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To: All Members of the Authority



J. Henshaw
LLB (Hons)
Clerk to the Authority

Tel: 0151 296 4000
Extn: 4112 Helen Peek

Your ref:

Our ref HP/NP

Date: 18 June 2014

Dear Sir/Madam,

You are invited to attend a meeting of the **AUTHORITY** to be held at **1.00 pm** on **THURSDAY, 26TH JUNE, 2014** in the Community Room at Belle Vale Fire Station, Childwall Valley Road, Liverpool, L25 2PY.

Yours faithfully,

Clerk to the Authority

Encl.

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MERSEYSIDE FIRE AND RESCUE AUTHORITY

AUTHORITY

26 JUNE 2014

AGENDA

1. Preliminary Matters

The Authority is requested to consider the identification of:

- a) declarations of interest by individual Members in relation to any item of business on the Agenda
- b) any additional items of business which the Chair has determined should be considered as matters of urgency; and
- c) items of business which may require the exclusion of the press and public during consideration thereof because of the possibility of the disclosure of exempt information.

2. Minutes of the Previous Meeting (Pages 1 - 6)

The Minutes of the previous meeting of the Authority, held on 6th May 2014, are submitted for approval as a correct record and for signature by the Chair.

3. Election Of Chariman

To elect a Chairman of the Authority for 2014/15.

4. Election Of Vice-Chairman

To elect a Vice-Chairman of the Authority for 2014/15.

5. Membership of the Authority 2014/15 (Pages 7 - 10)

(CFO/065/14)

To consider Report CFO/065/14 of the Clerk to the Authority, concerning the changes to the Membership of the Authority for 2014/15.

6. Structure of the Authority (Pages 11 - 22)

(CFO/064/14)

To consider Report CFO/064/14 of the Clerk to the Authority, concerning the structure of the Authority for 2014/15.

7. **The Authority's Constitution** (Pages 23 - 26)

(CFO/069/14)

To consider Report CFO/069/14 of the Clerk to the Authority, concerning the Authority's Constitution for 2014/15.

8. **Authority Meeting Dates for 2014/15** (Pages 27 - 34)

(CFO/066/14)

To consider Report CFO/066/14 of the Clerk to the Authority, concerning dates for Authority Meetings and events for 2014/15; and draft dates for Authority Committee Meetings for 2015/16.

9. **Members Allowance Payments 2013/14** (Pages 35 - 40)

(CFO/067/14)

To consider Report CFO/067/14 of the Clerk to the Authority, concerning payments made to Members in respect of allowances during the financial year 2014/15.

10. **Scheme of Members Allowances 2014/15** (Pages 41 - 60)

(CFO/068/14)

To consider Report CFO/068/14 of the Clerk to the Authority, concerning the current Scheme of Members Allowances; and recommendations for any changes it wishes to make to the Scheme.

11. **Questions on the Discharge of Functions** (Pages 61 - 62)

(CFO/070/14)

To consider Report CFO/070/14 of the Clerk to the Authority, concerning nominations of a Member from each of the five constituent District Councils, as the Members responsible for answering questions in their Council on the discharge of the functions of the Authority.

12. **Appointment to Outside Organisations** (Pages 63 - 66)

(CFO/071/14)

To consider Report CFO/071/14 of the Clerk to the Authority, concerning

the Outside Organisations to which the Authority is currently affiliated; and to request where appropriate, confirmation of continuing affiliation for 2014/15 and the appointment of representatives to those organisations.

**13. Approved Conferences and Outside Meetings (Pages 67 - 70)
(CFO/072/14)**

To consider Report CFO/072/14 of the Clerk to the Authority, concerning the list of Approved Conferences and Outside Meetings; and any revisions to the list that the Authority wish to make.

**14. Meetings with National Politicians at Party Political Conferences
(Pages 71 - 72)
(CFO/073/14)**

To consider Report CFO/073/14 of the Clerk to the Authority, concerning possible attendance of Members at meetings held at the location of any Party Political Conferences, in order to make Authority related representations in line with the Members Scheme of Allowances.

**15. Feedback of Task & Finish Group - HR Policies (Pages 73 - 196)
(CFO/076/14)**

To consider Report CFO/076/14 of the Deputy Chief Fire Officer (on behalf of the Task & Finish Group), concerning the feedback and recommendations of the Task & Finish Group, established to review HR Policies and Procedures in relation to sickness absence and discipline.

**16. Reserve Strategy (Pages 197 - 206)
(CFO/077/14)**

To consider Report CFO/077/14 of the Deputy Chief Executive, concerning a potential reserves strategy for the Authority to adopt, in light of the Authority's debt profile and the need to finance the proposed programme of station mergers, without increasing debt costs/ burdens.

There will be a presentation delivered in support of this report.

**17. The Future Of National Operational Guidance For The Fire & Rescue Service (Pages 207 - 230)
(CFO/075/14)**

To consider Report CFO/075/14 of the Chief Fire Officer, concerning

contributions to ensure the continuation of the National Operational Guidance Programme (NOGP), on a match funded basis with the Department for Communities and Local Government (DCLG).

**18. Aggregation and collaboration in Procurement (Pages 231 - 318)
(CFO/049/14)**

To consider Report CFO/049/14 of the Clerk to the Authority, concerning an overview of the Department for Communities and Local Government (DCLG) report "Fire and Rescue Procurement Aggregation and Collaboration".

**19. Local Government Pension Scheme - Employers Discretionary Policies (Pages 319 - 330)
(CFO/078/14)**

To consider Report CFO/078/14 of the Deputy Chief Executive, concerning information regarding the Local Government Pensions Scheme.

**20. Settlement of an Employer's Liability Claim (Pages 331 - 336)
(CFO/074/14)**

To consider Report CFO/074/14 of the Clerk to the Authority, concerning the implications of a claim in respect of Employers Liability Insurance.

This Report contains EXEMPT information by virtue of Paragraphs 1,2 and 3 of Part 1 of Schedule 12A OF THE Local Government Act 1972.

If any Members have queries, comments or require additional information relating to any item on the agenda please contact Committee Services and we will endeavour to provide the information you require for the meeting. Of course this does not affect the right of any Member to raise questions in the meeting itself but it may assist Members in their consideration of an item if additional information is available.

Refreshments

Any Members attending on Authority business straight from work or for long periods of time, and require a sandwich, please contact Democratic Services, prior to your arrival, for arrangements to be made.

MERSEYSIDE FIRE AND RESCUE AUTHORITY

6 MAY 2014

MINUTES

Present: Cllr Dave Hanratty (Chair) Councillors Les Byrom, Linda Maloney, Robbie Ayres, Roy Gladden, Ted Grannell, John Kelly, Jimmy Mahon, Pat Moloney, Barbara Murray, Tony Newman, Steve Niblock, Lesley Rennie, Denise Roberts and Jean Stapleton

Also Present:

Apologies of absence were received from: Cllr Vi Bebb, Cllr Andrew Blackburn and Cllr Sharon Sullivan

1. Preliminary Matters

The Authority considered the identification of any declarations of interest, matters of urgency or items that would require the exclusion of the press and public due to the disclosure of exempt information.

Resolved that:

- a) no declarations of interest were made by individual Members in relation to any item of business on the Agenda
- b) no additional items of business were determined by the Chair to be considered as matters of urgency; and
- c) Appendices F and G of item 7 ***contain EXEMPT information by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972*** and therefore require the exclusion of the press and public during consideration thereof because of the possibility of the disclosure of exempt information.

2. Minutes of the Previous Meeting

The Minutes of the previous meeting of the Authority, which was the Authority's Budget setting meeting, held on 27th February 2014, were approved as a correct record and signed accordingly by the Chair.

3. Coach Safety & Prevention of Road Traffic Accidents by Councillor Dave Hanratty

Members considered the Motion, put forward by the Chair of the Authority – Cllr Dave Hanratty, concerning Coach Safety and The Prevention of Road Traffic Accidents

Merseyside Fire & Rescue Authority attends on average 542 Road Traffic Accidents each year, some of these accidents could be prevented through improved design technology or indeed highway works, driver awareness, increased training for younger drivers all of which the Fire Service actively promote in order to reduce Road Traffic accidents and Death on our roads.

However on Monday 10th September 2012 a coach bound for Liverpool carrying 53 people travelling back from the music festival on the Isle of Wight, left the road and crashed into a tree instantly killing Michael Molloy (18), Kerry Ogden (23) and the coach driver, Colin Daulby (63). Other passengers suffered serious life changing injuries for instance Zach Washington-Young aged just 22 at the time, had just completed a law degree but suffered spinal injuries which necessitated him being airlifted to hospital and is still receiving intensive treatment and will do for many years to come.

The cause of this tragic and fatal Road Traffic Accident was subsequently discovered that the front nearside tyre which was actually older than the coach itself at 19 years, which was responsible for the crash. The coach operator were fined just £4000, not for the state of that particular tyre but for another old tyre on the rear of the vehicle which was exhibiting wear and tear below the legal requirements for tread depth. The Coach company had their licence to practice revoked.

Unbelievably there is no law in the UK that governs the age of tyres used on either commercial or domestic vehicles despite the fact that a rubber tyre will show serious deterioration after only five years even if no wear and tears shows on the exterior of the tyre. Deterioration of a tyre commences from the date of manufacture whether it is fitted to a vehicle or not.

Frances Molloy, Michael's mother is leading a campaign for a change in UK law to ban the use of tyres older than six years on commercial vehicles. This change in law is being supported by her MP, Maria Eagle and Shadow Transport Minister, Mary Creagh, but to date, despite a meeting with Transport Minister, Patrick McLoughlin MP, and a vague promise to look at further research, the Government will not commit to a change in the law.

Merseyside Fire & Rescue Authority therefore agrees to write to the Prime Minister, Fire Minister Brandon Lewis MP, the Chief Fire Officers Association and the Local Government Association Fire Service Management Committee urging the Government take urgent action in addressing this issue and to legislate in order to introduce safeguards so that coaches are operated safely, in that tyres older than six years cannot be used on commercial vehicles therefore going some way in preventing such fatal accidents in the future. Furthermore Merseyside Fire & Rescue Authority also resolves to support this campaign until such change in the law is achieved.

The Chair advised of an amendment to the Motion, to include that the Chair write to Beverley Bell the senior traffic commissioner who's role covers Heavy Goods Vehicle / Passenger Service Vehicle (HGV/PSV) standards, and to the Royal Society for the Prevention of Accidents (RoSPA) in addition to the Prime Minister, Fire Minister Brandon Lewis MP, the Chief Fire Officers

Association and the Local Government Association Fire Service Management Committee.

The Motion and addition to the motion, was seconded by Cllr Mahon; and the motion, including the addition above was agreed unanimously by Members.

Members aired their views in relation to the tragic incident which had triggered this campaign, and offered support.

Resolved that:

- a) Merseyside Fire & Rescue Authority write to the Prime Minister, Fire Minister Brandon Lewis MP, the Chief Fire Officers Association and the Local Government Association Fire Service Management Committee urging the Government take urgent action in addressing this issue and to legislate in order to introduce safeguards so that coaches are operated safely, in that tyres older than six years cannot be used on commercial vehicles therefore going some way in preventing such fatal accidents in the future;
- b) In addition to a) the Chair of the Authority write to Beverley Bell the senior traffic commissioner who's role covers Heavy Goods Vehicle / Passenger Service Vehicle (HGV/PSV) standards, and to the Royal Society for the Prevention of Accidents (RoSPA);
- c) Merseyside Fire & Rescue Authority support of the campaign for a change in UK law to ban the use of tyres older than six years on commercial vehicles, until such change in the law is achieved.

4. Lead Member Feedback 2013/14

(CFO/042/14)

Members considered Report CFO/042/14 of the Deputy Chief Executive, concerning feedback of work undertaken by the appointed Lead Members during 2013/14.

Cllr Niblock – Lead Member for Environment, Health & Safety, provided verbal feedback to the Authority, concerning his role. This included an overview of the various networks and Committees attended as part of his role; and explained various reports which have been submitted to the Authority in relation to both Health & Safety and Environmental issues.

Resolved that:

- a) The feedback provided by the Lead Members for 2013/14, as attached as to the report, be noted.
- b) The continuation of Lead Member Roles for the Municipal Year 2014/15, be approved.

- c) The Democratic Services Manager, be instructed to liaise with the Chair of the Authority, to conduct a review of the Roles of Lead Members in line with the Authority's Scrutiny Forward Work Plan for the coming Municipal year, and report this back to the Annual Meeting, for consideration and appointments to be made.

5. Merseyside Fire and Rescue Authority Members Equality and Diversity Monitoring

(CFO/043/14)

Members considered Report CFO/043/14 of the Deputy Chief Executive, concerning the introduction of formal Equality and Diversity monitoring of all Members appointed to Merseyside Fire and Rescue Authority.

Discussion took place around the content of the form, and it was requested that the form be simplified for the benefit of New Members appointed to the Authority.

Resolved that:

- a) The Form (attached at Appendix 1 to the Report) be revised for the benefit of New Members, by removing:
 - i. Date joined the Merseyside Fire and Rescue Authority; and
 - ii. Role /capacity appointed to.
- b) With the above changes included, the introduction of the formal equality and diversity monitoring form for all Members appointed to the Authority, be approved.
- c) All Members be issued with the forms with their Annual Meeting Agenda Packs, for completion and return to the Democratic Services Manager at the Annual Meeting.

6. Firefighters' Pension Scheme - New Governance Requirements

(CFO/045/14)

Members considered Report CFO/045/14 of the Deputy Chief Executive, concerning the requirements of the Public Pensions Act 2013.

Significant debate took place around the requirements of the Act, with the Authority expressing concerns regarding additional costs and the administrative burden of complying with the requirements.

All Members acknowledged that the establishment of a Regional Pension Board would be a sensible approach.

Councillor Hanratty advised Members that with effect from their last meeting the 'North West Partnership Board' (NWPB) has disbanded, and superseded by a

new 'North West Fire and Rescue Forum' (NWF&RF), to which he has been appointed as Chair.

Councillor Hanratty advised that the subject of a Regional Pension Board be included on the agenda for the NWF&RF meeting.

Resolved that:

- a) The contents of the report be noted.
- b) The exploration of the delivery of a Pension Board at a regional level, be approved.
- c) Congratulations be recorded to Councillor Hanratty for his appointment as Chair of the North West Fire and Rescue Forum, and the inclusion for exploration of a Regional Pension Board on the Agenda for the next Forum meeting be welcomed.

7. Disposal Of Combined Pump Platform, MAN And Mercedes Vario Fire Appliances

(CFO/050/14)

Members considered Report CFO/050/14 of the Chief Fire Officer, concerning the disposal of the Combined Pump Platform (CPP), MAN and Mercedes Vario fire appliances at specialist auction in order to realise a capital receipt.

The Chief Fire Officer informed Members of the rationale behind the disposal of the vehicles.

Councillor Murray requested that Members be informed of the Reserve Prices.

Resolved that:

- a) The disposal of the CPP, MAN and Mercedes Vario fire appliances at specialist auction in order to realise a capital receipt, be noted.
- b) Reserve prices for appliances be confirmed to Members.

8. PROPOSED STATION MERGER OF HUYTON AND WHISTON

(CFO/044/14)

Appendices F and G to this Report, contain EXEMPT information by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Members considered Report CFO/044/14 of the Chief Fire Officer, concerning the merger of Huyton and Whiston fire stations at a new site on Manchester Road, Prescot subject to a 12 week period of public consultation to commence with effect from 6th May 2014 and reaching an agreement with the owners of the site, Knowsley Council, for a lease of the new site.

Resolved that:

- a) The merger of Huyton and Whiston fire stations at a new site on Manchester Road, Prescott subject to a 12 week period of public consultation to commence with effect from 7th May 2014, be approved.
- b) A report be submitted to the Authority detailing the outcomes of this consultation. This report will contain any operational implications of the merger including details of Section 13/16 mutual aid arrangements with Cheshire FRS for the coverage of Cronton.

