

## **Workforce Report - Industrial Relations and Pensions**

### **Purpose of Report**

To update the Fire Commission on matters in relation to fire service industrial relations and pension matters.

### **Summary**

This paper is for information and briefly describes the main industrial relations and pension issues at present.

### **Recommendation**

Discuss and share local issues relevant to the national positions.

### **Action**

Officers to progress as appropriate.

<b>Contact officer:</b>	Gill Gittins (industrial relations)	Clair Alcock (pensions)
<b>Position:</b>	Principal Negotiating Officer	Fire Pensions Adviser
<b>Phone no:</b>	020 7187 7335	020 7664 3189
<b>E-mail:</b>	<a href="mailto:gill.gittins@local.gov.uk">gill.gittins@local.gov.uk</a>	<a href="mailto:clair.alcock@local.gov.uk">clair.alcock@local.gov.uk</a>

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### **NJC FOR LOCAL AUTHORITY FIRE AND RESCUE SERVICES**

#### **Pay, terms and conditions work streams**

1. A number of joint work streams are currently 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 in the context of potential broadening of the role of firefighter.
2. The first phase of this work has drawn to a close. The detailed work and progress was considered by members of the NJC when it met on the 3rd June. Members were content that the work was on track and should therefore move into the next phase to consider which aspects should be taken forward at national level and how. An update on this work was provided to authorities (circular NJC/7/15). All joint circulars can found here: [www.local.gov.uk/documents/10180/6880221/EMP+Fire+-10+June+2015/adc7d70f-c095-4ab3-ade7-97bc96e7ac8e](http://www.local.gov.uk/documents/10180/6880221/EMP+Fire+-10+June+2015/adc7d70f-c095-4ab3-ade7-97bc96e7ac8e)

#### **Workforce survey**

3. The NJC has not undertaken a detailed survey for several years. However given the on-going discussions relating to pay and terms and conditions it is important to have up to date information. As such a survey was issued to all FRAs in April, which sought information in respect of e.g. pay levels, numbers employed at each level, 'new' shift systems, allowances, overtime, gender and ethnicity. Whilst the majority of FRAs have now responded, we are currently in the process of contacting those yet to do so in order that we can close off the survey.

#### **Joint Working Group (Fitness)**

4. The NJC agreed in principle the concept of a joint working group to consider matters relating to the maintenance of firefighter fitness. This concept was also reflected in DCLG's addendum to the National Framework.
5. The NJC has worked jointly with DCLG to put in place this working group as well as a joint Strategic Group which will steer its work. Both met earlier this year and further meetings have been put in place. Interested parties were invited to be involved in the work of the group – CFOA, FBU, FOA.
6. The Joint Working Group has been charged with developing a best practice guide which will include:
  - 6.1. approaches to address and mitigate aspects of the firefighter role that are the most physically demanding;
  - 6.2. identifying how best fire and rescue services could provide occupational fitness support to firefighters throughout their career;
  - 6.3. identifying actions that employees should take to maintain their fitness, health and well-being;

- 6.4. identifying best practice within the fire and rescue service which supports firefighters in maintaining their fitness and meeting the obligation of fire and rescue services to provide appropriate training to their employees to reduce the potential for work-related injuries; and
  - 6.5. ensuring that recommendations within the best practice guide on fitness issues have been effectively evaluated to ensure they do not unfairly discriminate against any firefighter/ groups of firefighters.
7. FRAs have been asked to provide copies of local fitness policies and been surveyed on a number of matters to inform discussion at the next meeting in July, which will begin to develop the content of the best practice guide.

### **Pay 2015**

8. 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.
9. Members of the Employers' Side of the NJC have considered the matter of a pay award for 2015 in recent months. In doing so they took into account a number of issues including:
  - 9.1. the financial challenges facing fire authorities
  - 9.2. economic pressures on the workforce
  - 9.3. Government current public sector pay policy
  - 9.4. comparative pay settlement data
  - 9.5. the views of interested parties
  - 9.6. 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
  - 9.7. the pay claim.
10. Employer members decided to offer a 1.0% across the board increase at the recent meeting of the NJC for LAFRS. The Employees' Side Secretary replied that the Employees' Side will now consult its respective members as soon as possible before responding to the offer. We understand the consultation will conclude at the end of the month. Authorities were advised of this position in circular NJC/6/15. All joint circulars can be found here:  
<http://www.local.gov.uk/web/workforcelibrary/fire-and-rescue-services-joint-circulars>
11. Employers' Side members are also returned to consideration of any pay award for senior uniformed managers (covered by the NJC for Brigade Managers of Local Authority Fire and Rescue Services) and agreed that a 1.0% across the board offer should also be made to that group. Agreement has now been reached on that basis and authorities advised accordingly:  
<http://www.local.gov.uk/web/workforcelibrary/brigade-managers-joint-circulars>

### **Thomas Review**

12. 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.
13. 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>
14. Mr Thomas completed his report and provided it to DCLG in February. At the time of writing, DCLG have not indicated a publication date. 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.

