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To: All Members of the Authority
(and any other Members who may wish to attend)

J. Henshaw
LLB (Hons)
Clerk to the Authority

Tel: 0151 296 4000
Extn: 4112 Helen Peek

Your ref:

Our ref HP/NP

Date: 29 August 2013

Dear Sir/Madam,

Further to my invitation to attend a meeting of the **AUTHORITY** to be held at **1.00 pm** on **TUESDAY, 3RD SEPTEMBER, 2013** in the Wirral Suite at Merseyside Fire and Rescue Service Headquarters, Bridle Road, Bootle.

Please find attached:

AGENDA ITEM	REPORT
10.	<u>Outcomes Of The Resolution Advisory Panel</u> (Pages 1 - 8) (CFO/108/13) To consider report CFO/108/13 of the Chief Fire Officer concerning the outcomes of the Resolution Advisory Panel.

Yours faithfully,



Clerk to the Authority

Encl.

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AGENDA ITEM:

REPORT TO:	MERSEYSIDE FIRE & RESCUE AUTHORITY
DATE:	3rd SEPTEMBER 2013
REPORT NO.	CFO/108/13
REPORTING OFFICER:	CHIEF FIRE OFFICER
CONTACT OFFICER:	CHIEF FIRE OFFICER
OFFICERS CONSULTED:	STRATEGIC MANAGEMENT GROUP
SUBJECT	SHIFT CHANGE NEGOTIATION UPDATE - RESOLUTION ADVISORY PANEL OUTCOMES

APPENDIX A TITLE RAP OUTCOMES LETTER

ATTACHED – ELECTRONICPurpose of Report

1. To advise Members of the outcomes of the Resolution Advisory Panel (RAP) held on 19th August and to inform members of the recommendations made in relation to the proposal to move to a 12/12 default duty system by the Independent Chair.

Recommendation

2. That Members note the outcome of RAP and the continued commitment of the Chief Fire Officer (CFO) and Fire Brigades Union (FBU) to achieve a negotiated settlement that meets the operational needs of the Authority and the aspirations of employees.

Introduction & Background

3. On 26th February 2013 the Authority approved, subject to consultation, the Integrated Risk Management Plan (IRMP) for 2013-16. The IRMP advanced a number of measures which included a reduction in appliances from 42 to 28 and a change in the default duty system from 9/15 to 12/12 in order to offset this loss in capacity by increasing productivity whilst maintaining risk from fatigue within the levels recommended by the HSE.
4. To achieve this the Authority requires a change to the default duty system in operation within the Service from the current 2 x 9 hour days followed by 2 x 15 hour nights followed by 4 rota days (9/15) to 2 x 12 hour days followed by 2 x 12 hour nights followed by 4 rota days (12/12).
5. The rationale for this change is to achieve long term and sustainable productivity gains in order to offset the loss of 33% capacity across the Service as a result of

the cuts imposed on the Authority over the four years of the Comprehensive Spending Review (CSR 10) and in anticipation of the recently announced cuts for 2015 and beyond.

6. Unfortunately and despite protracted negotiations over the last 6 months it was not possible to reach agreement with the FBU on the move from 9/15 to 12/12. In accordance with agreed procedures the issue was referred to the RAP which was held in London on 19th August.
7. If an agreement cannot be reached at the RAP the Independent Chair makes recommendations for both parties to consider as the basis of a settlement. It was not possible to secure an agreement on the day so the Independent Chair made his recommendations which in summary are 12 hours shifts to be implemented on 1st January 2015 with 10.5/13.5 shifts with a 4 hour rest period on nights implemented from 1st January 2014 as an interim arrangement. A copy of the letter from the Independent Chair is attached to this report at Appendix A.
8. The CFO met with the Brigade Officials on 27th August to consider the recommendations and to agree a way forward. The outcome of the meeting was as follows;
 - Both parties accept the recommendations of the Independent Chair and will advise the respective National Joint Secretaries accordingly.
 - Both parties recognize the disruption that two shift changes in a 12 month period would cause to staff therefore have committed to a period of negotiations with a view to achieving a collective agreement that would result in the implementation of a default 12 hour shift system on 1st January 2014. The deadline for the conclusion of these negotiations is 30th September 2013.
 - The Brigade Officials have advanced proposals in relation to several issues including start and finish times, appliance confidence levels (5 riders) and supervisory manager role designations. These will all now be the subject of further negotiation.
 - The issue of 24 hour shifts was raised during the discussions however this is already the subject of a voluntary collective agreement therefore will be revisited at the conclusion of the negotiations on or before 30th September.
9. Both parties remain committed to achieving a negotiated settlement that meets the operational needs of the Authority and the aspirations of employees. Further updates will be communicated to Members as the negotiations progress.

Equality & Diversity Implications

10. There are no Equality and Diversity implications contained within this report. An Equalities Impact Assessment of the proposed change in the default shift system from 9/15 to 12/12 has been undertaken and shared with all of the Representative Bodies during the negotiation process.

Staff Implications

11. The 30th September deadline was selected in order for the Authority to be in a position to give staff 90 days' notice of the change to their contracts required to move to 12 hour shift durations on 1st January 2014.
12. The period of notice will allow for any work life balance requests to be considered that may arise as a result in the change to shift durations.

Legal Implications

13. As detailed in paragraph 11 above.

Financial Implications & Value for Money

14. There are no direct financial implications contained within this report however the change in shift durations will deliver substantial increased productivity gains for the Authority that will go some way to minimising the impact of the cuts.