The Chair advised the Authority that Councillor Bebb was retiring and wished to place his thanks on record for her services on the Authority.

The Chair expressed his best wishes to Authority Members up for Election, and requested that Members remained following the close of the meeting for a verbal Industrial Relations update from the Chief Fire Officer.

Close

Date of next meeting:

Annual General Meeting, Thursday 26 June 2014, to be held at Belle Vale Community Fire Station.

Signed: _____

Date: _____

MERSEYSIDE FIRE AND RESCUE AUTHORITY			
MEETING OF THE:	MERSEYSIDE FIRE AND RESCUE AUTHORITY ANNUAL GENERAL MEETING		
DATE:	26 JUNE 2014	REPORT NO:	CFO/065/14
PRESENTING OFFICER	CLERK TO THE AUTHORITY		
RESPONSIBLE OFFICER:	JANET HENSHAW	REPORT AUTHOR:	HELEN PEEK
OFFICERS CONSULTED:			
TITLE OF REPORT:	MEMBERSHIP OF THE AUTHORITY 2014/15		

APPENDICES:	
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Purpose of Report

1. To inform Members of the changes to the Membership of the Authority for 2014/15.

Recommendation

2. That Members note the contents of the report.

Introduction and Background

3. The following changes to the Membership of the Authority have occurred:-
 - The appointment of Councillor Andrew Blackburn (Liberal Democrat), appointed by Sefton Council, ended due to the Councillor not standing for re-election in the May 2014 Local Elections.
 - The appointment of Councillor Vi Bebb (Labour), appointed by Liverpool City Council, ended due to the Councillor not standing for re-election in the May 2014 Local Elections.
 - The appointment of Councillor Pat Moloney (Liberal Democrat), appointed by Liverpool City Council, ended as a result of the May 2014 Local Elections.
4. The Constituent District Councils have notified the Authority of the Appointments to Membership of the Authority for the Municipal year 2014/1, as follows:-
 - (a) Knowsley (2 Members):-

Councillor Ted Grannell (Labour)
Councillor Tony Newman (Labour)

(b) Liverpool (6 Members):-

Councillor Dave Hanratty (Labour)
Councillor Barbara Murray (Labour)
Councillor Roy Gladden (Labour)
Councillor Sharon Sullivan (Labour)
Councillor Peter Brannan (Labour)
Councillor James Roberts (Labour)

(c) St. Helens (2 Members):-

Councillor Robbie Ayres (Labour)
Councillor Linda Maloney (Labour)

(d) Sefton (4 Members):-

Councillor Les Byrom (Labour)
Councillor John Joseph Kelly (Labour)
Councillor Jimmy Mahon (Labour)
Councillor Tony Robertson (Liberal Democrat)

(e) Wirral (4 Members):-

Councillor Jean Stapleton (Labour)
Councillor Steve Niblock (Labour)
Councillor Denise Roberts (Labour)
Councillor Lesley Rennie (Conservative)

5. The political balance of the Authority is 16 Labour, 1 Liberal Democrat, and 1 Conservative. Political balance issues are considered in the separate report relating to the structure of the Authority, which is also for consideration at this meeting.

Equality and Diversity Implications

6. None arising directly out of this report.

Staff Implications

7. There are no staff implications arising from this report.

Legal Implications

8. The Authority is required under the provisions of the Local Government Act 1972 to have a political balance and to allocate seats accordingly.

Financial Implications & Value for Money

9. None arising directly out of this report.

Risk Management, Health & Safety, and Environmental Implications

10. None arising directly out of this report.

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

11. The Authority is constituted by Members appointed by Merseyside's five District Councils. The District Councils appoint Members to the Authority to reflect and represent the constituency of each district of Merseyside. Those appointed to the Authority consider business and make decisions in the best interest of the community which the Authority serves.

BACKGROUND PAPERS

None

GLOSSARY OF TERMS

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MERSEYSIDE FIRE AND RESCUE AUTHORITY			
MEETING OF THE:	MERSEYSIDE FIRE AND RESCUE AUTHORITY ANNUAL GENERAL MEETING		
DATE:	26 TH JUNE 2014	REPORT NO:	CFO/064/14
PRESENTING OFFICER	CLERK TO THE AUTHORITY		
RESPONSIBLE OFFICER:	JANET HENSHAW	REPORT AUTHOR:	
OFFICERS CONSULTED:			
TITLE OF REPORT:	STRUCTURE OF THE AUTHORITY		

APPENDICES:	APPENDIX A: DRAFT AUTHORITY STRUCTURE FOR 2014/15 APPENDIX B: TEMPLATE APPENDIX C: ROLE OF LEAD MEMBERS
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Purpose of Report

1. To :-
 - (a) inform Members of:-
 - (i) the minimum legal structure of the Authority;
 - (ii) the existing decision-making structure of the Authority; and
 - (iii) optional variations to the existing structure.
 - (b) request that the Authority determines an appropriate decision-making structure for 2014/15; and
 - (c) request that arrangements are made for the appointment of Committees, the nomination of Chairs, the determination of the powers and duties of Committees and the appointment of Members to Committees and Lead Member Roles.

Recommendation

2. That the Authority determines an appropriate decision making structure for 2014/15 by :-
 - (a) Determining which Committees it wishes to establish.
 - (b) Determining the number of Voting Members to be appointed to each

Committee.

- (c) Determining the number of seats on each Committee to be allocated to each political group in accordance with the political balance regulations.
- (d) Determining that alternates are to be appointed from the relevant political group, who can attend a Committee in the absence of the substantive Member.
- (e) Confirming the Members who are to be appointed to Committees and Lead Member Roles, in accordance with the wishes of the relevant political group in respect of those seats allocated to that group.
- (f) Confirming that Members will inform Democratic Services prior to the start of any meeting of an alternate Member if they are unable to attend.
- (g) Confirming whether it wishes to continue with the existing structure and/or whether it wishes to amend the structure.

Executive Summary

This report confirms the political balance of the Authority as 16 Labour, 1 Liberal Democrat and 1 Conservative Member.

Based upon the balance of the Authority, Members are requested to consider and determine the appropriate decision making structure, appointment of Committees, nominate Chairs and Members to those Committees; and nominate Members to the Lead Member Roles.

Introduction and Background

Information

3. Minimum Legal Requirement

3.1. The minimum statutory requirements for a decision-making structure are:-

- (a) Authority Meetings - There is a statutory requirement to hold an Annual Meeting (before the end of June in each year) and to meet to determine the precept each year (by the end of February in each year). The Authority is also required to consider other miscellaneous matters including statutory reports of the Chief Finance Officer or Monitoring Officer and public interest reports should they arise.
- (b) It is recognised as good practise to have an Audit Committee or a Committee that deals with audit matters.

4. Existing Structure

4.2. At present, the Authority has appointed:-

- (a) A Community Safety and Protection Committee and a Policy and Resources Committee both consisting of 8 Members and a Performance and Scrutiny Committee consisting of 5 voting Members (according to Political proportionality), open to all Members (with the exception of the Chair and Vice-Chairs of the Authority), along with an Independent Person who does not have voting rights. The Community Safety and Protection Committee and the Policy and Resources Committee have delegated decision making powers in the circumstances where there is no opportunity for the Authority to meet in full.
- (b) An Appeals Committee and an Appointments Committee,
- (c) An Audit sub Committee consisting of 5 Members which also deals with Member Standards issues, and
- (d) A Consultation and Negotiation sub Committee consisting of 4 Members.

Each Committee has certain delegated powers which are contained within its Terms of Reference.

4.3. The Authority has also:

- (a) appointed Lead Members with additional responsibility for certain services and
- (b) appointed a Member Development Group with approved terms of reference, consisting of Officers from Democratic Services and People & Organisational Development; and one Member from each political group.

5. Determination of a Structure

5.1 A draft structure is attached to this report as Appendix A. This incorporates revised Lead Member roles and proposes that:

- (a) The current Committee Structure as outlined above remains,
- (b) The Lead Members roles are realigned to Performance and Scrutiny.

5.2 It is also proposed that the Performance and Scrutiny Committee be increased to 7 Voting Members, comprising of the 6 appointed Lead Members and Chair of the Committee, plus an Independent Person, who does not have voting rights. Appendix C outlines the proposed Lead

Member roles. Specific Role Descriptions will be devised for each of the Lead Member Roles.

- 5.3 The proposed Terms of Reference and powers of each Committee and Sub Committee are contained within the Constitution for 2014/15 which is the subject of another report on this Agenda.
- 5.4 In making their decision on a structure, Members are also requested to take into account the following matters:-
- (a) the requirement for each political group to complete a notice in writing to the Clerk detailing their Membership and a Group Leader;
 - (b) the requirement for political balance on any Committees which are appointed and unless the Authority has resolved otherwise and no Member has voted against such resolution;
 - (c) the requirement to appoint Members to Committees in accordance with the wishes of the political group to whom the seat has been allocated. In this respect it will assist the Clerk if all such nominations can be determined on, or before the Annual Meeting;
 - (d) the appointment of Chairs of Committees.
 - (e) the appointment of Lead Members; and
 - (f) the requirement for approval of the Powers and Duties of each appointed Committee.

6. Number of Seats & Political Balance/Membership of Committees

- 6.1. The Authority is required to make appointments to its Committees in a manner which, so far as practicable reflects the political balance of the Authority unless the Authority has resolved otherwise and no Member has voted against such resolution.
- 6.2. There have been local elections this year for the District Councils. As a result the representation of each political group on the Authority will be as follows:-

Labour	16 Members
Liberal Democrat	1 Members
Conservative	1 Member

- 6.3. In order to comply with political balance requirements, where practicable it is therefore appropriate that the proportion of seats on Committees allocated to political groups is as follows :-

Labour	88.89%
Liberal Democrat	5.56%
Conservative	5.56%

- 6.4. Having decided which Committees the Authority is to establish, and the number of Voting Members to be appointed to each Committee, it is then appropriate for each political group to submit nominations for membership of those Committees in accordance with the allocation of seats to that political group.
- 6.5. Members are requested to consider their nominations in advance of the meeting, so that the information can be provided at the Annual Meeting, to enable the Authority to confirm the appointments at the Annual Meeting.
- 6.6. A template for Members to complete is attached as Appendix B to this report.

7. Chairs and Vice Chairs of Committees

- 7.1. Having determined which Members are to be appointed to the Committees, it is appropriate for the Authority to consider proposals for the appointment of Chairs of Committees.
- 7.2. Members are requested to consider this issue prior to the Annual Meeting with a view to the Authority being in a position to appoint Chairs of Committees at the Annual meeting.

8. Dates of Meetings

- 8.1. The separate report on this agenda dealing with a draft schedule of dates of meetings has been prepared on the basis of the draft Committee structure being approved, although alternative meeting dates will be provided if necessary. If the draft structure is not approved then amendments or additions to the draft schedule of meetings will be required.

Equality and Diversity Implications

9. None arising directly from the report.

Staff Implications

10. There may be some staff implications in that the number of Committees/Sub Committees may reduce overall which will impact upon Officer time.

Legal Implications

11. The Authority is legally required to have certain meetings as set out in paragraph 3 above. The Authority is also required under the Local Government

and Housing Act 1989 to have political balance across its Committees and sub Committees.

Financial Implications & Value for Money

12. There may be some savings related to a reduced number of Committees and also related to Members' Allowances - which is the subject of another report on this Agenda.

Risk Management, Health & Safety, and Environmental Implications

13. None arising directly from this report.

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

14. Membership and structure of the Authority will provide a framework to ensure decisions are made to best reflect the Authority, Service, and the Community it serves.

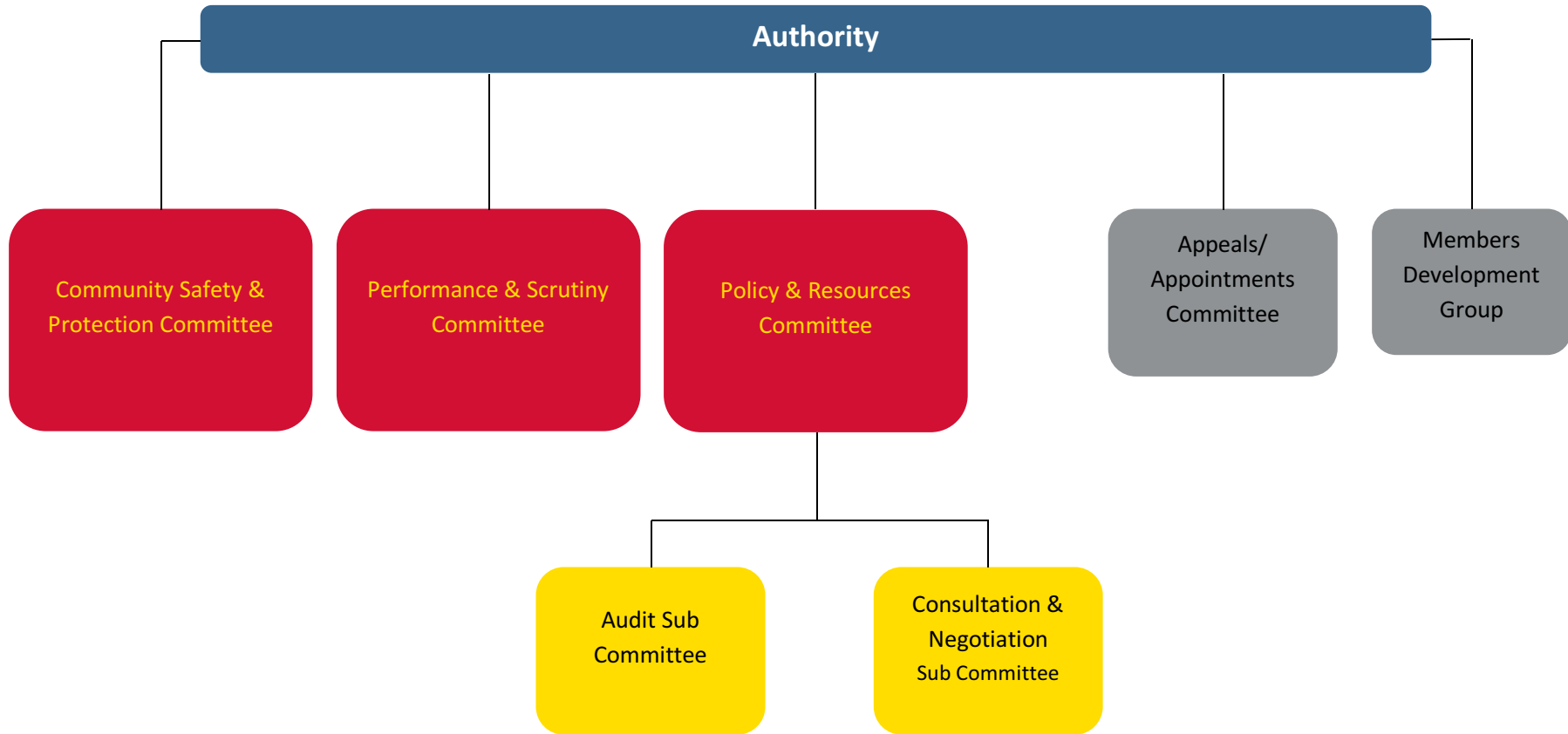
BACKGROUND PAPERS

Constitution 2014/15

GLOSSARY OF TERMS

APPENDIX A

Structure for Merseyside Fire and Rescue Authority for 2014/15



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Appendix B**Merseyside Fire & Rescue Authority****COMMITTEE MEMBERSHIP 2014/15**

Chair of Authority: Cllr.
 Vice-Chair of Authority: Cllr.
 Vice-Chair of Authority: Cllr.

Labour: Group Leader: Cllr.
 Liberal Democrat: Opposition Spokesperson: Cllr.
 Conservative: Opposition Spokesperson: Cllr.