### **The Inclusive Fire Service**

15. There has been interest expressed about 'values' in the fire service by the previous Fire Minister and also Adrian Thomas during his evidence gathering.
16. The NJC has a continuing commitment to improvement in areas such as equality, diversity and cultural issues such as bullying and harassment. Within the NJC terms and conditions of employment (Grey Book) there is an expectation that fire authorities will therefore already have '*set out and communicated the principles and strategies that are fundamental to developing an organisation which values all.*'
17. The NJC has reached various agreements that support family friendly working for example on matters such as maternity, paternity, adoption, ante-natal appointments, flexible working and time off for dependents.
18. As part of that continuing commitment, and given the importance of the employer/employee relationship in such issues, at the last meeting of the NJC for LAFRS it was decided that the NJC will lead a piece of work to explore whether policy is having an impact on the ground and identifying any further strategies that could be used at local level to further encourage improvement. A number of other interested parties will be invited to attend.

## **PENSIONS**

### **DCLG/FBU pension scheme reform dispute**

19. At its conference in May the FBU resolved to continue its dispute with DCLG on the matter of pension scheme reform. At the time of writing it is unclear whether that will involve the continuation of industrial action and the recommencement of strike action.

### **Support structures**

20. This is a key area, the reality of legislation is that only a court can provide a definitive interpretation of legislation, but having access to a support structure gives FRAs an opportunity to openly discuss interpretations, allows for shared best practice, a chance to consider the various opinions and challenge thought processes, which will help lead to more informed choices.
21. Six regional groups have now been established. The next step is to work with DCLG to ensure regional groups and technical committee feed into the governance arrangements of the local pension boards and statutory advisory board.

### **Technical guidance**

22. We have provided informal training and hosted webinars. A set of comprehensive slides has been published on 5 key areas of the 2015 scheme, including examples of transitional benefits.

### **Governance guidance**

23. We have now published the final guidance on local pension boards and will look to issue further advice and a suggested first meeting agenda this month.
24. We will be providing training courses, which are currently being scheduled and speakers organised. Initial introductory training will be scheduled in July, likely to be in four locations, London, Manchester, North Yorkshire and Dorset. More detailed sessions will also run later in the year.
25. The Scheme Advisory Board has yet to be established, and will presumably be a matter for the new Minister to progress quickly. LGA will work closely with DCLG on this, and provide further information to authorities when available.

### **Communications**

26. We have provided FRAs with a set of resources that includes a presentation to scheme members, payroll and HR guidance, retirement guides and leaflets, and a 2015 scheme booklet.

### **Supporting Employers in understanding their obligations**

27. We continue to work with FRAs to help establish collaborative thinking, recently facilitating a webinar on medical appeals to ensure the process is smooth and understood by all involved.

### **Pensions Ombudsman determination – commutation factors**

28. A complaint has been examined by the Pension Ombudsman regarding the lack of any review of the commutation factors between 1998 & 2006 by the Government Actuaries Department (GAD).
29. The Pension Ombudsman has now issued the Final Determination, and upheld the complaint:  
<https://www.pensions-ombudsman.org.uk/wp-content/uploads/PO-1327.pdf>
30. In short the decision is that GAD should have issued updated tables for calculating lump sum pension commutation figures, meaning that many firefighters who retired between 1998 and 2006 should have been paid higher lump sums.
31. At the time of writing this report it is difficult to assess the implications, particularly in terms of cost, although it is clear they could be significant. We understand that the Treasury is taking the lead on this matter and has directed DCLG to contact pension administrators in order to identify the numbers of people who are affected.
32. You will be aware that the LGA has sought Queens Counsel opinion and issued advice to FRAs on the basis of that opinion. Authorities have also been advised that we are in discussion with the appropriate government departments and will issue further advice on the basis of the outcome of those discussions. They may therefore wish to await that information before taking any decisions on the substantive matter, although it is sensible to provide the requested information to DCLG in order that an assessment of financial impact can be made.