Risk Management, Health & Safety, and Environmental Implications

15. The default 12 hour shift system achieves a far more favourable outcome in terms of risk and fatigue for staff.

Contribution to Our Mission – To Achieve; Safer Stronger Communities – Safe Effective Firefighters”

16. By implementing a default 12 hour shift system the Authority deliver significant productivity gains which further legitimise the recommendations of the CFO in relation to the retention of the wholetime duty system across Merseyside.

Glossary of Terms

N/A

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e-mail: firequeries@local.gov.uk

Employees' Secretary, Matt Wrack
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**NATIONAL JOINT COUNCIL
FOR LOCAL AUTHORITY
FIRE AND RESCUE SERVICES**

CFO Dan Stephens
Merseyside Fire and Rescue Service

Mark Rowe
Fire Brigades Union

23 August 2013

BY EMAIL

Dear Messrs. Stephens and Rowe,

Shift start and finish times

Please find attached the recommendation of the Independent Chair of the Resolution Advisory Panel following the meeting on 19th August 2013.

The respective local parties will now need to decide their responses within seven days of receipt. Where both parties signal acceptance then this should be regarded as providing the basis of a local collective agreement on the Panel's recommendations. Given the bank holiday weekend the seven days will commence from Tuesday.

Where either or both of the parties do not concur with the recommendation then, as in any other situation where agreement is not possible, they will have to consider their own actions.

Yours sincerely,



Gill Gittins
on behalf of the Joint Secretaries



John McGhee

CC: Professor William Brown

Fire Brigades National Joint Council Resolution Advisory Panel
19th August 2013

Merseyside Fire and Rescue Service – proposed default 12 hour shift duty system.

Those present

For the MFRS:

Dan Stephens (Chief Fire Officer)
Nick Mernock (Director, POD)
Dave Mottram (Area Manager)
Mike Cummins (HR Manager)

For the FBU:

Mark Rowe (Acting Brigade Secretary)
Les Skarratts (Regional Secretary)
Kevin Brown (Executive Council)
Kevin Hughes (Acting Brigade Chair)

Gill Gittins (Joint Secretary, Employers' Side)
John McGhee (Joint Secretary, Employees' Side)
William Brown (Independent Chair)

Background

The Merseyside Fire and Rescue Service has, in common with others across the country, been faced with severe financial cuts following the 2010 Comprehensive Spending Review. In February 2013, the Merseyside Authority approved measures to deal with this which included a reduction in fire appliances from 42 to 28, and a change in the default duty system from 9 and 15 hour shifts to 12 hour shifts. It was intended that 3 hours of stand down on the night shift should, in effect, be replaced by 3 hours on the day shift at times of the day when they could be more productively deployed. The changed duty system would also facilitate day crewing as a substitute for potential station closures. At the end of February 2013, negotiations commenced. A range of options was considered, including a proposal by the FBU to reduce stand down time on night shifts by three hours and a possible 24 hour default shift system. It was not possible to achieve agreement.

Considerations

The Authority has to manage the Service under conditions which are changing for reasons quite apart from the unprecedented financial cuts. A strategic shift towards preventative work has successfully reduced the number of incidents but has increased demands for safety checks, inspections, specific risk research and specialist training, much of which has to be carried out in daytime. It is hard to justify the amount of rest time associated with long night shifts. It is recognised that there are external pressures such as HSE guidance, the Knight Review and anticipated further budget cuts in 2015. It is important for the Authority to demonstrate that staff are deployed productively and safely. The FBU reports that its members predominantly wish to remain with the established 9/15 shift pattern. It argues that there is sufficient flexibility in stand down arrangements for the necessary productivity to be delivered, that the established shift pattern is superior in terms of risk and fatigue, and in terms of being family friendly. It also believes that adding 3 hours to the day shift in the early evening, when the level of incidents is highest, will be counter-productive, because fire crews will not be fresh.

In considering these arguments, the Independent Chair notes that both financial cuts and external pressures are likely to continue for the foreseeable future. The Authority has demonstrated its commitment to the productivity merits of secure full-time employment by committing reserves to the avoidance of compulsory redundancies. It has also shown a clear

preference to achieve change through negotiation and consultation. The FBU has demonstrated realism in the face of unprecedented circumstances, recently achieving negotiated compromises on critical cost-saving issues. Although the issue of comparative risk and fatigue on different shift patterns is complex, the balance of evidence is that maximum fatigue scores are lower with 12/12 than with 9/15 shift patterns. The evidence also suggests that the early evening peak of incidents has been diminishing steadily in recent years, and their current number and duration are not at a level which need dictate the shift pattern. So far as family-friendly shift arrangements are concerned, the Authority has pursued a case-by-case approach, with over 90 per cent of requests for change being resolved to the satisfaction of the applicant.

Recommendation

The recommendation of the Independent Chair is that there should be a change in the default shift system from the current 9 hour day and 15 hour night. A working party should be established immediately, with full information sharing, to deliver a duty system which can adapt to changing circumstances in recognition of the financial pressure faced by the Authority. The working party will make recommendations on the details of the introduction of a default shift system with shifts of 12 hours. The membership of the working party should be agreed by the local joint secretaries. The recommendations should be implemented from 1 January 2015. The working party will conclude on 1 September 2014.

In the interim, the default shift system should be 10.5 hour days and 13.5 hour nights. The stand down period should be 4 hours, to be taken between midnight and 7am. This would be implemented from 1 January 2014 with the appropriate work routines resolved between now and then. It is intended that this recommendation will provide the basis for discussions leading to agreement.

William Brown
Darwin College
University of Cambridge
23rd August 2013

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