Committee	Members
Community Safety & Protection Committee 8 Members (7, 1/ 1)	1 (Chair) Labour 2 Labour 3 Labour 4 Labour 5 Labour 6 Labour 7 Labour 8 Lib Dem OR Conservative
Consultation and Negotiation Committee 5 Members (4, 1/ 1)	1 (Chair) Labour 2 Labour 3 Labour 4 Labour 5 Lib Dem OR Conservative
Policy & Resources Committee 8 Members (7, 1/ 1)	1 (Chair) Labour 2 Labour 3 Labour 4 Labour 5 Labour 6 Labour 7 Labour 8 Lib Dem OR Conservative

<p>Audit Sub Committee sub c'ttee to Policy & Resources Committee 5 Members (4,1/1)</p>	<p>1 (Chair) Labour 2 Labour 3 Labour 4 Labour 5 Lib Dem OR Conservative</p>
<p>Performance & Scrutiny Committee 7 Members (6,1/1) (Plus 1 Independent Person)</p>	<p>1 (Chair) Labour 2 Labour 3 Labour 4 Labour 5 Labour 6 Labour 7 Lib Dem OR Conservative</p>

<p>Appointments Committee (3,1,1) Made up of the Chair, Vice Chairs, Opposition Party Leader & Spokesperson</p>	<p>1 (Chair) Labour 2 Labour 3 Labour 4 Conservative 5 Lib Dem</p>
<p>Appeals Committee (3,1,1) Made up of the Chair, Vice Chairs, Opposition Party Leader & Spokesperson</p>	<p>1 (Chair) Labour 2 Labour 3 Labour 4 Conservative 5 Lib Dem</p>
<p>Member Development Group (2,1,1)</p>	<p>1 Labour 2 Labour 3 Conservative 4 Lib Dem</p>

LEAD MEMBER ROLES 2014/15

<u>Area</u>	<u>Lead Member</u>	<u>Support Officer</u>
<i>Operational Preparedness</i>	Cllr	AM Nick Searle –Operational Preparedness
<i>Operational Response</i>	Cllr	AM Dave Mottram –Operational Response
<i>Prevention and Protection</i>	Cllr	AM Myles Platt –Prevention & Protection
<i>Finance, Assets & Efficiency</i>	Cllr	Kieran Timmins – Deputy Chief Executive
<i>People & Organisation</i>	Cllr	Nick Mernock – Director of People & Organisational Development
<i>Strategy & Performance</i>	Cllr	Deb Appleton – Director of Strategy & Performance

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MERSEYSIDE FIRE AND RESCUE AUTHORITY			
MEETING OF THE:	MERSEYSIDE FIRE AND RESCUE AUTHORITY ANNUAL GENERAL MEETING		
DATE:	26 JUNE 2014	REPORT NO:	CFO/069/14
PRESENTING OFFICER	CLERK TO THE AUTHORITY		
RESPONSIBLE OFFICER:	JANET HENSHAW	REPORT AUTHOR:	
OFFICERS CONSULTED:	SARAH BOURNE, DEPUTY CLERK; IAN CUMMINS, HEAD OF FINANCE; STEPHEN ASHTON, ACTING HEAD OF PROCUREMENT; HELEN PEEK, DEMOCRATIC SERVICES MANAGER		
TITLE OF REPORT:	THE AUTHORITY'S CONSTITUTION		

APPENDICES:	APPENDIX 1:	DRAFT AUTHORITY'S CONSTITUTION 2014/15	
ATTACHED – ELECTRONIC COPY ONLY			

Purpose of Report

1. To request that Members approve the recommendations of this report relating to the revised Constitution for Merseyside Fire and Rescue Authority (the Authority) for 2014/15.

Recommendation

2. That Members
 - a). Approve the draft amended Constitution for 2014/15 and;
 - b). Instruct the Monitoring Officer to the Authority to review the Constitution in the light of any changes in legislation and to bring a further report to the Authority in these circumstances

Introduction and Background

3. Members are aware that the Authority needs to have Standing Orders in place in relation to committee procedures, contracts and financial regulation under the Local Government Acts 1972, 1985, 1989 and 2000 as well as the Localism Act 2011.
4. Members will also be aware that guidance and Codes of Practice in relation to the Local Government Act 2000 require this document to be contained within one overall Constitution so that this can be easily accessed by the general public.

5. The Authority's Constitution contains a Summary and Information section, an Introduction, Terms of Reference for all the Authority's committees and sub committees, Procedural Standing Orders, Contract Standing Orders and Financial Regulations. Local and National Protocols and Codes relevant to Members are also included.
6. The draft now presented for approval by Members proposes the following amendments.
7. Part 1 and Part 2

Parts 1 and 2 of the Constitution relate to introductory issues and no substantial changes have been made to these Parts.

8. Part 3

- 8.1 Part 3 relates to the roles of Chairs and Members' rights and duties, the functions of each Committee; the Scheme of Delegation and terms of Reference for the proposed Committee structure are brought into force.

- 8.2 The only proposed changes other than minor typographical amendments are:

- a) To increase the Membership of the Performance and Scrutiny Committee to a total of 8 Members (including the Independent co-opted Person) to reflect the workload of this Committee and

- b) To change the Quorum for the full Authority meetings. This has been set at five Members for some however, as all three main Committees have a quorum of five for a Committee of 8 Members, it is considered more proportionate to increase the full Authority meeting quorum to 8 for an Authority of 18 Members.

- 8.3 No significant amendments have been made to the Authority's Scheme of Delegation.

9. Part 4

- 9.1 Part 4 consists of Procedure Rules – relating to Procedural Standing Orders, Contract Standing Orders and Financial Regulations.

- 9.2 Contract Standing Orders have been amended to reflect new European thresholds for the procurement of Goods, Services and Works. Further amendments will be made when new Regulations are published by the Government in respect of the new European Directives which will make significant changes to some procurements.

- 9.3 No significant changes have been made to the Financial Procedure Rules.
- 9.4 The Procedural Standing Orders have been reviewed and some minor typographical changes have been made.
10. Part 5
- 10.1 Part 5 consists of Codes and Protocols, which includes the Members Code of Conduct and the Members' Allowance Scheme.
- 10.2 There are separate papers on the Agenda for this AGM dealing with the Members Allowance Scheme for 2013/14.
11. In order to save printing costs electronic copies are provided to Members of the draft document. One copy will also be provided in each Group room prior to the AGM. Should the draft changes be approved they will be incorporated into the Constitution and copies of amended pages will be provided to each Member for incorporation into the bound copy of the Constitution which has already been provided to Members. The revised document will also be published on the Authority's website and the internal Portal.

Equality and Diversity Implications

12. The terms of reference for every Committee contain duties for Members to consider the Authority's public equality duties as part of their decision making.

Staff Implications

13. There are no direct staffing implications resulting from this report.

Legal Implications

14. The Constitution and its constituent parts are required by Local Government legislation.

Financial Implications & Value for Money

15. The Constitution through its Committees must consider the financial implications of decisions and the Constitution reflects this.

Risk Management, Health & Safety, and Environmental Implications

16. The terms of reference for every Committee contain duties for Members to consider the Authority's Health and Safety and Environmental duties as part of their decision making "To Make Merseyside a Safer, Stronger Communities and Safe Effective Firefighters".

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

17. The Constitution provides a transparent mechanism to ensure that the communities of Merseyside can have full confidence in the decision making processes of this Authority.

BACKGROUND PAPERS

MFRA Constitution 2013/14

GLOSSARY OF TERMS

MERSEYSIDE FIRE AND RESCUE AUTHORITY			
MEETING OF THE:	ANNUAL GENERAL MEETING		
DATE:	26 JUNE 2013	REPORT NO:	CFO/066/14
PRESENTING OFFICER	CLERK TO THE AUTHORITY		
RESPONSIBLE OFFICER:	JANET HENSHAW	REPORT AUTHOR:	HELEN PEEK DEMOCRATIC SERVICES MANAGER
OFFICERS CONSULTED:	HELEN PEEK, DEMOCRATIC SERVICES MANAGER, EXT 4112		
TITLE OF REPORT:	AUTHORITY MEETING DATES FOR 2014/15, AND DRAFT DATES FOR 2015/16		

APPENDICES:	APPENDIX 1	PROPOSED MEETING DATES 2014/15
	APPENDIX 2	PROPOSED DRAFT MEETING DATES 2015/16

Purpose of Report

1. To request that Members consider and approve dates for Authority Committee meetings and events for 2014/15, and approve draft dates for Authority Committee meetings for 2015/16.

Recommendation

2. That Members;
 - a. Consider the schedule of meeting dates for 2014/15 (attached at appendix 1) for approval; and
 - b. Consider the schedule of meetings dates for 2015/16 for approval as draft dates, to be ratified at the 2015 Annual General Meeting (attached at appendix 2)

Introduction and Background

3. The draft schedules of Authority Committee dates and events (attached as Appendix 1) have been produced on the premise that the current Committee Structure remains the same. The Committee Structure will be considered as a separate item on the Agenda, for Authority approval.
4. The Authority is requested to consider and approve the Schedule of Dates for the Municipal Year 2014/15.
5. Where Council meeting dates have been available, Full Council meetings have been taken into consideration, as well as religious holidays, and dates for

Committees have been programmed sympathetically around those dates wherever possible.

6. In addition, following consultation with the Chair, the Authority are also requested to consider and approve a draft schedule of dates for Committee meetings to be held during the Municipal Year 2015/16, to enable Democratic Services to program the schedule of dates, and corresponding deadlines, into the electronic reporting system, which will assist Officers to set workloads and prepare reports and agendas.
7. The dates proposed have been devised to aid the flow of business for the year through the Committee process; to enable the Authority to meet its deadlines in terms of setting the budget, consulting around and delivering its IRMP and other Strategic Plans; and to provide the opportunity for regular and effective scrutiny.
8. The proposed schedule of meeting dates does not include any meetings of Task & Finish Groups, which may be called at the request of any meeting of the Authority or its Committees. Similarly, it does not include any scheduled dates for meetings of the Members Development Group, Appointments or Appeals Committees, which will be called as and when required.
9. The draft schedules include proposed dates for the Authorities two Strategy Days. The initial annual Strategy Day, which forms part of Induction/training for Members, has been scheduled in July 2014 and 2015. The Budget Strategy Day is scheduled in January 2015 and 2016.
10. Should the Authority require additional Strategy Days during the year, these can be arranged in line with the business determined, as and when required.
11. "Learning Lunches", Station Visits and other Member Development events have been programmed into the attached schedule of meeting dates.
12. Members have previously requested that the number of meetings scheduled during April be kept to a minimum, to enable them to dedicate more time to canvassing and assisting their political groups in the run up to the local elections. This request has been adhered to when preparing the draft schedule of dates.
13. The proposed meeting dates also include a break throughout August to accommodate the peak holiday period and a break during the Christmas period.
14. Set meeting dates may be changed and other meetings convened as and when required, in accordance with Standing Orders.

Equality and Diversity Implications

15. None arising directly from this report.

Staff Implications

16. None arising directly from this report.

17. Once approved by the Authority, the dates of meetings will be published on the Portal for the information of all staff and on the Authority's Website for public record.

Legal Implications

18. Proposed meeting dates must be given in advance to Members in order to comply with the requirements of the Local Government Act 1972.

Financial Implications & Value for Money

19. The Authority considers Value for Money in all business reports. There are no financial implications arising directly from this report.

20. All meetings of the Authority are held at Authority Premises, usually Headquarters at Bridle Road Bootle, unless otherwise advertised.

21. Training wherever possible is provided in house, however if external training is required, this will be met by existing budgets.

Risk Management, Health & Safety, and Environmental Implications

22. None arising directly from this report.

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

23. The dates for meetings are set to ensure that Members of the Authority have adequate time and opportunity to fully consider and scrutinise the information provided to make informed decisions and provide the best possible service to keep the community of Merseyside Safer and Stronger and ensure our employees are Safe and Effective.

BACKGROUND PAPERS

GLOSSARY OF TERMS

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MERSEYSIDE FIRE AND RESCUE AUTHORITY**Dates of meetings and events****2014/15**

Meeting/ Event	
26/06/14	AGM - at Belle Vale Community Fire Station (<i>New Member induction at HQ before, Station crew & drill following</i>)
16/07/14	<i>Member Training PM (TBC)</i>
23/07/14	Strategy Day - at Training & Development Academy
24/07/14	Authority – at Bootle & Netherton Community Fire Station (<i>followed by Code of Conduct/ Legal Responsibilities Training</i>)
29/07/14	<i>(Learning Lunch– followed by)</i> Community Safety & Protection Committee
31/07/14	<i>(Audit Training followed by)</i> Audit Committee
Summer Break	
02/09/14	Consultation & Negotiation Sub-Committee
04/09/14	<i>(Learning Lunch, followed by)</i> Performance & Scrutiny Committee
09/09/14	<i>Station Visits</i>
23/09/14	<i>(Learning Lunch– followed by)</i> Policy & Resources
02/10/14	Authority – location tbc (<i>Followed by Equality & Diversity and EIA Training</i>)
16/10/14	Performance & Scrutiny Committee
23/10/14	<i>(Learning Lunch – followed by)</i> Community Safety & Protection Committee
18/11/14	<i>Station Visits</i>
27/11/14	<i>(Learning Lunch followed by)</i> Policy & Resources Committee
02/12/14	Consultation & Negotiation
11/12/14	Performance & Scrutiny
16/12/14	Authority - location tbc

Meeting/ Event	
Christmas and New Year	
08/01/15	<i>Station Visits</i>
15/01/15	<i>(Learning Lunch followed by)</i> Community Safety & Protection Committee
22/01/15	Budget Strategy Day - location tbc
27/01/15	Performance & Scrutiny Committee
29/01/15	Audit Sub-Committee
19/02/15	<i>Station Visits</i>
26/02/15	Budget Authority
19/03/15	Performance & Scrutiny Committee
24/03/15	Consultation & Negotiation Sub-Committee
26/03/15	<i>(Learning Lunch – followed by)</i> Policy & Resources Committee
14/04/15	<i>Station Visits</i>
16/04/15	<i>(Learning Lunch – followed by)</i> Community Safety & Protection Committee
Election Break	
21/05/15	Performance & Scrutiny Committee
26/05/15	Audit
28/05/15	Authority
11/06/15	AGM
30/06/15	Authority

Members who are unable to attend a meeting of a Committee to which they are appointed, please contact a suitable Member to represent you, and advise Democratic Services prior to the meeting in order to record your Apologies note your nominated alternate. DemocraticServices@merseyfire.gov.uk or Tel 0151 296 4112

All meetings of the Authority to start at 1pm at MFRA Headquarters unless otherwise indicated.

