

MERSEYSIDE FIRE AND RESCUE AUTHORITY			
MEETING OF THE:	CONSULTATION AND NEGOTIATION SUB-COMMITTEE		
DATE:	24 MARCH 2015	REPORT NO:	CFO/023/15
PRESENTING OFFICER	DEPUTY CHIEF FIRE OFFICER		
RESPONSIBLE OFFICER:	NICK MERNOCK	REPORT AUTHOR:	MIKE CUMMINS
OFFICERS CONSULTED:			
TITLE OF REPORT:	INDUSTRIAL RELATIONS UPDATE		

APPENDICES:	APPENDIX A:	REQUEST EXPRESSIONS INTEREST
	APPENDIX B:	INVITATION TO APPLY 24-HR SHIFTS
	APPENDIX C:	24-HOUR SHIFT/WTR MODEL

Purpose of Report

1. To inform members of the matters of negotiation and consultation currently subject to dialogue between Officers of the Authority and Representative Bodies since the last meeting of the Consultation and Negotiation Committee (CNC) of 2nd December 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 2nd December 2014, the Joint Secretaries has successfully concluded consultation on a total of 59 new or amended Service Instructions. At the time of writing this report a total of 10 Service Instructions remain in formal process. Examples of recent Service Instructions agreed between the parties include:-
 - a) Out of Area Deployments
 - b) Annual Leave
 - c) Guidance on Completing Policies, SOP's and SI's

- d) Secondary or Small Fires Strategy
- e) Water Rescue Assessment and Training

Review of Duty System

5. Members will recall that at the last meeting of CNC on 2nd December 2014 it was reported that the Joint Secretaries would undertake a review of the impact of the revised duty system for staff providing operational response. The new duty system which was introduced on 1st January 2014 equalised shift duration to 12-hours. The FBU has informed officers that their principal concerns relate to the shift start/finish times and the length of the day shift.
6. The intention of the Joint Secretaries was to complete the review in January 2015. However, due to continued dialogue with Representative Bodies over the possible wider introduction of 24-hour shifts, it has been agreed to suspend the review pending the outcome of this dialogue. The view expressed by the Fire Brigades Union (FBU) is that most of the substantive concerns expressed by their members in relation to the 12-hours shifts would be substantially alleviated or allayed by the wider adoption of 24-hour shifts at an increased number of fire stations. The Fire Officers Association (FOA) has confirmed that they are content with this approach.

24-hour Working

7. The FBU raised the issue of 24-hour working at the National Joint Council conciliation meeting held in London on 10th and 11th September 2014. This meeting was convened by National Officials following the registration of a dispute by the FBU relating to the approval by the Authority on 26th June 2014 of a range of Employment Policies. The matter was discussed further at a subsequent meeting with National Officials held on 29th September 2014. It was agreed that the parties would continue to work at the local level to review potential options for the broader adoption of 24-hour shifts subject to the condition set by the Authority of there being a clear operational rationale. This outcome and the commitment to further local dialogue were reported to the CNC at its meeting of 2nd December 2014.
8. Following further constructive dialogue in January 2015 the Joint Secretaries were able to identify a possible framework to allow for 24-hour working on the basis of a clear operational rationale. The framework and rationale are detailed below.

Framework for 24-hour Working & Operational Rationale

9. The Authority operational response model from 1st April 2015 provides for 24 appliances staffed on a wholetime basis and 4 appliances staffed on a wholetime retained (WTR) basis. Subject to the take up of sufficient numbers of WTR contracts to resource the staffing needs of 4 WTR appliances 24-hour working would be sanctioned for adoption at a limited number of stations identified by the Chief Fire Officer (CFO). The CFO considers that the take up of a sufficient number of WTR contracts to meet the staffing needs of 4 WTR

appliances constitutes the clear operational rationale necessary to justify the broadening of the availability of 24-hour working across more fire stations. 24-hour working is currently restricted to Croxteth Fire Station. Upon completion each of the new merged stations will provide a location for one of the WTR appliances staffed by the WTR contract holders.

10. The FBU expressed a preference for retained contracts at 5% of salary under which wholtime staff would offer 24-hours availability over an 8-day period averaged over an 8-week reference period. On this basis a total of 48 WTR staff would be required to resource the staffing need of 1 WTR appliance, with 192 WTR staff needed to staff 4 WTR appliances. This equates to 8 stations with all staff located at that station holding a WTR contract at 5% to ensure that the 4 WRT appliances remained fully staffed at all times (under retained arrangements).
11. The CFO has been clear that the continued operation of 24-hour working at any location will be subject to staff at that location continuing to hold a WTR contract and that this condition will be reflected in any contractual underpinning of the 24-hour/WTR model. If these conditions are not met then stations will revert from the 24-hour to the 12-hour shift model
12. Based upon the framework outlined above a communication was issued on 20th January 2015 which invited staff providing station based operational response to provide an expression of interest in taking up a WTR contract in conjunction with either 24-hour or 12-hour shifts (Appendix A). Over 350 expressions of interest were received from staff interested in working a WTR contract in conjunction with 24-hour shifts.
13. Following this positive response from staff and further constructive dialogue with Representative Bodies the framework was subject to further refinement. A communication, which was agreed with the FBU and FOA, was issued to staff on 20th February 2015 (Appendix B) inviting requests from staff to work at one of the paired locations selected for 24-hour working, subject to the relevant individual and collective contractual arrangements being put in place. This communication provided more detail on how the 24-hour/WTR model would operate and the key features are detailed below with the attached Appendix C providing a pictorial representation of how the model is constructed:

Based on retained contracts at 5% of salary a total of 8 x stations operating as paired units are required to meet the staffing needs of 4 x wholtime retained appliances. The units will initially consist of:

- Kirkby & Bootle Netherton
- Huyton & St Helens
- Old Swan & Speke Garston
- Upton & Bromborough

Prior to the completion of the current station merger programme the 4 x retained appliances will initially be located at:

- Bromborough or Upton (subject to access requirements) (Wirral)
 - St Helens (St Helens)
 - Kirkby (Knowsley)
 - Old Swan (Liverpool)
14. At the time of writing a total of 207 staff have submitted applications to work at one of the 4 paired locations for 24-hour working. The staffing requirement for 4 WRT appliances is 192. In broad terms there are sufficient numbers to meet the staffing needs of the WTR appliances allocated to Wirral, St Helens and Knowsley. The response for Liverpool has to date been low, albeit that the deadline for applications does not close until midnight on 12th March 2015 (figures correct at the time of writing). As there is an excess of applications in some districts then the Authority will be required to apply a selection process.
15. It may be that there are insufficient numbers of volunteers to staff the WTR appliance located in the Liverpool district. However, there may be an excess of applications from other districts. Should this arise then consideration will be given to posting individuals into the Liverpool district to accommodate their wishes to work 24-hour shifts. This arrangement would be subject to individuals being able to meet the 30-minute mobilisation requirement for the WTR appliance to which they would be attached.
16. A communication that was agreed with the FBU was issued to staff on 20th February 2015 inviting a request to undertake 24-hour working in conjunction with a WTR contract at 5%, based upon the agreed framework. However, subsequently the FBU has proposed that a revised framework based upon retained contracts at 2.5% of salary should be considered. This option would involve increasing the number of stations working 24-hour shifts to 16. This proposal has been rejected on the basis that an increase in the number of stations operating 24-hour shifts beyond the proposed level of 8 would, whilst being administratively more burdensome, also negatively impacts upon the future scope for the Authority to introduce changes to duty systems as result of further funding cuts. Additionally, a model with 16 stations operating 24-hour shifts would be more difficult to revert to a 12-hour shift pattern in the event of staff failing to meet their commitments under their WTR contracts, whilst from an Equality and Diversity perspective a preponderance of 24-hour stations reduces the locations at which a more family friendly 12-hour model can operate.

Voluntary Additional Hours

17. On 25th February 2015 the FBU confirmed that action short of strike action (ASOS) in relation to the ongoing FBU dispute with Government over reforms to the Firefighters Pension Schemes would no longer include an overtime ban. This position has opened up the possibility of entering into a new agreement with the FBU locally over Voluntary Additional Hours (VAH).

18. VAH which are paid at flat rate offer the Authority a useful and cost effective tool for maintaining appliance availability in the context of staffing level fluctuations and also underpin the staffing arrangements of stations operating under the Self-Managed Team (SMT) principles.
19. Dialogue with the FBU and the FOA is now ongoing with the object of exploring the scope for a new collective agreement to provide for the use of VAH to help maintain appliance availability.

Equality and Diversity Implications

20. There are no Equality and Diversity implications arising from this report.

Staff Implications

21. There are no staffing implications arising from this report.

Legal Implications

22. There are no legal implications arising from this report. The Director of Legal Services is consulted upon all matters related to the work of the Joint Secretaries.

Financial Implications & Value for Money

23. There are no financial implications arising from this report.

Risk Management, Health & Safety, and Environmental Implications

24. There are no risk management, health and safety or environmental implications arising from this report.

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

25. Good industrial relations support the Authority in its mission to ensure *Safer Stronger Communities and Safe Effective Firefighters*.

BACKGROUND PAPERS

CFO/124//14 If this report follows on from the CNC report of 2nd December 2014.

GLOSSARY OF TERMS

MFRA	M erseyside F ire and R escue A uthority is the physical and legal entity.
MFRS	M erseyside F ire and R escue S ervice is the service provided by MFRA.
CNC	C onsultation & N egotiation S ub-Committee
WTR	W holetime R etained C ontract
FBU	F ire B rigades U nion
FOA	F ire O fficers A ssociation

VAH
CFO

Voluntary Additional Hours
Chief Fire Officer