incident would

require the deployment of National Resilience assets, the FBU would also exempt from strike action those of its members who are specifically trained and deal with that particular asset in another fire and rescue service as part of their normal duties. The LGA is concerned that these type of agreements at local and national level will not be possible if the MSLs Regulations are applied. Given the scope of the NJC, this will cause new challenges for other parts of the UK. It would be useful for the LGA to be aware of what discussions the Home Office is having with devolved administrations in regard to the application of this legislation. A further point for consideration is business continuity contracts that some FRA's have in place to ensure a level of service during industrial action. It is not clear from the consultation how the Home Office sees these operating in the future and how the MSL process might interact with these existing arrangements, further discussion of this would be appreciated.

The LGA is concerned that the Regulations will expose FRSs to increased legal risk and cost as MSL work notices may well be legally challenged by trade unions, both on principle and on detail of the contents of and operation of individual notices. This would also place FRSs in a precarious position of uncertainty that the current voluntary agreement approach has, to date, successfully avoided. The additional cost and time that would be involved in legal proceedings would both be a distraction at a self-evidently challenging time and a cost for which FRAs do not necessarily have provision. At the heart of the employment relationship is the contract of employment which governs matters such as what remuneration and recompense the employee is entitled to for their employment and what the employer can expect in terms of work undertaken. It is important that the Regulations and their operation do not seek to extend and/or breach that contract by requiring staff to do work they are not normally expected to do. Further the Regulations and their operation must not result in any breach of other statutory requirements such as under the Working Time Regulations 1998. Finally, it is also important that the Regulations, and their operation, are conducted in a fair manner that does not result in less favourable treatment of any member of staff related to any of their protected characteristics under the Equality Act 2010. In light of the recent report from His Majesty's Inspectorate relating to the culture of the fire and rescue sector, this issue should be given very serious consideration.

There are a number of areas where the consultation is unclear in its intention and scope. For example, the consultation does not set out details about any application of MSLs for a dispute that is local to a FRS, and does not have national implications. The legislation will need to be clear to which it applies, or both, in order for the necessary business continuity arrangements to be established and applied as necessary. It is also imperative that there is clear guidance to these Regulations and that the LGA and other key stakeholders are involved in the drafting of that guidance.

The LGA believes that in order to succeed, it would be imperative for any MSLs to be introduced in a clear and proportionate way that meets the government's objectives on public safety in practice; causes the least disruption to industrial relations where it is working

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positively; and protects employees' right to strike where a valid trade dispute exists. If any of these elements are missing, maintenance of the public's confidence in the fire and rescue sector is at risk and the LGA is keen to avoid such a situation.

Should the Home Office proceed with the introduction of MSLs the LGA would appreciate being engaged at the earliest possible opportunity to ensure Regulations are workable and achieve the government's desired balance between ensuring public safety and the employees' right to take industrial action.

Yours sincerely

Cllr Peter Marland

LGA Resources Board Chair