MERSEYSIDE FIRE AND RESCUE AUTHORITY**DRAFT Dates of meetings and events****2015/16**

Meeting/ Event	
11/06/15	AGM
30/06/15	Authority
02/07/15	Consultation & Negotiation Sub-Committee
14/07/15	Strategy Day
16/07/15	Audit Sub-Committee
23/07/15	Performance & Scrutiny Committee
28/07/15	<i>Station Visits</i>
30/07/15	<i>(Learning Lunch followed by)</i> Community Safety & Protection Committee
Summer Break	
03/09/15	Performance & Scrutiny Committee
10/09/15	<i>Station Visits</i>
17/09/15	<i>(Learning Lunch followed by)</i> Policy & Resources Committee
08/10/15	<i>(Learning Lunch followed by)</i> Community Safety & Protection Committee
22/10/15	Authority
05/11/15	Performance & Scrutiny Committee
12/11/15	Consultation & Negotiation Sub-Committee
19/11/15	<i>Station Visits</i>
03/12/15	<i>(Learning Lunch followed by)</i> Policy & Resources Committee
Christmas and New Year	
07/01/16	<i>Station Visits</i>
12/02/16	Performance & Scrutiny Committee
14/01/16	Budget Strategy Day
21/01/16	<i>(Learning Lunch followed by)</i> Community Safety & Protection Committee
25/02/16	Budget Authority
03/03/16	Consultation & Negotiation Sub-Committee
10/03/16	<i>Station Visits</i>
17/03/16	Performance & Scrutiny Committee
24/03/16	<i>(Learning Lunch followed by)</i> Policy & Resources Committee
14/04/16	<i>(Learning Lunch followed by)</i> Community Safety & Protection Committee
Election Break	
12/05/16	Audit Sub- Committee
19/05/16	Performance & Scrutiny Committee
26/05/16	Authority
14/06/16	AGM
30/06/16	Authority

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MERSEYSIDE FIRE AND RESCUE AUTHORITY			
MEETING OF THE:	MERSEYSIDE FIRE & RESCUE AUTHORITY ANNUAL GENERAL MEETING		
DATE:	26TH JUNE 2014	REPORT NO:	CFO/067/14
PRESENTING OFFICER	CLERK TO THE AUTHORITY		
RESPONSIBLE OFFICER:	JANET HENSHAW	REPORT AUTHOR:	HELEN PEEK DEMOCRATIC SERVICES MANAGER, EXT 4112
OFFICERS CONSULTED:	HELEN JONES, PAYROLL MANAGER		
TITLE OF REPORT:	MEMBERS ALLOWANCE PAYMENTS 2013/14		

APPENDICES:	APPENDIX 1: MEMBERS ALLOWANCE PAYMENTS INCLUDING REIMBURSEMENTS FOR FINANCIAL YEAR 2013/14
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Purpose of Report

1. To advise the Authority of payments made to Members in respect of allowances during the financial year 2013/14.

Recommendation

2. That Members note the information contained within the report and Appendix 1.

Introduction and Background

3. Regulation 15 of the Local Authorities (Members Allowances) (England) Regulations 2003 requires that the total sums paid to each Member for Basic, Special Responsibility, Travel, Subsistence and Co-optees Allowance be published. Appendix 1 (attached) details the amount of such allowances paid to Members during the 2013/14 financial year.
4. For clarity Merseyside Fire and Rescue Authority appointed an Independent Person who, with effect from 1st October 2013, carries out the duties of a Co-opted Member in relation to Independent Scrutiny, appointed to the Performance and Scrutiny Committee, as well as the role of an Independent Person to consider any complaints against a Member of the Authority (should any be made) in relation to a breach of the Members Code of Conduct. Invoices are submitted by the Independent Person for any works conducted in relation to these roles, checked by the Democratic Services Manager before approval being given for payment. Appendix 1 also includes payments for duties conducted by the Independent person in respect of these roles, which are paid at a daily attendance rate of £50.00 during 2013/14.

5. Appendix 1 also details total Basic and Special Responsibility Allowance (SRA) payments, made to Members appointed to special roles within Merseyside Fire and Rescue Authority, e.g. Chair of a Committee or Lead Member role.
6. Members appointed to specialist roles only receive an SRA payment for one role (usually the role with the largest responsibility), regardless of the number of appointed to, in line with the Members Scheme of Allowances.
7. Included in Appendix 1 are reimbursements for mileage, overnight accommodation, travel and subsistence allowances, which have been claimed by individual Members through the Authority's Scheme of Allowances. It is important to note that these are reimbursements for time and expenses incurred by Members, and are not payments in relation to travel and event bookings made direct by MFRA.

Equality and Diversity Implications

8. None arising out of the report.

Staff Implications

9. Members Allowance Claims are checked against attendance at events, and approved by the Democratic Services Manager for payment.

Legal Implications

10. Members have an approved Members Allowance Scheme and are therefore entitled to payment of allowances and reimbursement of expenses as set out within that scheme.

Financial Implications & Value for Money

11. The rates of allowances are determined by the Authority and are reviewed periodically.
12. The cost of Members payments for 2013/14, under the Scheme of Members Allowances, was £233,580.25, (compared to £245,581.31 2012/13).

Risk Management, Health & Safety, and Environmental Implications

13. Members of the Authority are required to use the most efficient method of transport when travelling on Authority business.

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

14. Members of the Authority are provided with basic allowances to cover costs of time, travel, subsistence and responsibility - providing Members with the opportunity and ability to attend events and represent the Authority, in making decisions for the benefit of the community.

BACKGROUND PAPERS

GLOSSARY OF TERMS

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Merseyside Fire and Rescue Authority Members Allowance Payments 2013-14 (Financial year)

Name	Basic £	Chair £	Vice Chair £	Group Leader £	Sub Chair £	Lead Member £	Cmttee Chair £	Opp Spoke £	Scale Subsist £	Trav & Subsist £	Overnight £	Mileage £	Co-optee (invoiced)	Independent (Invoiced)	Totals £
AYRES	8,070.00					2,018.04				3.20		394.79			10,486.03
BEBB	8,070.00					392.40									8,462.40
BLACKBURN	8,070.00			8,070.00											16,140.00
BYROM	8,070.00		12,105.00						785.44	334.23	763.20	1,276.33			23,334.20
DODD	1,569.17														1,569.17
GLADDEN	8,070.00					392.40				8.00		97.01			8,567.41
GRANNELL	8,070.00						6,053.04								14,123.04
HANRATTY	8,070.00	16,140.00							437.45	213.43	1,045.00	521.69			26,427.57
KELLY	8,070.00														8,070.00
MAHON	8,070.00				3,250.42		1,176.98								12,497.40
MALONEY	8,070.00		12,105.00						180.00	137.54	78.00	730.94			21,301.48
MOLONEY	8,070.00					2,018.04									10,088.04
MURRAY	8,070.00				784.58	1,625.64									10,480.22
NEWMAN	8,070.00					2,018.04									10,088.04
NIBLOCK	8,070.00				784.58	1,625.64				6.90					10,487.12
ROBINIE	8,070.00							4,035.00		22.40		86.86			12,214.26
ROBERTS	8,070.00				4,035.00										12,105.00
STAPLETON	6,500.83														6,500.83
SULLIVAN	8,070.00					2,018.04				100.00					10,188.04
BOYLE	0.00												400.00	50.00	450.00
Totals £	145,260.00	16,140.00	24,210.00	8,070.00	8,854.58	12,108.24	7,230.02	4,035.00	1,402.89	825.70	1,886.20	3,107.62	400.00	50.00	233,580.25

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MERSEYSIDE FIRE AND RESCUE AUTHORITY			
MEETING OF THE:	MERSEYSIDE FIRE AND RESCUE AUTHORITY ANNUAL GENERAL MEETING		
DATE:	26TH JUNE 2014	REPORT NO:	CFO/68/14
PRESENTING OFFICER	CLERK TO THE AUTHORITY		
RESPONSIBLE OFFICER:	JANET HENSHAW	REPORT AUTHOR:	HELEN PEEK DEMOCRATIC SERVICES MANAGER EXT 4112
OFFICERS CONSULTED:	HELEN JONES PAYROLL MANAGER		
TITLE OF REPORT:	SCHEME OF MEMBERS ALLOWANCES 2014/15		

APPENDICES:	<p>1: DRAFT MERSEYSIDE FIRE & RESCUE AUTHORITY SCHEME OF MEMBERS' ALLOWANCES – AGREED JUNE 2009, WITH SUBSEQUENT REVISIONS (AS INCLUDED IN DRAFT CONSTITUTION ON THIS AGENDA)</p> <p>2: MEMBERS ALLOWANCE PAY RATE 2013/14</p> <p>3: REVISED MEMBERS' ALLOWANCES PAY RATE 2014/15 IN LINE WITH PROPOSED STRUCTURE (AS PER SEPARATE REPORT ON THIS AGENDA)</p>
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Purpose of Report

1. To request the Authority to review the current Scheme of Members' Allowances, and make recommendations for any changes it wishes to make to the Scheme.

Recommendation

2. That the Authority:
 - a. Continues with its current Members' Allowances Scheme or;
 - b. Identifies any variations to the Scheme it may wish to be implemented, in line with the structure of the Authority which is being considered as a separate report on this agenda.
 - c. Note that any inflationary increase to Merseyside Fire and Rescue Authority's Scheme of Members Allowances is normally aligned to the previous years Firefighters' pay, which was awarded an increase of 1% in July 2013, and is subject to a 1% pay offer for 2014/15. Members should

therefore decide if:

- i. The Authority wish to apply or reject the 1% increase in line with Firefighters pay award July 2013, and;
 - ii. confirm their intention to accept or reject any pending pay increase in line with Firefighters pay award for 2014/15 (subject to National agreement) . This would apply to 2015/16 allowances.
- d. Consider and confirm if they are content for the combined roles of Co-opted Member (appointed to Performance and Scrutiny Committee as a none voting Member), and Independent Person (to consider any complaints against Members, alleged to have breached the Members Code of Conduct), to continue to be undertaken by Mr Anthony Boyle as 'Independent Person', and payment for conducting such roles be paid following submission and verification of invoices, at a daily attendance rate of £50 (as and when required).
- e. In line with the Authority's decision to reduce its Members Allowances Budget by 10% over four years, reduce the Special Responsibility Allowances for a Political Leader and Opposition Spokesperson by 50% as follows:
- i. A Political Leader (excluding Chairperson) reduction from £8,070.00 to £4,035.00; and
 - ii. Opposition Spokesperson from £4,035.00 to £2,017.50

Introduction and Background

3. The Authority's current Scheme for Members' Allowances, including the revised SRA's for Group Leader and Opposition Spokes Person for 2014/15, is attached as Appendix 1. The Scheme, adopted by the Authority on 22nd November 2004, was approved to take effect on 1st April 2005 and subsequently confirmed at the Annual Meeting in 2005, 2006, 2007, 2008.
4. In 2009 the Authority agreed an amendment to the Scheme of Allowances to include the addition of a Special Responsibility Allowance (SRA) of 50% of the basic allowance, for Members appointed as Deputy Group Leaders, should their group wish to appoint a Member to that position, with the provision that such allowance would not be payable where an SRA is also payable for performing the role of Vice Chair of the Authority.
5. The Authority also agreed that Members entitled to SRA's for the role of a 'Chair' or additional responsibilities such as a Lead Member would only be entitled to each type of SRA once. Therefore if a Member holds the position of Chair of more than one Committee, they will only receive the SRA for one role as opposed to two. This rule also applies to those appointed with additional responsibilities such as a Sponsor.

6. Members will recall that the Localism Act 2011 requires that an Independent Person (IP) be appointed to consider any complaints in respect of elected Members. The Authority considered entering into a shared arrangement with another Authority in the area, however it was not possible for practical reasons to achieve this outcome.
7. At the Annual Meeting 2013 The Authority considered and approved a job description for the role of Independent Person, as although no complaints have been received over the past few years, they recognised the importance of having someone available to undertake this role if required.
8. Furthermore, Members will recall that the National Framework for England requires Fire and Rescue Authorities to involve their communities in planning and to have effective scrutiny arrangements in place with independence in the process. In 2012 the LGA Peer Challenge report recommended that more independent scrutiny would give increased public assurance. A number of options were considered to provide this type of independent view including sharing arrangements with other FRA's. However most other FRA's had their own arrangements in place and therefore the Authority approved at its Annual meeting 2013, the Role and Responsibilities to appoint a Co-opted Member to sit on the Performance and Scrutiny Committee, without voting rights, who could give an impartial and independent view to this committee.
9. Following their appointment, it was with regret that one of the successful candidates was unable to take up the position and decision was made to offer Anthony Boyle the roles of both Independent Person and Co-opted Member under the title of 'Independent Person'.
10. The Authority is requested to consider if it believes that the combined undertaking of these roles by the appointed individual, has had any significant effect upon the Authority, which may justify terminating the arrangement; and if there is no just cause, confirm the continuation of the combined arrangements for 2014/15.
11. The scheme provides for payment of a basic allowance to all Councillors calculated at £8,070 from 1st April 2010 (in line with Firefighters Pay Award of the previous July). There was a pay freeze from 2010 until 2012 and a 1% increase to Firefighter pay in 2012, however the Authority resolved not to take the 1% increase in allowances at the Annual General Meeting 11th June 2013.
12. Firefighters were awarded a 1% pay increase in July 2013 which would normally be applied to uplift the 2014/15 allowances. In addition the the employers side of the NJC has currently made a pay offer of 1% pay for 2014/15 which would normally increase allowances for 2015/16 accordingly. . The Authority are requested to consider acceptance or rejection of the individual pay awards in relation to their Scheme of Allowances which is currently aligned to Fire fighters pay.

13. The Authority will consider the Structure of the Authority as a separate report on the Agenda. It is proposed that the structure remain the same as that of 2013/14 , therefore the only proposed change are in relation to SRA payment for Political Leaders to £4,035 and SRA payment for Opposition Spokesperson to £2,017.50 which is reflected in the proposed Members Allowance Pay Rates (Appendix 3) .

Equality and Diversity Implications

14. All Members are entitled to the same Basic Allowance, and SRA's are paid to Members for performing approved special responsibilities by reference to proportions of basic allowances.

Staff Implications

15. There are no staff implications arising directly from this report. This report relates to Members Allowances only.

Legal Implications

16. The Local Government Act 1972 and the Members Allowances (England) Regulations 2003 provide that a Scheme of Allowances is required and reviewed every year.

Financial Implications & Value for Money

17. The Authority resolved to achieve a 10% saving over a 4 year period, of the Members Allowance Budget which was set at £240K, as part of the budget setting at the Budget Authority meeting on 26th February 2014. The Current Members Allowance Budget is currently set at approximately £230K
18. The proposed reduction in Lead member and Opposition Spokesperson rates will meet the 10% saving target for 2014/15.

Risk Management, Health & Safety, and Environmental Implications

19. None arising directly from this report.

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

20. Payment of allowances at reasonable rates will ensure that Members are able to perform their functions in leading and setting the mission, policy and objectives for the Authority to achieve.

BACKGROUND PAPERS

CFO/067/13 SCHEME OF MEMBERS ALLOWANCES

CFO/015/13 TASK & FINISH GROUPFOR AUTHORITY STRUCTURE REVIEW

GLOSSARY OF TERMS

CLG Communities & Local Government

SRA Special Responsibility Allowance

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Scheme of Members Allowances

1. This Scheme is made on the 26th day of June 2014, in accordance with the Local Authorities (Members Allowances) England Regulations 2003 for the payment of Members Allowances.
2. This Scheme amends the previous Scheme made by the Authority with effect from the 1st day of April 2005 , as subsequently amended on 1st November 2008, 15th June 2009 and 11th June 2013. This Scheme shall continue until subsequently varied or revoked by the Authority.
3. Basic Allowance
 - 3.1 The Authority shall pay a Basic Allowance to each Member of the Authority who is a Councillor for each year.
 - 3.2 Subject to paragraphs 3.3, 7, 8, and 12 the Basic Allowance payable in respect of each year commencing on 1st April, 2014, shall be £8,070.
 - 3.3 Where a Member's term of office begins or ends at any time other than at the beginning or end of a year, their entitlement shall be to a proportion of the Basic Allowance that represents the number of days within that year, to which they are appointed as a Member of the Authority.
4. Special Responsibility Allowance
 - 4.1 Subject to paragraphs 4.2, 7, 8, and 12 the Authority shall pay to a Member of the Authority who is a Councillor and who has the Special Responsibility specified in column one of Schedule 1 to this scheme, a Special Responsibility Allowance in respect of each year, commencing on the 1st April 2014, of a sum specified in the corresponding part of column 2 of Schedule1.
 - 4.2 Should a Member be appointed to, or removed from a role carrying a Special Responsibility Allowance, at any point other than at the beginning or end of the year, their entitlement shall be to a proportion of the Special Responsibility Allowance, that represents the number of days within the year, to which they are appointed in that role.

