

## MERSEYSIDE FIRE AND RESCUE AUTHORITY

MEETING OF THE:	CONSULTATION AND NEGOTIATION SUB-COMMITTEE		
DATE:	2 DECEMBER 2014	REPORT NO:	CFO/124/14
PRESENTING OFFICER	DEPUTY CHIEF FIRE OFFICER		
RESPONSIBLE OFFICER:	NICK MERNOCK	REPORT AUTHOR:	MIKE CUMMINS
OFFICERS CONSULTED:			
TITLE OF REPORT:	INDUSTRIAL RELATIONS UPDATE		

### APPENDICES:

#### Purpose of Report

1. To inform members of the matters of negotiation and consultation currently being discussed between Officers of the Authority and representative bodies since the last meeting of the Consultation & Negotiation Committee (CNC) of 2<sup>nd</sup> September 2014.

#### Recommendation

2. That Members note the progress being made;
  - a. To maintain effective and constructive industrial relations with representative bodies and;
  - b. To deliver the Authority's IRMP

#### Introduction and Background

3. This report deals with matters of consultation and negotiation.

#### Service Instructions

4. Following the last meeting of the CNC on 2<sup>nd</sup> September 2014 the Joint Secretaries have successfully concluded consultation on a total of 45 new or amended Service Instructions. At the time of writing this report 9 Service Instructions remain in process. Examples of service instructions agreed between the parties include:-
  - a. Rope Access Gear
  - b. Technical Notes
  - c. Standards of Dress
  - d. Low Speed Manoeuvres
  - e. BA Procedures

- f. Values Based Appraisals
- g. Water Samples Training Venues

#### Employment Policies NJC Conciliation

5. At its Annual General Meeting of 26<sup>th</sup> June 2014 and following an extended period of consultation with representative bodies, the Authority approved a range of revised and new HR policy documents listed below:-
  - Conduct & Capability Policy
  - Conduct Service Instruction
  - Capability Service Instruction
  - Absence and attendance Service Instruction
  - Firefighter Health & Fitness Service Instruction
  - Positive Mental Health & Well Being Service Instruction
  - Medical Discharge Procedure
6. The FBU wrote to all Authority Members on 24<sup>th</sup> June 2014 contending that the substantive matters covered in the policy documents were rightly matters of negotiation not consultation and as such had not been agreed by the FBU. Further to this the FBU also contended that the Authority was acting in contravention of national and local agreements in agreeing to 'impose' the policies. The FBU then raised a formal dispute on 30<sup>th</sup> June 2014. Whilst the FBU position was not accepted by Officers of the Authority, it was agreed by both parties, in the interests of good industrial relations and with the objective of introducing the new policy documents by agreement rather than imposition, that NJC assistance in the form of conciliation should be sought.
7. A preliminary conciliation meeting took place over 2 days in London on 10<sup>th</sup> & 11<sup>th</sup> September 2014. Although the issues under dispute were advanced during the 2 days of talks it was not possible to reach a final agreement at that point and a further meeting with the National Officials was subsequently scheduled for 29<sup>th</sup> September 2014 in Liverpool to conclude the conciliation process.
8. The matters under consideration were difficult, complex and detailed. However, at the conclusion of the three days of conciliation an implementation timescale for the policies was agreed with both of the parties committing to reach agreement with respect to any outstanding matters of detail within an agreed timescale. Both parties subsequently formally signed off on the policy documents on 14<sup>th</sup> November 2014.
9. The FBU were unable to agree the Firefighter Health and Fitness Service Instruction under instructions from their National Officials. This position was noted by Officers who will rely on the extant local arrangements for dealing with matters related to firefighter fitness. Transitional arrangements will be applied to the new and revised policies to ensure a smooth transition from the extant arrangements to those contained within the new policies and procedures. These transitional arrangements will be applied from January 2015 and will align to the training schedule.

### FBU proposal for 24 Hour Shifts

10. The issue of 24 hour working (referred to the NJC by the FBU) was also discussed during the NJC conciliation process and a timescale for discussion of this issue and related matters agreed. This dialogue is now in progress and includes consideration of the potential for the broader adoption of the Self-Managed Teams concept at the station level, the application of Wholetime Retained contracts as the basis for staffing the second retained appliance at merged stations and the potential for the undertaking of Voluntary Additional Hours (currently precluded by the FBU as a consequence of industrial action) as a mechanism for ensuring appliance availability.
11. This dialogue is currently being advanced through the local Joint Secretaries arrangements and reflects commitments made by the Authority to consider the introduction of 24-hour shifts subject to there being a strong operational rationale for so doing.

