

Industrial Relations Report

Purpose of the Report

To update the Fire Service Management Committee on current key issues.

Summary

This paper briefly describes the position in respect of current key issues as at the date of issue of the report.

Recommendation

Members are invited to discuss the issues set out in the paper.

Action

Officers to progress any actions as appropriate.

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DCLG/FBU Pension Reform Dispute

1. Members will be aware of the most recent developments in this dispute:

(a) Statements in Parliament by Ministers suggesting that the position sought by the FBU in respect of automatic application of a non-actuarially reduced pension is guaranteed in circumstances where an employee leaves the service for capability reasons between the ages of 55 and 60. QC opinion previously sought by the LGA was 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 as such sought amendment to the Pension Regulations from DCLG to secure such a guarantee. Given the statements in the Parliament and the introduction of an addendum to the National Framework the National Employers felt it sensible to revisit that advice with the QC. The advice remains unchanged. Further detail was circulated to all FRAs, which also assisted them in responding to correspondence from the General Secretary of the FBU, local FBU union officials and individual employees all of which sought clarity that such a guarantee had been provided. DCLG has again been made aware of the position.

(b) Continuing industrial action. At the FBU's recall conference on 10th February it was decided to continue with the industrial action, including strike action. At the time of writing this report a 24-hour strike is planned by FBU members in England only (excluding control staff) commencing at 07.00 on 25th February. The same date as a demonstration is planned to take place in London (outside Parliament) on the matter set out in (a) above, and in particular protesting against the lack of such a guarantee.

NJC/DCLG Joint Working Group (Fitness)

2. Members will recall that the NJC reached an 'in principle' agreement in March 2014 on a number of principles relating to the maintenance of fitness, particularly at firefighter level. One of those principles was the setting up of a joint working group to identify best practice in that regard. Progress has been difficult given the pension reform dispute, which has inevitably influenced Employees' Side willingness to formally sign off the full suite of principles. However, on this particular principle, the Strategy Group (NJC/DCLG) set up to steer the work of the joint working group has now met and agreed a way forward. It is anticipated, subject to availability, that the first meeting of the joint working group will be held in March. Details of the terms of reference, purpose and structure can be found here: <http://www.local.gov.uk/documents/10180/7025438/njc-3-15+-+final+-+fitness+jwg.pdf/5f1dd556-7407-4638-abff-368e72d3f7a5>
3. Invitation letters to participate in the work of the group have been issued to the Chief Fire Officers Association, Fire Officers Association and Retained Firefighters Union.

Thomas Review

4. Sir Ken Knight's '*Facing the Future*' Review, commissioned by DCLG, highlighted a number of areas in the fire service which he felt could be reformed, arguing that the conditions of service of firefighters could be an actual or perceived barrier to change

although he also recognised that there could be political or management self-limitation at local level.

5. Last summer, DCLG responded to the Knight Review by setting up an independent review (led by Adrian Thomas) into conditions of service, in particular to consider whether they present barriers to reform, improvement and efficiency. Its terms of reference can be found here:
<https://www.gov.uk/government/news/minister-opens-independent-review-of-firefighter-conditions>
6. Mr Thomas has visited 21 fire authorities and met with representatives of the various trade unions. He has also met more than once with the National Employers' Chair, Cllr Heaster, and officers and also separately with the Independent Chair of the NJC for Local Authority Fire and Rescue Services, Linda Dickens. Mr Thomas also addressed the last meeting of this body.
7. At the most recent meeting Mr Thomas indicated a number of themes that may be covered in his report:
 - Culture and trust
 - Regionalisation
 - Use of the retained duty system
 - Technology
 - Recruitment, succession and leadership
 - CFOA
 - Fire authority members
 - Base level firefighter role and training
 - Industrial relations
 - Future of the National Joint Councils for Brigade Managers and uniformed employees below that level
8. We understand from Mr Thomas that he is on track to complete his report by the end of February. DCLG have not indicated a publication date or, when having done so, whether a response can be expected before or after the general election. A more detailed oral report can be provided at today's meeting should the report not have been published by that time confirming the areas (and recommendations) covered.
9. Adrian Thomas is speaking about his review at the Fire Conference (Keynote session 6 on Wednesday morning) along with Matt Wrack, General Secretary of the FBU.
10. Once published members of both fire NJCs will need to consider the outcomes, which will include taking soundings from their constituent organisations. The LGA holds the majority of seats on the Employers' Sides of both UK-wide NJCs.

Pay 2015

11. 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. Whilst the National Employers have discussed their approach to pay for 2015, no decisions have been made at this time and they will consider their position when they next meet on 3rd June. Members will take their usual political soundings at local and national level and any comments from today's meeting will be fed back to members of the National Employers.

12. Members have also considered the matter of any pay award for senior uniformed managers (covered by the NJC for Brigade Managers of Local Authority Fire and Rescue Services) - Chief Fire Officers, Deputy Chief Fire Officers and Assistant Chief Fire Officers. No decisions have been made at this time and the comments about soundings in paragraph 10 equally apply.

NJC for LAFRS – Pay, terms and conditions work streams

13. A number of joint work streams are in operation looking at a wide range of issues such as medical response (including co-responding), environmental challenges, multi-agency response (including MTFA), inspection and enforcement and youth and wider social engagement. Members of the NJC were pleased with work so far when they met in February and look forward to considering the detailed work and progress when they meet again in June. Further information on the progress of this work can be found here:
<http://www.local.gov.uk/documents/10180/7025438/njc-4-15+-+final+-+workstreams.pdf/c5b97b8f-dc11-4c3a-aead-538d891f108d>