5. Travelling and Subsistence Allowance

- 5.1 Subject to paragraphs 8, 9, and 12 the Authority shall pay to each Member of the Authority who is a Councillor, an allowance in respect of travelling and subsistence undertaken in connection with, or relating to the duties specified in paragraph 5.2, in respect of matters specified in column 1 of the second Schedule at the rates specified in the corresponding part of column 2 of the second Schedule.
- 5.2 The duties referred to in paragraph 5.1 (for which a travelling and subsistence allowance is payable) are:-
- (a) The attendance at a meeting of, the Authority, any sub – committee of the Authority, any other body to which the Authority makes appointments or nominations, or any committee or sub-committee of any such a body;
 - (b) The attendance at any other meeting, the holding of which is authorised by the Authority, or a committee or sub-committee of the Authority, or a joint committee of the Authority and one or more Local Authority within the meaning of section 270 (1) of the Local Government Act 1972, or a sub-committee of such a joint committee provided that:-
 - (i) Where the Authority is divided into two or more political groups, it is a meeting to which members of at least two such groups have been invited, or
 - (ii) if the Authority is not so divided, it is a meeting to which at least two members of the Authority have been invited.
 - (c) The attendance at a meeting of any association of authorities of which the Authority is a member.
 - (d) The attendance at any conference or meeting approved by the Authority (or the Monitoring Officer, acting under delegated powers on behalf of the Authority).whether inside or outside of the United Kingdom, for the purpose of discussing any matter which relates to the interests or the functions of the Authority, or to any function of Local Authorities in which the Authority has any interest.
 - (e) The attendance at seminars and presentations arranged by the Chief Fire Officer, the Monitoring Officer, or the Authority, which relate to the interests or the functions of the Authority, or to any function of local authorities in which the Authority has an interest.
 - (f) Making official and courtesy visits, whether inside or outside the United Kingdom, on behalf of the Authority, as approved by the Authority, or a Committee of the Authority (or the Monitoring Officer acting under delegated powers on behalf of the Authority.)

6. Independent Persons Allowance

The Authority shall pay an Independent Person Allowance, in respect of attendance at conferences and meetings, to any individual who is not a Member of the Authority, but who is appointed as a co-opted member of a Committee (or Sub-Committee) of the Authority.

Subject to paragraphs 6.3, 7, 8, 9, and 12, the Independent Person's Allowance, payable in respect of each year commencing on 1st April 2014, shall be to a sum of £50 for each day of attendance at meetings or events.

7. Suspension of Allowances

Where a Member of the Authority (or of a Committee of the Authority (as the case may be)) is suspended from their responsibilities or duties as a Member of the Authority in accordance with part III of the Local Government Act 2000 or regulations made under that part, then the Authority may withhold:-

- (a) the part of the Basic Allowance payable to that Member in respect of the period for which they are suspended or partially suspended; and/or
- (b) the part of the Special Responsibility Allowance payable to that Member in respect of the responsibilities or duties from which they are suspended or partially suspended; and/or
- (c) any Travelling and Subsistence Allowance payable to the Member in respect of the responsibilities or duties from which they are suspended or partially suspended; and/or
- (d) any Independent Person's Allowance payable to that Member in respect of the responsibilities or duties from which they are suspended or partially suspended.

8. Repayment of Allowances

Where payment of any allowance has already been made in respect of any period during which the Member concerned is:-

- (a) suspended or partially suspended from their responsibilities or duties as a Member of the Authority in accordance with Part III of the Local Government Act 2000 or regulations made under that part; or
- (b) Ceases to be a Member of the Authority; or
- (c) is in any other way not entitled to receive the allowance in respect of that period.

The Authority may require that such part of the allowance as relates to any such period, be repaid to the Authority.

9. No Duplication of Payment

Where a Member of the Authority is also a Member of another authority, that Member may not receive allowances from more than one authority in respect of the same duty.

10. Elections to Forgo Allowances

A person may, by notice in writing given to the Monitoring Officer, elect to forgo their entitlement, or any part of their entitlement to allowances.

11. Claims and Payments

11.1 Claims for Travelling and Subsistence Allowances, and Independent Person's Allowances must be made by the person to whom they are payable within 6 months of the date from which entitlement to such allowances arises.

11.2 The Authority has the right to refuse payment where the allowance is not claimed within the period specified in paragraph 11.1.

12. Annual Adjustment of Allowances

The allowances specified in paragraphs 3 (Basic Allowance), 4 (Special Responsibility Allowance), 5 (Travelling and Subsistence Allowance) and 6 (Independent Person's Allowance), shall be increased annually with effect from the 1st day of April in each year, by the same proportion as the increase in salary of firefighting staff in the Service in the year prior to 1st April of the year for which an allowance under this scheme is payable, unless The Authority resolves otherwise.

13. Date from which Amendments to the Scheme are to apply

Where an amendment is to be made to this scheme by the Authority, which affects an allowance payable for the year in which the amendment is made, entitlement to such allowance as amended, shall apply with effect from the date of approval of the amendment by the Authority.

Schedule 1 – Special Responsibility Allowances

<u>Column 1</u> (Special Responsibility)	<u>Column 2</u> (Amount of Special Responsibility Allowance)
Chairman	£16,140
Vice Chairman (incl. Chair Of Committee)	£12,105
A Political Group Leader (excl. Chairperson)	£4,035
Opposition Spokesperson	£2,018
Committee Chair (excl. Authority Chair/ Vices & Leaders/Opposition Spokesperson)	£6,053
Sub-Committee Chair	£4,035
Additional Responsibility (except the Chairman, a Vice Chairman, Leader/Opposition Spokesperson, Chair of a Committee or Sub-Committee)	£2,018

Only one additional Responsibility Allowance payable regardless of how many additional responsibility roles held.

Schedule 2 – Travelling & Subsistence Allowances

1. Travel Allowance

<u>Column 1</u> (type of travel)	<u>Column 2</u> (rates of allowance)
Travel by public transport	A sum equal to the costs of the ordinary fare, or in the case of travel by rail the cost of first class travel
Travel by motor cycle	22.6p per mile
Travel by motor vehicle	56.4p per mile
Travel by taxi	A sum equal to the actual fare and any reasonable gratuity paid.
Travel by air	A sum equal to the cost of the ordinary fare, or where travelling on a flight scheduled to take at least 5 hours a sum equal to the cost of club class

2. Subsistence Allowance

<u>Column 1</u> (absence period)	<u>Column 2</u> (rates of allowance)
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2.1 Where the Authority does not pay for overnight accommodation direct and:

Absence overnight in UK from usual place of residence (other than in London)	£148.00
Absence overnight from usual place of residence in London (i.e. the city of London, Boroughs of London, Greenwich and Fulham, Islington, Kensington and Chelsea, Lambeth, Lewisham, Southwark, Tower Hamlets, Wandsworth and Westminster)	£180.00
Absence overnight outside the U.K.	£180.00

2.2 Subject to paragraph 2.3. where the Authority pays for overnight accommodation direct and there is absence from the usual place of residence, a subsistence allowance of £56.82 in London and £44.77 elsewhere, is payable. Where the absence does not involve an absence overnight:-

(a) Breakfast Allowance

Absence of more than 4 hours £9.01
Before 11a.m.

(b) Lunch Allowance

Absence of more than 4 hours, £13.55
Including the period of 12noon and 2pm

(c) Tea Allowance

Absence of more than 4 hours £5.64
Including 3pm to 6pm

Or;

(d) Evening Meal Allowance

Absence of more than 4 hours £16.92
ending after 7pm

2.3 Where meal(s) are provided free of charge to the Member their entitlement to an allowance will not apply in respect of the meal period for which such meal or meals are provided without charge to the Member.

Member Allowances 2014/15

Original Source: CFO/117/05

Revised 'Scheme of Members Allowances' 01/11/08

Increased each 1st April in line with Firefighters Pay Award of previous July

Increase applied 01/04/10 = 1.25%

Basic Allowance	Annual	New Monthly
Members	£ 8,070	£ 672.50

	Daily Attendance Rate
Co-Optee / Independent Person	£50 payable via Invoice

Special Responsibility Allowance	Annual	New Monthly
(payable to certain Members in addition to Basic)		
Chair	£16,140	£ 1,345.00
Vice Chair (incl. Chair of Committee)	£12,105	£ 1,008.75
A Political Group Leader (excl. Chairperson)	£ 4,035	£ 336.25
Opposition Spokespersons	£ 2,018	£ 168.17
Committee Chair (excl. Authority Chair/ Vices & Leaders)	£ 6,053	£ 504.42
Sub-Committee Chair	£ 4,035	£ 336.25
Additional Responsibility (unless in receipt of any other special responsibility)	£ 2,018	£ 168.17

Members Travel & Subsistence Allowances 2014/15

Travel	New Allowance
Motor Cycle (pence per mile)	22.6
Motor Vehicle (pence per mile)	56.4

Overnight Subsistence

Overnight Stay – London & Approved Conferences	£180.00
Overnight stay outside London	£148.00

If accommodation is paid directly by the Authority the allowance is reduced to:

London & Approved Conferences	£56.82
Outside London	£44.77

Day Subsistence

Breakfast	£ 9.01
Lunch	£13.55
Tea	£ 5.64
Evening Meal	£16.92
Full day subsistence	£39.49

Where any meal is provided free of charge, the corresponding allowance will not be payable

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(Previous report CFO/067/13 APPENDIX C)

Member Allowances Pay Rate 2013/14

- ◆ Original source : CFO/117/05
 - ◆ Revised 'Scheme of Members Allowances' 01/11/08
 - ◆ Increase applied 01/04/10 = 1.25%
 - ◆ Increased each 1st April in line with Firefighters Pay Award of previous July
 - ◆ Pay Increase in line with Firefighters Pay Award July 2012 Rejected by Authority 11th June 2013
- £

Basic Allowance	Annual	New Monthly
Members	£8,070	672.50
Co-optee (Performance & Scrutiny Committee)	£297	24.75

Special Responsibility Allowance**Annual New Monthly**

Payable to certain Members in addition to Basic.

£

Chair	£16,140	1345.00
Vice Chair (<i>including Chair of Committee</i>)	£12,105	1008.75
A Political Group Leader (<i>Excluding Chairperson</i>)	£8,070	672.50
Opposition Spokesperson	£4,035	336.25
Committee Chair (<i>Excluding Authority Chair/Vices & Leaders</i>)	£6,053	336.25
Sub Committee Chair	£4,035	336.25
Additional Responsibility (<i>unless in receipt of any other special responsibility</i>)	£2,018	168.17

Members Travel & Subsistence Allowances 2013/14**Travel****New Allowance**

Motor Cycle	p. per mile	22.6
Motor Vehicle	p. per mile	56.4

Overnight Subsistence:

£

Overnight stay London & approved conferences	180.00
Overnight stay outside London	148.00

If accommodation is paid directly by the Authority the allowance is reduced to:

£

London & approved conferences	56.82
Outside London	44.77

Day Subsistence:

£

Breakfast	9.01
Lunch	13.55
Tea	5.64
Evening Meal	16.92
Full day subsistence	39.49

Independent Person Expenses 2013/14

Hourly rate	£25.00 per hour
Travel Time	£12.50 per hour (pro rata)

Where any meal is provided free of charge, the corresponding allowance will not be payable.

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Proposed Member Allowances Pay Rate 2014/15

- ◆ Original source : CFO/117/05
- ◆ Revised 'Scheme of Members Allowances' 01/11/08
- ◆ Increased each 1st April in line with Firefighters Pay Award of previous July
- ◆ Increase applied 01/04/10 = 1.25%
- ◆ Pay Increase in line with Firefighters Pay Award July 2012 Rejected by Authority 11th June 2013

- ◆ Consider acceptance/rejection of 1% Pay Increase in line with Firefighters Pay Award July 2013 at AGM 26th June 2014
- ◆ Consider acceptance/rejection of any Pay Increase in line with Firefighters Pay Award 2014 at AGM 26th June 2014

£

Basic Allowance	Annual	New Monthly
Members	£8,070	672.50
Co-optee (Performance & Scrutiny Committee)	£297	24.75

Special Responsibility Allowance

Annual New Monthly

Payable to certain Members in addition to Basic.

£

Chair	£16,140	1345.00
Vice Chair (<i>including Chair of Committee</i>)	£12,105	1008.75
A Political Group Leader (<i>Excluding Chairperson</i>)	£4,035	336.25
Opposition Spokesperson	£2,018	168.17
Committee Chair (<i>Excluding Authority Chair/Vices & Leaders</i>)	£6,053	336.25
Sub Committee Chair	£4,035	336.25
Additional Responsibility (<i>unless in receipt of any other special responsibility</i>)	£2,018	168.17

Members Travel & Subsistence Allowances 2013/14

Travel

New Allowance

Motor Cycle	p. per mile	22.6
Motor Vehicle	p. per mile	56.4

Overnight Subsistence:

£

Overnight stay London & approved conferences	180.00
Overnight stay outside London	148.00

If accommodation is paid directly by the Authority the allowance is reduced to:

£

London & approved conferences	56.82
Outside London	44.77

Day Subsistence:

£

Breakfast	9.01
Lunch	13.55
Tea	5.64
Evening Meal	16.92
Full day subsistence	39.49

Independent Person Expenses 2013/14

Hourly rate	£25.00 per hour
Travel Time	£12.50 per hour (pro rata)

Where any meal is provided free of charge, the corresponding allowance will not be payable.

MERSEYSIDE FIRE AND RESCUE AUTHORITY			
MEETING OF THE:	MERSEYSIDE FIRE & RESCUE AUTHORITY ANNUAL GENERAL MEETING		
DATE:	26 JUNE 2014	REPORT NO:	CFO/070/14
PRESENTING OFFICER	CLERK TO THE AUTHORITY		
RESPONSIBLE OFFICER:	JANET HENSHAW	REPORT AUTHOR:	
OFFICERS CONSULTED:			
TITLE OF REPORT:	QUESTIONS ON THE DISCHARGE OF FUNCTIONS		

APPENDICES:	NONE
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Purpose of Report

1. To request that the Authority nominates a Member from each of the five constituent District Councils as the Members responsible for answering questions in their Council on the discharge of the functions of the Fire & Rescue Authority.

Recommendation

2. That the Authority nominates five Members (one from each constituent District Council) as the Members responsible for answering questions within their Council on the discharge of the functions of Merseyside Fire & Rescue Authority.

Introduction and Background

3. There is a requirement under Section 41 of the Local Government Act 1985 for the Authority to nominate Members of the Authority from each constituent Council to answer questions within their Council on the discharge of the functions of the Fire & Rescue Authority.
4. It is at the discretion of the Authority who it appoints in each case for this purpose and there is no requirement that the nominee should be from the main political group either on the Authority or within the constituent Council.
5. The Members nominated in 2013/2014 under Section 41 were:-
 - Knowsley - Councillor Tony Newman
 - Liverpool - Councillor Dave Hanratty
 - Sefton - Councillor Les Byrom
 - St. Helens - Councillor Linda Maloney
 - Wirral - Councillor Denise Roberts

Equality and Diversity Implications

-
6. There are no direct equality and diversity implications from this report. However it is considered that having one Member from each district council appointed to answer questions on the discharge of functions, ensures accurate and consistent information is passed on to each district across Merseyside.

Staff Implications

7. There are no staff implications in relation to this report, as this report relates to Members of the Authority.

Legal Implications

8. By appointing Authority Members from each district council to answer questions on the discharge of functions, the Authority will be meeting their requirement under Section 41 of the Local Government Act 1985.

Financial Implications & Value for Money

9. None arising from this report.

Risk Management, Health & Safety, and Environmental Implications

10. None arising from this report.

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

11. Having Authority Members appointed to answer questions in their council ensures that accurate, relevant information is fed back to the community to confirm what the Authority does in support of achieving our mission.