### Review Duty System Station Based Operational Staff

12. Members will recall that shift durations on the operational shift system were equalised at 12-hours on 1<sup>st</sup> January 2014. Agreement was reached with the FBU in September 2013 on an early move to 12 hour shifts as more preferable than the implementation of 10.5/13.5 shifts on a one year transitional basis, to operate in 2014, as originally recommended by the Resolution Advisory Panel (Chaired by Professor Brown) and detailed in its decision of 23<sup>rd</sup> August 2013.
13. In order to assuage FBU concerns over the potential impact upon their members of the adoption of the new shift duration it was agreed that a review would be undertaken by the Joint Secretaries following a period of 9-months operation. Although recent industrial action has resulted in a delay in advancing this work, this task will now be progressed through the Joint Secretaries under agreed terms of reference. The FBU has indicated that the principle issue for consideration raised by its members at this time relates to the shift start/finish times, albeit that the FBU acknowledge that there would appear to be diverse views amongst their membership. The outcome of the review will be reported back to the CNC in due course.

### Fire Control Duty System

14. Members will recall that at the last meeting of CNC on 2<sup>nd</sup> September 2014 it was reported that negotiations with representative bodies over the introduction of 12 hour shifts for Fire Control. The shift duration provided for start/finish times of 0700/1900. Collective agreements were put in place with the FOA and FBU to formally establish the new shift duration. The new shift duration was introduced on 2<sup>nd</sup> September 2014 and a revised work routine was also

introduced on this date following the successful outcome of consultation with the representative bodies.

15. Following the introduction of the new shift duration Officers have dealt with a number of requests for work/life balance agreements submitted by Fire Control staff. Although two of these requests are still being dealt with under the appeal arrangements all others were resolved to the satisfaction of the individuals and the Service.
16. In order to deal with any bedding in issues relating to the new shift duration and work routine, it was agreed to extend the scope of the review of the 12 hour shift duration arrangements for station based operational staff, to include staff in Fire Control. This work will be picked up under the Joint Secretary arrangements with a 2 week review to be undertaken during the first two weeks in December under terms of reference agreed with representative bodies. The outcome of the review will be reported to the CNC.

#### National Pension Dispute

17. Members will be cognisant of the impact of the national dispute between the Government and the FBU over pension reform. This is a national dispute in which no role exists for the local parties to support a resolution. The parties locally have taken full account of this position and have striven to ensure that the national dispute does not unduly impact upon the conduct and maintenance of the excellent industrial relations that have been developed over recent years on Merseyside.
18. Both parties have therefore committed to 'business as usual' with regard to the conduct of industrial relations on Merseyside and in particular to the on-going work of the Joint Secretaries.

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#### **Equality and Diversity Implications**

19. There are no E&D implications arising from this report.

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#### **Staff Implications**

20. There are no staffing implications arising from this report

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#### **Legal Implications**

21. There are no legal implications arising out of this report. The Director of Legal Services is consulted upon all matters arising out of the work of Joint Secretaries as is appropriate.

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#### **Financial Implications & Value for Money**

22. There are no financial implications arising out of this report.

## **Risk Management, Health & Safety, and Environmental Implications**

23. There are no risk management, health and safety or environmental implications arising out of this report.

Contribution to Our Mission: *Safer Stronger Communities – Safe Effective Firefighters*

24. Good industrial relations contribute to preventing disruption and distraction in the workplace thereby supporting the Authority in its mission to ensure *Safer Stronger Communities and Safe Effective Firefighters*.

## **BACKGROUND PAPERS**

**CFO/090/14** This report follows on from the CNC report of 2<sup>nd</sup> September 2014.

## **GLOSSARY OF TERMS**

<b>FOA</b>	Fire Officers Association
<b>FBU</b>	Fire Brigades Unions
<b>NJC</b>	National Joint Council
<b>SMG</b>	Strategic Management Group
<b>SMT</b>	Self-Managed Team
<b>VAH</b>	Voluntary Additional Hours
<b>CNC</b>	Consultation & Negotiation Sub-Committee
<b>CFO</b>	Chief Fire Officer
<b>BA</b>	Breathing Apparatus