BACKGROUND PAPERS

GLOSSARY OF TERMS

MERSEYSIDE FIRE AND RESCUE AUTHORITY			
MEETING OF THE:	MERSEYSIDE FIRE & RESCUE AUTHORITY ANNUAL GENERAL MEETING		
DATE:	26 JUNE 2014	REPORT NO:	CFO/071/14
PRESENTING OFFICER			
RESPONSIBLE OFFICER:	JANET HENSHAW	REPORT AUTHOR:	
OFFICERS CONSULTED:			
TITLE OF REPORT:	APPOINTMENT TO OUTSIDE ORGANISATIONS		

APPENDICES:	NONE
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Purpose of Report

1. To inform the Authority of the outside organisations to which it is currently affiliated and to request where appropriate, confirmation of continuing affiliation for 2014/15 and the appointment of representatives to those organisations.

Recommendation

2. That the Authority considers whether it wishes to confirm continuing affiliation with each of the organisations specified in this report, and as appropriate appoints Members to provide Authority representation on each of the outside organisations, as listed below:

Introduction and Background

3. (A) Local Government Association

At the 2013 Annual Meeting Councillors Hanratty, Byrom and Maloney (as an additional Member) were appointed as the representatives on the Fire Services Commission (which replaced the Fire Forum). Councillor Grannell was also appointed as the Authority's representative on the Urban Commission, however the Urban Commission was disbanded in October 2013.

All Fire Authorities in full or corporate membership of the Association have the right to representation and voting on this Commission in accordance with Article 10 (and Schedule 1) of the LG Group Constitution, Standing Orders and Political Conventions. Additional members from fire and rescue authorities appointed as necessary by the political groups to ensure political balance as provided by Article 9.3.

For 2014, the LGA again offered a 2.5% loyalty discount to all Authorities renewing their Membership and a further 2.5% prompt payment discount. Therefore, continued affiliation to the LGA was approved by the Authority at its Budget Meeting on 26th February 2014 and a payment of £10,460 (including a 5% discount) was made as requested.

In addition, the Authority has agreed to meet any costs related to Members attendance at associated meetings.

(B) North West Employers' Organisation

The Authority is a Member of the North West Local Authorities Employers Organisation. For 2013/14 Councillor Roy Gladden was the appointed representative.

Confirmation of continuing membership and nomination for this position is now requested.

(C) National Joint Council

Currently Councillor Dave Hanratty is the appointed Spokesperson on the Employers side of the National Joint Council for Local Authorities Fire Brigades.

(D) North West Fire and Rescue Forum

The North West Fire and Rescue Forum was established in April 2014 following the disbanding of the North West Partnership Board. This Forum elected to have a Membership of Chairs, Vice Chairs and Chief Fire Officers.

The Members representing the Authority are the Chair and Vice Chair(s).

(E) Fire Support Network and Toxteth FireFit Hub

Councillor Tony Newman is currently appointed as a Trustee and Member of the Fire Support Network and the Toxteth FireFit Hub as part of his current Lead Member role. Any changes in Trusteeships must be approved by the Company Board.

(F) Association of Metropolitan Fire & Rescue Authorities

The Authority appointed Councillors Hanratty and Maloney to the Association of Metropolitan Fire & Rescue Authorities in 2013/14. Members are requested to confirm appointment to this Association for 2014/15.

(G) Local Authorities Confronting Disasters and Emergencies - L.A.C.D.E.

At the Annual Meeting 2013, the Authority confirmed its affiliation to L.A.C.D.E. and appointed Councillor Ted Grannell as representative. The cost of affiliation is approximately 500 dollars and the affiliation period is January – December.

(H) Merseyside Brussels Office

This organisation represents the interests of the local authorities in Merseyside and other public sector and voluntary organisations within the European Community offices in Brussels.

At the Annual meeting 2013, the Authority approved continued affiliation to the Merseyside Brussels Office and appointed Councillor Steve Niblock as the Authority's representative.

Members are asked to confirm if they wish to continue Membership of the Merseyside Brussels Office; and if so, to appoint a Member as the representative. The previous cost of affiliation was £6,000 per annum, however the operating costs of the Merseyside Brussels Office are now covered by Merseytravel and as a result there is no cost to the Fire and Rescue Authority. This represents an annual saving in the region of £6,000

Equality and Diversity Implications

4. Appointments and participation in the above organisations will assist the Authority in developing diversity further.

Staff Implications

5. There are no staff implications in relation to this report.

Legal Implications

6. At its AGM the Authority is required to appoint Members to any appropriate and approved outside bodies.

Financial Implications & Value for Money

7. The costs of membership of the above organisations can be met from existing budgets.

Summary of Estimated Costs of Subscriptions

	£'000
LGA	10.5
NW Employers	2.8
Merseyside Brussels Office	0.0
LACDE	<u>0.5</u>

Risk Management, Health & Safety, and Environmental Implications

8. Members of the Authority are appointed to outside organisations to learn from them, lend support to them and encourage development for both the Authority and the organisation, to help create as safe an environment as possible in the most environmentally friendly manner.

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

9. The appointment of Members to outside organisations helps to develop the Authority's knowledge to ensure they continually learn and develop and continue to play an active key role in the development and safety of the community it serves.

BACKGROUND PAPERS

GLOSSARY OF TERMS

MERSEYSIDE FIRE AND RESCUE AUTHORITY			
MEETING OF THE:	MERSEYSIDE FIRE & RESCUE AUTHORITY ANNUAL GENERAL MEETING		
DATE:	26 JUNE 2014	REPORT NO:	CFO/072/14
PRESENTING OFFICER	CLERK TO THE AUTHORITY		
RESPONSIBLE OFFICER:	JANET HENSHAW	REPORT AUTHOR:	
OFFICERS CONSULTED:			
TITLE OF REPORT:	APPROVED CONFERENCES AND OUTSIDE MEETINGS		

APPENDICES:	APPENDIX A: DRAFT OUTLINE OF APPROVED CONFERENCES/ OUTSIDE MEETINGS
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Purpose of Report

1. To consider the list of approved conferences and outside meetings and any revisions to the list that the Authority wish to make.

Recommendation

2. That the draft list of conferences attached to the report, be approved subject to any suggested revision.

Introduction and Background

3. Members' presence at conferences and outside meetings is imperative to their role and development as Authority Members. This ensures their inclusion in local and national issues to enable them to make the best decisions for the public of Merseyside.
4. In accordance with the Scheme of Members Allowances, the Authority annually reviews the conferences and outside meetings which are approved as standing events at which the Authority should be represented by appropriate numbers of Members and Officers. The existing list is appended to this report and Members are requested to consider any appropriate revisions.
5. Member representation at approved conferences and outside meetings and at any other conferences, is determined and agreed by the Clerk To The Authority in consultation with the Chair of the Authority and/ or Vice-Chair's and Party Leaders.

6. Where a conference or meeting is directly linked to a Lead Member role, the appropriate Lead Member may be requested to attend to represent the Authority.

Equality and Diversity Implications

7. None arising directly from the report

Staff Implications

8. There are no direct implications with regard to staff in relation to this report. However Officers may be required to accompany Members at events relating to their areas of expertise.

Legal Implications

9. None arising directly from this report.

Financial Implications & Value for Money

10. A sum of £14,800 has been allocated in the Democratic Representation Budget for the payment of Conference Fees for Members. It is anticipated that costs will be contained within the agreed budgets.

Risk Management, Health & Safety, and Environmental Implications

11. Members use the most efficient method of travel when attending conferences and outside meetings.

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

12. Members' attendance at conferences and outside meetings enables the Authority to be represented appropriately, providing opportunity to put forward suggestions, share experience and gain further knowledge. This ensures that the Authority is best placed to make the most appropriate decisions; and provide the best service possible to the communities of Merseyside.

BACKGROUND PAPERS

GLOSSARY OF TERMS

MERSEYSIDE FIRE AND RESCUE AUTHORITY

DRAFT LIST OF APPROVED CONFERENCE/OUTSIDE MEETINGS

1. In accordance with the scheme of Members Allowances, the following conferences and meetings are recommended for approval as standing events at which the Authority should be represented, subject to the Clerk determining precise representation, following consultation with the Chair and Opposition Spokespersons and also having ascertained that sufficient budgetary provision is available:-
 - LGA Annual Meeting (General Assembly) and Conference;
 - LGA Fire Services Commission (replaced Fire Forum);
 - LGA Urban Commission Meetings;
 - LGA Annual "Fire" Conference (normally preceded by Fire Services Management Committee)
 - North West Employers Meetings;
 - Meetings of North West Fire and Rescue Forum
 - Meetings with the District Auditor;
 - Budget consultation meeting with the Chamber of Commerce;
 - Meetings with Merseyside Co-ordinating Committee;
 - Meetings with Merseyside Brussels Office;
 - Meetings of Metropolitan Chief Fire Officers;
 - Chief Fire Officers Association (CFOA) Annual Conference
 - Meetings with Ministers
 - Meetings with MP's

2. There is also a Fire Services Management Committee (FSMC) which the Authority Members are appointed to by the LGA's political groups through their own appointments process.

3. In accordance with the terms of the scheme, Members attending the above conferences and meetings are entitled to claim the appropriate attendance, travel and subsistence allowances. The Clerk, following consultation with the Chair and Opposition Spokespersons, subject to budgetary resources being available, also has delegated power to determine the attendance of Members at other conferences and meetings of outside organisations.

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MERSEYSIDE FIRE AND RESCUE AUTHORITY			
MEETING OF THE:	MERSEYSIDE FIRE & RESCUE AUTHORITY ANNUAL GENERAL MEETING		
DATE:	26 JUNE 2014	REPORT NO:	CFO/073/14
PRESENTING OFFICER	CLERK TO THE AUTHORITY		
RESPONSIBLE OFFICER:	JANET HENSHAW	REPORT AUTHOR:	
OFFICERS CONSULTED:			
TITLE OF REPORT:	MEETINGS WITH NATIONAL POLITICIANS AT PARTY POLITICAL CONFERENCES		

APPENDICES:	NONE
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Purpose of Report

1. To consider possible attendance of Members at meetings held at the location of party political conferences, in order to make Authority related representations in line with the Members Scheme of Allowances.

Recommendation

2. That:
 - a. appropriate representatives of the political groups of the Authority be authorised to attend meetings with Ministers, Opposition Spokespersons and other relevant national politicians to be held at the location of their own party political conferences to discuss issues relating to the business of the Authority; and
 - b. appropriate travel and subsistence expenses for such meetings be met but no payment of conference fees be made,
 - c. Members are requested to report back to the Authority regarding issues raised and responses; and progress on information received.

Introduction and Background

3. The Authority has in previous years approved the attendance of representatives of its party political groups at meetings held at the venue of their respective autumn party conferences. The purpose of such attendance has been to meet with national politicians whenever possible during conference week to act as advocates for the work of the Service and to discuss issues of importance to the Authority from a national perspective.

4. Members are requested to consider if they wish to approve the recommendation in this report, to enable the attendance of Authority Members at meetings convened at party conferences, to make representations on behalf of the Authority at a significant political level.

Equality and Diversity Implications

5. None appertaining to this report.

Staff Implications

6. None in relation to this report. This report relates to Members of the Authority, not staff.

Legal Implications

7. It is important that the right representation is agreed by Members so that the relevant allowances can be paid pursuant to the Members Allowance Regulation 2003.

Financial Implications & Value for Money

8. There will be some costs in relation to Members attendance at events which will depend on particular circumstances of attendance and regularity of such events. However these costs can be contained within the existing Democratic Representation budget.

Risk Management, Health & Safety, and Environmental Implications

9. Members are required to use the most efficient method of travel to such events.

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

10. Representation with National politicians at party political conferences is imperative to ensure the views of the Authority, Service and Community are expressed and considered at key political level.

BACKGROUND PAPERS

GLOSSARY OF TERMS

MERSEYSIDE FIRE AND RESCUE AUTHORITY			
MEETING OF THE:	MERSEYSIDE FIRE & RESCUE AUTHORITY ANNUAL GENERAL MEETING		
DATE:	26 JUNE 2014	REPORT NO:	CFO/076/14
PRESENTING OFFICER	DEPUTY CHIEF FIRE OFFICER (ON BEHALF OF THE TASK & FINISH GROUP)		
RESPONSIBLE OFFICER:	DCFO PHIL GARRIGAN	REPORT AUTHOR:	NICK MERNOCK – DIRECTOR OF PEOPLE & ORGANISATIONAL DEVELOPMENT
OFFICERS CONSULTED:	JANET HENSHAW – CLERK TO THE AUTHORITY CLLR STEVE NIBLOCK (CHAIR OF TASK & FINISH GROUP) CLLRS TONY NEWMAN, ROY GLADDEN & LESLEY RENNIE – MEMBERS OF THE TASK & FINISH GROUP)		
TITLE OF REPORT:	FEEDBACK OF TASK & FINISH GROUP - HR POLICIES		

APPENDICES:	APPENDIX A:	CONDUCT AND CAPABILITY POLICY *
	APPENDIX B:	CONDUCT (DISCIPLINE) SERVICE INSTRUCTION
	APPENDIX C:	CAPABILITY SERVICE INSTRUCTION
	APPENDIX D:	ABSENCE AND ATTENDANCE SERVICE INSTRUCTION
	APPENDIX E:	FIREFIGHTER HEALTH AND FITNESS SERVICE INSTRUCTION
	APPENDIX F:	POSITIVE MENTAL HEALTH AND WELLBEING SERVICE INSTRUCTION
	APPENDIX G:	MEDICAL DISCHARGE PROCEDURE
	APPENDIX H:	COMMITTEE REPORT 17TH JANUARY 2005
	APPENDIX I:	EQUALITY IMPACT ASSESSMENT

* Please see background papers

Purpose of Report

1. To request that Members consider the feedback from the Task & Finish Group, established to review HR Policies and Procedures and the recommendations of the Performance and Scrutiny Committee in relation to sickness absence and discipline; and approve the adoption of the new Policies and Procedures which have resulted from the review.

Recommendation

2. That Members;
 - a) Note the work undertaken by the Task and Finish Group and agree that its function is ceased should the Authority approve the recommendations within this report.
 - b) Approve the recommendation of the Task and Finish Group and the Performance & Scrutiny Committee, to endorse the introduction of the following Policies and Procedures:
 - Conduct & Capability Policy
 - Absence & Attendance Service Instruction
 - Capability Service Instruction
 - Conduct (Discipline) Service Instruction
 - Firefighter Health & Fitness Service Instruction;
 - Medical Discharge procedure
 - Positive Mental Health and Wellbeing – Service Instruction
 - c) Agree the recommendation of the Task and Finish Group and Performance & Scrutiny Committee, to revoke the local agreement of 2005 in respect of Disciplinary Management Levels and in doing so agree to the reversion back to those stipulations contained within the Grey Book for ALL staff.
 - d) Approve the attendance of Members of the Task & Finish Group, at training sessions with Managers around the new procedures.
 - e) Approve the submission of regular update reports to the Performance & Scrutiny Committee, regarding implementation of the policies and procedures.

Introduction and Background

3. At its meeting on 6th December 2012, the Performance & Scrutiny Committee requested that a Task & Finish Group be established to scrutinise the Authority's sickness absence levels and review its policies and procedures in relation to the management of sickness absence.

4. This initial Task & Finish Group consisted of Cllr Steve Niblock (Chair of the Task & Finish Group), Cllr Roy Gladden and Cllr Tony Newman. The Group met on four occasions between January 2013 and May 2013, to consider and scrutinise the question:

“Why are the current levels of sickness absence across the Authority not reducing and can any action be taken to reduce this?”

5. A significant amount of information was considered and reviewed by the initial Group, such as:
 - Current policies and procedures in relation to Sickness Absence, Mental Health, Ill Health Retirement, Other duties roles and Discipline.
 - Breakdown of sickness absence statistics for long-term and short-term sickness
 - Costs to the Authority associated with sickness absence
 - The impact on appliance availability due to long term and short term sickness absence
 - The support services available to staff through the Authority’s Occupational Health Services.
6. The Group concluded that the introduction of a Capability Procedure may support and assist the Authority as it seeks to respond to long-term or persistent absence, but that any such procedure could not be viewed in isolation from other related procedures.
7. The Group therefore recommended that:
 - Officers complete a review of all policies and procedures related to the management of sickness absence and discipline in the Organisation.
 - A further Task & Finish Group be established to reflect the expanded Terms of Reference, in order to scrutinise all new or amended policies and procedures, prior to recommending or otherwise, the associated policies/procedures for formal approval and implementation by the Authority.
8. At a meeting of the Authority on 27th June 2013, Members approved these recommendations; and resolved that the Group be re-established and expanded to include Cllr Lesley Rennie, taking the Membership of the Group to four.
9. Following a comprehensive review of all relevant policies and procedures by Officers, a briefing was held for all Authority Members on 3rd December 2013, to inform the Authority of the emerging issues, prior to the Task & Finish Group re-convening.
10. The Task & Finish Group re-convened on 19th December 2013. At this meeting, the Group considered a number of draft policies, Service Instructions and other documentation prepared for them, in relation to:

- Conduct (Discipline) procedure
 - Absence & Attendance
 - Capability
 - Firefighter Health & Fitness; and
 - Medical Discharge
11. The Group met again on 14th January 2014 to consider each DRAFT document in detail. The group considered the Policies and Procedures and the training that would be delivered to first line managers as part of the implementation process. At this meeting, the Group suggested changes to the procedures and recommended that an 8 week consultation period commence with Representative Bodies regarding the DRAFT documentation.
 12. A third meeting of the Group took place on 11th February 2014, for the Group to receive an update on progress in relation to the consultation.
 13. The final meeting of the Group took place on 6th May, following conclusion of the Consultation period (extended to a full 12 weeks at the request of the representative bodies), where the Group considered the outcomes of the Consultation and agreed their recommendations.
 14. A report concerning the feedback and recommendations of the Task & Finish Group was subsequently considered by the Performance & Scrutiny Committee on 29th May 2014, at which it was recommended that the report and the draft new policies and procedures, be submitted to the full Authority for approval.

Construction of the Revised Policies

15. The Task and Finish group were presented with a suite of policies and procedures that not only addressed the two key areas of focus, but enhanced the current procedures to ensure transparent and consistent application for all employees, irrespective of the conditions of service they are aligned to.
16. The policies have been constructed to reflect statute and case law and include capability for managing performance and attendance issues and conduct to manage discipline issues.
17. The Absence and Attendance policy has been refreshed and rewritten to complement the capability procedure.
18. The Firefighter Health and Fitness Policy and Service Instruction reflect national guidance and encourage a healthy lifestyle for all operational teams via fitness routines, lifestyle and dietary support.
19. The medical discharge process has been refreshed to reflect the capability procedure.

20. The proposed Policies recognise that the employer and employee have a responsibility to support staff to perform or to perform to the best of their ability.
21. The Capability procedure introduces a transparent process that is able to address sickness absence in a supportive manner, whilst recognising the need for employees to contribute to the day to day delivery of the Service by the identification of the areas of improvement required within employee's patterns of attendance or performance.
22. The procedure references the need to access equality and diversity advice when dealing with disability related concerns to ensure that all reasonable adjustments are considered and implemented in respect of the workplace environment and through the introduction of supportive applications were practicable.
23. The Conduct procedure, which broadly reflects the current Grey Book Discipline procedure, changes the range of sanctions available to Green and Red book employees, who have historically received a greater warning period than their grey book colleagues. The procedure also introduces alternative sanctions to dismissal which previously were not available. This harmonisation of the Discipline processes facilitates a singular transparent process that is equitable across all employees and thereby reduces the risk of discriminatory challenge due to unequal or inconsistent treatment.
24. The most fundamental change to this procedure is that it provides for a consistent approach to appeals against dismissal for all employees within the Service, with Grey Book employees no longer having a level of appeal to Members but now appealing to a Principal Officer which is consistent with current arrangement for Green and Red book employees. This places the final management decisions with the Deputy Chief executive, Deputy Chief Fire Officer or Chief Fire Officer.
25. Members should be aware that the Grey Book National conditions of service do not stipulate member involvement in the appeal process. This requirement was introduced as part of a local agreement in January 2005 and led to an inconsistency of treatment between Grey book, and Green and Red Book employees. Additionally a failure to address this difference will also undermine the introduction of the capability procedure, as there will again be different treatment for our employees at the final stage.
26. The revised Absence and Attendance procedure, maintains the initial absence trigger of 8 days sickness or 3 periods of Absence, however the outcome of breaching this trigger will be considered utilising the newly proposed capability procedure as opposed to the discipline procedure which is currently applied.
27. This will result in interventions which are instigated in order to support improvement, as opposed to the application a formal disciplinary warning which was the case under the original procedure. This is being revised to take account of the often unpalatable situation where an employee who has been off sick with genuine illness receiving a formal disciplinary sanction.

Outcomes of the consultation Process

28. All Trade Unions were fully consulted following the recommendation of the Task and Finish Group in order that the group could consider all comments made in relation to the proposed changes. This consultation has taken place over a full twelve weeks in order that the representative bodies were fully able to consider the views of their members, and to allow consideration of all suggested changes. Below is a summary of the key issues raised.
29. Unite put the proposal to their regional official who were content with the procedures, and re-emphasised the recognition that a Capability procedure was a more supportive mechanism to deal with absence than the current procedure.
30. The Fire Officers Association was also broadly content with the revised procedures, acknowledging the intent of the revisions proposed. They raised an amendment to the absence and attendance procedure – suggesting that the Authority only consider charging employees if they fail to attend planned medicals without just cause. This amendment has been incorporated within the final version
31. Unison accepted the revisions to the conduct policy as they benefited their membership, but proposed a hearing panel of 3 as is operated within organisations such as the NHS, as opposed to a single hearing manager. This has not been accepted as a change due to the disproportionate impact this would have on managerial effectiveness. For an organisation of Merseyside Fire and Rescue Authority's size it is unrealistic and impracticable to utilise 3 managers to hear one disciplinary case. An example of this would be that a level 3 hearing would require the attendance of 3 Area Managers or Directors as well as an HR advisor, a Group Manager to present the case, and a note taker.
32. Unison also proposed some amendments to the Hearing and Appeal timescales for both the Capability and Conduct procedures, and these have been incorporated into the revised procedures.
33. Unison suggested that the Service Instructions and guidance notes were incorporated into one document as a single point of information and to enhance the transparency of processes. This suggestion will be actioned in relation to the Conduct and Capability procedure.
34. The Fire Brigades Union also proposed some amendments to the construct of the policies which have been incorporated into the revised versions, and assisted in the balance of the Capability policy to ensure it improves on the current Absence procedure.
35. The only major area of concern raised by the FBU was the proposed revision of the scheme of delegation in relation to management levels for the management of Conduct and Capability. The proposed changes reflect those contained within the Grey Book and remove the stipulation that Appeals against dismissal

will be heard by elected members. Failure to revoke the current local agreement would conflict directly with the introduction of the Capability procedure. It is recommended that the appeals will now be heard by a Principal Officer.

36. This change is required in order to ensure conduct and capability issues are dealt with at the lowest possible management level. This change allow managers to manage at the appropriate level, and remove the need to deal with issues at an unrealistically high level as is currently the case due to the local agreement currently in place. It is widely recognised that Capability and Discipline is most effectively applied at the lowest possible managerial level – allowing for the earliest and most effective intervention possible.
37. The Authority Report to amend the Grey Book provisions and introduce a local agreement was approved by members on 17th January 2005, and that report is attached as attached as Appendix H. This included the scheme of delegated Powers to Officers contained in Appendix A ,paragraph 12 of that report, the stipulation *“this scheme of delegation shall apply with effect from 1st January 2005 until and unless further amended or revoked by the Authority”*
38. The recommendation of the Task and Finish group and the Performance and Scrutiny Committee is that Members now approve the revocation of this local agreement, and agree the revised policy document to facilitate the management of Capability and Conduct at the most appropriate managerial levels, aligning the procedure to that within the Grey Book

Implementation

39. The Capability procedure represents a fundamental change in the management of employee performance and sickness absence. As such the Task and Finish Group recommends that a training package is created to support the development of managers who are required to apply this process, as well as providing continued professional support to Service Managers through the introduction of Business Managers from within the People and Organisational Development Directorate.
40. As such a two day course has been developed by the Organisational Development Team, and this will be delivered prior to the full introduction of the Capability procedure. This will address the procedural knowledge and understanding required to respond to the changes, as well as the communication skills required to ensure a consistent approach is applied to the same circumstances taking full account of the implications of each case.
41. Mangers will be given a central point of contact within the People and Organisational Development Team with whom they can discuss cases in a confidential and safe environment to both verify, and confirm the preferred course of action.

Equality and Diversity Implications

42. All proposed policies and procedures have been subject to an Equality Impact Assessment (EIA) attached as Appendix I. The revised policy documents harmonise the terms and conditions for all employees, and ensure transparency and equal treatment. The previous policies whilst being established nationally differed greatly in the potential treatment of certain employees and consequently left the Authority at risk of legislative challenge.

Staff Implications

43. The proposed new suite of policies and procedures recommended following this review, have been the subject of consultation with all the relevant representative bodies.
44. The harmonisation of procedures across areas ensures the consistent treatment for all staff employed by the Authority.
45. The Authority will continue to provide comprehensive Occupational Health Services support to all its employees, in order to assist staff return to work as soon as practicable.

Legal Implications

46. The recommended policies and procedures, comply fully with all relevant legislation and will be delivered and implemented within the relevant legal parameters.

Financial Implications & Value for Money

47. The costs associated with sickness absence are a significant financial burden to the Authority, especially given the scale of the current financial challenge. The robust management of absence at all levels will assist in reducing this financial burden, as much as possible.
48. The total cost between January 2012 and January 2013 for sickness absence (excluding payments to cover absent posts) was £1,292,598.

Risk Management, Health & Safety, and Environmental Implications

49. The Authority place the highest importance on the health and safety of its employees, having extensive occupational health services, support and processes in place, which play a crucial role in maintaining the health and wellbeing of all employees.
50. The Authority will continue to manage sickness absence fairly and in a supportive manner.

51. Failure to manage sickness absence effectively will have an impact on the services provided to the public – with particular regard to response and prevention.

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

52. The Policies and Procedures introduced will ensure that staff availability is maximised to limit the impact on the Authority’s resources in order to keep the communities of Merseyside and its Firefighters safe.

BACKGROUND PAPERS

CFO/082/13 FEEDBACK OF TASK & FINISH GROUP REGARDING SCRUTINY OF SICKNESS ABSENCE

*

The titles of some of the Service Instructions have been changed following the consultation process to ensure that they are streamlined, consistent and form practical documents for ease of reference.

The Conduct and Performance policy has become the Conduct and Capability Policy

The Capability Procedure Service Instruction and Guidance notes has become the Capability service instruction.

Conduct (Discipline) guidance Notes has been incorporated into the Conduct (Discipline) Service instruction

GLOSSARY OF TERMS

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Policy Conduct and Capability

Document Control

Description and Purpose

To provide Managers with an overview of the approach to take in order to manage Conduct and Capability issues.

Active date	Review date	Author	Editor	Publisher
		POD	N Mernock	Sue Nash
Permanent	<input checked="" type="checkbox"/>	Temporary	If temporary, review date must be 3 months or less.	

Amendment History

Version	Date	Reasons for Change	Amended by
New			

Risk Assessment (if applicable)

Date Completed	Review Date	Assessed by	Document location	Verified by(H&S)

Equalities Impact Assessment

Initial	Full	Date	Reviewed by	Document location
	<input checked="" type="checkbox"/>			

Civil Contingencies Impact Assessment (if applicable)

Date	Assessed by	Document location

Related Documents

Doc. Type	Ref. No.	Title	Document location
SI		Values Based Appraisal	
SI		Probation	
SI		Firefighter Health and Fitness	
SI		Absence and Attendance	
SI		Capability	
SI		Conduct	

Contact

Department	Email	Telephone ext.

Target audience

All MFRS	<input checked="" type="checkbox"/>	Ops Crews	<input type="checkbox"/>	Fire safety	<input type="checkbox"/>	Community FS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Principal officers		Senior officers		Non uniformed					

Relevant legislation (if any)

Employment Rights Act 1996
Equality Act 2010

CONDUCT & CAPABILITY POLICY

Number – [this will be allocated by Strategy and Performance Function]

1. Policy Introduction and Background

Merseyside Fire & Rescue Authority (MFRA) recognises the importance that its people, and their performance has on the continued success of the Service, as a result, it places great importance on an employee's ability to undertake their role in a manner which meets the needs and expectations of the Authority.

The aim of this policy is to ensure fair treatment for all employees in the organisation with regards to their conduct and/or capability.

The introduction and application of this Policy and its associated Service Instructions will ensure that all employees understand and are supported to achieve and maintain the standards of conduct and capability expected by the Authority.

The associated processes will also provide a transparent framework for dealing with any alleged failure to observe or attain the required standards.

Formal disciplinary and capability procedures that can be demonstrated to be fair, transparent, and consistently applied, promote good employee and employment relations which improve performance and contribute to the mission of creating and maintaining Safer Stronger Communities and Safe Effective Firefighters.

The documents have been prepared to reflect and improve on the statutory provisions and ACAS Code of Practice and National and Local Government Conditions of Service.

They have the status of collective agreements with the representative bodies and as such are deemed as contractual.

2. Policy Explanation

The guiding principle(s) of the Conduct and Capability Policy is to obtain improvement in the conduct, performance and/or attendance of the Authority's employees whilst seeking to address any problems which are causing or contributing to poor conduct, poor performance or poor attendance. All actions are intended to be corrective not punitive.

The associated procedures will ensure that all employees regardless of grade understand the processes to follow, the scope of the procedures; the rights of the employee and employer, the requirement to undertake an appropriate investigation; the stages of the procedures; the support available to secure improvement; corrective actions that can be applied; and the appeal mechanism.

Conduct Definition - “Won’t”

Conduct can be defined as a deliberate behaviour or action and indicates that the employee has a choice in what they do. It refers to a breach of standards or expectations which the employee chooses not to meet, for example, timekeeping or not wearing Personal Protective Equipment (PPE). In the Service it is mainly regulated with policies, procedures and through the adherence to service instructions.

Capability Definition – “Can’t”

Capability is defined in the Employment Rights Act 1996 S.98 (3) (a) as “assessed by reference to skill, aptitude, health or any other physical or mental quality”. It therefore covers performance, ability and attendance. One of the key features of a lack of capability is that, unlike a conduct issue, it may be outside of the individual’s direct control.

Conduct or capability

It can be difficult to determine initially whether an issue is one of conduct or capability. For example, an employee may have poor attendance. In one case a person may want to attend work but is medically unfit to do so, as a result this is a capability issue. Alternatively, an employee may choose not to attend work although they could or they may manage the trigger system, and this would be a conduct issue. Both cases would be handled very differently.

In all cases an informal route is preferable to deal with an issue at the earliest opportunity. Often a quiet word, explanation or re-iteration of standards and expectations, or conversations about additional support can be sufficient to resolve the issue. However, there are occasions where an informal approach is not appropriate and formal action may need to be considered.

Where some form of formal action is needed, whatever action is reasonable is dependent on all the particular facts of that case. Each case needs consideration on its own merits and it is important to deal with issues fairly.

Employers Responsibilities

- Employers and employees should raise and deal with issues promptly and should not unreasonably delay meetings, decisions or confirmation of those decisions.
- Employers and employees should act consistently.
- Employers should carry out any necessary investigations, to establish the facts of the case.
- Employers should inform employees of the basis of the problem and give the employee an opportunity to explain their position in response before any decisions are made.
- Employers should allow employees to be accompanied at any formal disciplinary hearings and capability meetings.
- Employers should allow an employee to appeal against any formal decision made.
- Where an issue relates to ill health the employee will, of course, be treated with particular sensitivity and correspondence with employees will refer to

medical (in) capability rather than to poor performance.

There will be cases where the relevant procedure for conduct or capability has been implemented, appropriate supportive steps put in place, reasonable adjustments made or warnings regarding required improvements issued, but have unfortunately proved unsuccessful. In such cases the standards or expectations of the organisation have not been met.

Following a transparent and reasonable process utilising the principles of natural justice, steps may be taken to terminate the individual's employment for reasons of conduct or capability whichever is appropriate.

Responsibilities of All Employees

- To comply with the Authority Ground Rules and Values.
- To comply with explicit legal and contractual duties for example, those laid out in the Health and Safety at Work Act or in their Terms and Conditions
- To undertake reasonable request and obligations in their roles (part of the implicit contract)
- To follow Service instructions and work routines and to make themselves aware of service policies and procedures
- To comply with their job descriptions or role map which provide examples of a performance measure expected by the Authority
- Participate actively in appraisals to agree objectives to provide specific measurable achievable and reviewed targets.

3. Policy Implementation

The Conduct and Capability Policy will be implemented through the application of the following procedures and instructions

- Conduct Service Instruction
- Capability Service Instruction
- Values Based Appraisal Service Instruction
- Probation Service Instruction
- Firefighter Health and Fitness Service Instruction
- Absence and Attendance Service Instruction
- Medical Discharge Procedure
- National Conditions of Service



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Service Instruction

Conduct (Discipline)

Document Control

Description and Purpose

To advise Managers of the process and procedures relating to conduct issues

Active date	Review date	Author	Editor	Publisher
		Professional Standards	P Dwyer	Sue Croker
Permanent	<input checked="" type="checkbox"/>	Temporary	If temporary, review date must be 3 months or less.	

Amendment History

Version	Date	Reasons for Change	Amended by
New		Converted onto SI format	

Equalities Impact Assessment

Initial	Full	Date	Reviewed by	Document location
	<input checked="" type="checkbox"/>			

Related Documents

Doc. Type	Ref. No.	Title
Policy		Conduct and Capability Policy
SI		Capability

Contact

Department	Email	Telephone ext.
POD		

Target audience

All MFS	<input checked="" type="checkbox"/>	Ops Crews	Fire safety	Community FS
Principal officers		Senior officers	Non uniformed	

Introduction

The aim of this Service Instruction is to ensure consistent, fair and treatment for all employees through the application of a consistent procedure for the management of Conduct (discipline) in the workplace.

Procedures that can be demonstrated to be fair, transparent and consistently applied promote good staff and employment relations which improves performance and contribute to the Mission of creating and maintaining Safer Stronger Communities and Safe Effective Firefighters.

This procedure has been prepared to reflect and improve on the statutory provisions and ACAS Code of Practice and National and Local Government Conditions of Service. It has the status of a collective agreement with the representative bodies and as such is deemed contractual.

Clear rules and procedures set standards of conduct at work and help to ensure that those standards are understood and adhered to whilst providing a transparent method of dealing with any alleged failure to observe them. These are represented by the ground rules, employees' code of conduct and through the personal values adopted by the Authority that under pin all we do.

Purpose of Procedure

This procedure applies in cases of conduct. The basis of this procedure is that the principle of natural justice applies, at every stage, in a framework which also ensures fairness for both employees and managers. A guiding principle of the procedure is to obtain improvement and remedy problems.

Scope of the Procedure

The procedure, which reflects and improves on the statutory provisions and the ACAS Code on Disciplinary and Grievance Procedures, is designed to help and encourage all * employees to achieve and maintain the standards of conduct expected by the Service. The aim is to ensure consistent and fair treatment for all employees in the organisation.

* The Monitoring Officer will be dealt with under the Local Authority Standing Orders Regulations (2001)

Principles

All disciplinary procedures are designed to be corrective, not punitive and to indicate to employee's what is required to meet the standards expected by the Authority.

- The procedure is designed to establish the facts without undue delay and to deal consistently with conduct issues. Where external information is required, for example from the police or courts, these agencies will be advised of the necessity to provide

information in a timely manner. No disciplinary action will be taken until the matter has been investigated.

- The employee will be advised of the nature of the complaint, and following the principle of natural justice, be given the opportunity to state their case.
- The employee can be represented or accompanied by a Trade Union representative or by a fellow employee/ friend of their choice.
- An employee will not be dismissed for a first breach of discipline, except in the case of **Gross Misconduct**, when after investigation, the penalty will normally be dismissal without notice and without pay in lieu of notice.

When deciding whether a disciplinary penalty is appropriate and what form it should take, the Authority will bear in mind the need to act reasonably in all the circumstances.

Factors which might be relevant include,

- the extent to which standards have been breached,
- precedents,
- the individual's general record, position and length of service
- Whether any special circumstances might make it appropriate to adjust the severity of the penalty.

The individual has a right to appeal against any disciplinary action taken against them subject to compliance with specific timescales.

Level of Management Matrix

In most cases investigation is undertaken by the employee's line manager. However, there may be circumstances where this is not appropriate e.g., where the line manager may be involved in the alleged misconduct, or has commitments or absences, which may unreasonably delay the investigation.

Therefore, the Service has the right to appoint a different person other than the line manager to undertake the investigation as the "Investigating Manager".

	Investigation	Meeting/Action	Maximum Sanction	Appeal
Informal	Line Manager or above	N/A	None - Note for Case recorded	N/A
Stage 1	Line Manager Watch Manager /Station Manager (or equivalent) or above	Station Manager (or equivalent) or above	6 Months First Written warning	Group Manager (or equivalent)
Stage 2	Station Manager (or equivalent) or above	Group Manager (or equivalent or above)	18 Months Final Written Warning	Area Manager/ Director
Stage 3	Group Manager (or equivalent) or above	Area Manager/ Director or above	Dismissal Or 18 Months Final Written Warning 13 days Stoppage of Pay Demotion Disciplinary Transfer	Principal Officers

The Procedure

Informal Stage

Managers have a right to manage and to hold informal management meetings with employees. A management meeting does not require Trade Union representation and tends to be a one to one informal discussion with the line manager.

The separate formal stages of initiating action, investigation, hearing, and decisions are not relevant at this stage. The informal approach means that minor problems should be dealt with quickly and confidentially. The line manager will speak to the employee about their conduct, and may put this in writing although it would not form part of the formal disciplinary record. This Note For Case should be shared with the employee and kept by the manager in a secure location in case it is required at a later stage by Professional Standards.

At the informal stage, the manager will ensure that employees are clear on the expected outcomes and the process by which they will be achieved. If the employee's conduct fails to improve or is not maintained, or if during the course of the informal action, it becomes apparent that the issue warrants a formal approach, the formal conduct procedure may be initiated.

Formal Process

First formal stage.

An employee's line manager, for example the Watch Manager (or equivalent) or above, may initiate the conduct process and investigate. Following a disciplinary hearing, if the employee is found on the balance of probability to have committed an act of misconduct; the usual first step would be to give them a warning.

A warning must give details and an explanation of the decision. It should make it clear to the employee that failure to improve or modify behaviour may lead to further disciplinary action, and advise them of their right of appeal. A warning will be disregarded for disciplinary purposes after six months, subject to satisfactory conduct and will be expunged.

Second Formal Stage

Where there is a failure to improve or the improvement is not sustained in the timescale set at the first formal stage, or where the offence is sufficiently serious, the sanction may be no greater than a final written warning. This sanction may only be issued following an investigation and disciplinary hearing.

A final written warning must give details and an explanation of the decision. It should make it clear to the employee that failure to improve or modify behaviour may lead to dismissal or to some other sanction, and advise them of their right of appeal. A final written warning should be disregarded for disciplinary purposes after eighteen months. Where a lesser sanction is issued, the same right of appeal applies.

A final written warning may only be given to an employee by their Group Manager (or equivalent) or above.

Third Formal Stage

Where an employee fails to improve or where the offence is sufficiently serious, there should be an investigation and formal hearing. The sanctions available may include dismissal. As an alternative to dismissal the outcome may be-

- A warning
- Demotion – either within grade/ role or no more than one grade/ role. A demotion of more than one grade/ role can only be done with the agreement of the employee.
- Disciplinary transfer.
- Loss of pay up to a maximum of thirteen days pay.

Employees will be informed of their right to appeal and details of the appeals process.

Only Area Manager, Director or above have delegated powers to dismiss employees.

Advising the employee

Employees will be invited to all formal meetings in writing to advise them of the allegation and their right to representation.

They will be advised of the time, date and location of hearings and any special reporting instructions, especially where this is not the employee's normal location.

Where one of the potential outcomes is dismissal for Gross Misconduct or the employee is on a final written warning, the employee will be advised of this fact.

The employee will be furnished in advance with any documentation pertaining to that hearing.

Timescales

The timing and location of the hearing should (wherever practicable) be agreed with the employee and / or their representative. The length of time between the written notification and the hearing should be long enough to allow the employee and/or their representative to prepare and shall in any event be not less than:

- Ten working days for First Formal Stage
- Ten working days for Second Stage
- Twenty One working days for the Third Stage.

These periods are changeable by mutual consent.

Gross Misconduct

If after investigation, it is deemed that an employee has potentially committed an offence which constitutes Gross Misconduct, the normal consequence will be dismissal. Acts which constitute Gross Misconduct are those resulting in a serious breach of contractual terms and thus potentially liable for summary dismissal.

Examples (but not an exhaustive list) of Gross Misconduct are:-

- Serious bullying or harassment based on the protected characteristics detailed in the Equality Act 2010;
- Major infringement of the Authority's Code of Conduct;
- Theft, fraud, bribery;
- Action endangering life and limb;
- Assault or physical violence;
- Deliberate damage to Authority property;
- Serious unauthorised disclosure of information or breach of confidentiality;
- Deliberate falsification of records;
- Serious incapability for work through alcohol or illegal drugs;
- Offences of a sexual nature or sexual/race discrimination within the workplace;
- Serious negligence which causes or might cause unacceptable loss or injury;

Service Instruction: Conduct

- Failure to comply with a significant or reasonable order, instruction or contractual requirement;
- Unauthorised absence from work;
- Serious insubordination;
- Commission of criminal offences outside work, which have a substantial impact upon the employee's ability to perform their duties or are relevant to the employees employment;
- Serious infringement of health and safety rules.

Suspension

This is a neutral act. In situations where the allegations are such that it would be inappropriate for the employee to remain at the workplace, the Professional Standards Manager may consider it appropriate to suspend the employee to facilitate a speedy and unhindered investigation and/or to alleviate any potential intimidation of staff. Such suspension is not to be regarded as a form of disciplinary action and will be for as short a period as possible. Employees will receive their full contractual pay for the duration of the suspension.

Grievances

In the course of the conduct process an employee may raise a grievance that is related to the case. If this happens, Professional Standards may consider suspending the disciplinary proceedings for a short period while the grievance is dealt with. Depending on the nature of the grievance, Professional Standards may need to consider bringing in another Manager to deal with the conduct issue.

Appeals

An employee has a right of appeal against any formal disciplinary action taken against them, within 14 days of the decision as to such action being communicated to them, and to be represented at an appeal hearing by a Trade Union representative or work colleague.

The appeal must include the specific grounds of appeal. These will normally be one of the following:

- There was a procedural defect,
- The issue is not proven on the balance of probabilities,
- The disciplinary sanction was too severe,
- New evidence has come to light since the hearing which will have an impact on the decision.

Dealing with Special Situations

Trade Union Officials

Disciplinary action against a trade union official can lead to a serious dispute if it is seen as an attack on the union's functions. Although the normal disciplinary process should apply, if

disciplinary action is contemplated then the case should additionally be discussed with a senior Trade Union representative or full-time official.

Criminal Charges or Convictions outside Employment

All involvement with the Police should be reported immediately to Professional Standards. See Service Instruction 0771 “Notification to the Service by an Individual Subject to Police Involvement or Criminal Investigation”

Failure to notify Professional Standards may result in disciplinary action being taken.

These should not be treated as automatic reasons for dismissal. The main consideration should be whether the offence is one that makes workers unsuitable for their type of work. In all cases, the Authority, having considered the facts, will need to consider whether the conduct is sufficiently serious to warrant instituting the disciplinary procedure.

DRAFT

Conduct (Disciplinary) Guidance

The Guidance

This does not form part of the conduct procedure, and should not be regarded as such. Discipline is the responsibility of line managers; this guide has been designed to offer practical advice to all employees to understand the handling of conduct issues at work.

Further advice and guidance is available from the HR Department, either by email to Professional Standards or by calling 0151 920 4320.

Confidentiality

All discipline records and notes should be kept confidential and in accordance with the Data Protection Act 1998.

Equal Opportunities

It is essential that conduct proceedings are applied in a non-discriminatory way. Equality considerations will be made, as appropriate, throughout the application of the procedure (e.g. taking into account an employee's disability when arranging facilities for discussions, interviews, hearings, or awareness of potential language difficulties where an employee's first language is not English). This aspect of the procedures is carefully monitored.

Human Rights

The provisions of the Human Rights Act 1998 should be considered when applying the conduct procedures. For example, particular care needs to be taken to meet an employee's "right to respect for private and family life", when carrying out disciplinary investigations and gathering of evidence in relation to an employee's conduct. As a general principle, consent is required before surveillance or monitoring of communications is undertaken, however express consent is not always required. Any investigation should be compatible with the Service Instruction 0810.

Advice should be sought before embarking on investigations involving surveillance, direct monitoring of telephone calls or e-mails.

Communicating the required standards

If the standards are to be fully effective, they need to be clearly communicated to all employees, understood by them, and accepted as reasonable. This can be done in a number of ways.

During recruitment

It is important to make prospective employees aware of the standards expected within their

new employment.

During induction and the probationary period

This stage sets standards immediately so the new employee is fully acquainted with the terms and conditions of their employment, codes of conduct, details of their duties and responsibilities and expected standards.

Job Descriptions/ role map

It is important that employees have access of their job/role description and understand what is expected of them in work.

Appraisals

It is important for both employee and line manager to meet to review, monitor and positively reinforce standards of conduct.

Checking the facts on employee conduct

Managers need to refer to various documents, records, and files, as relevant (e.g. working time records, service instructions, work files, absence records, correspondence, existing personnel records, and files for any relevant information and background, financial records etc.)

Informal Action

Minor breaches of conduct, unless persistent, are usually best dealt with via an informal discussion between the immediate line manager and the employee. Such discussions are effective in achieving necessary improvements and are an important management practice.

The informal discussion is essentially a two-way problem-solving exercise, where emphasis is placed on finding ways in which the employee can remedy any shortcomings.

There is no need for trade union representation at this stage, because such meetings are an **integral part of the line manager/employee relationship**.

How to conduct an informal discussion

If a timely and quiet word has not resolved the issue a Manager may wish to hold a more structured informal meeting and the following should be undertaken.

Managers should organise a mutually convenient time with their employee advising that they want to discuss an issue in private.

- Managers should collate relevant information pertinent to the issue with specific examples where appropriate

- They should explain their reasons for calling the meeting.
- Managers should use an open questioning technique to encourage discussion
- Managers should establish why there have been any shortcomings by exploration of the facts.
- Managers should listen to employee explanations.

Only where the problem is identified to be more serious misconduct should the issue continue to be dealt with as a formal conduct matter.

Agree an Improvement Plan

If the employee's conduct has fallen below acceptable standards, managers should consider agreeing an improvement plan with the employee where a structured approach is required. It should include :

- The improvement which is required and by when
- Any actions agreed which will facilitate the necessary improvement
- Clear information as to who will do what and when.
- When the issue will be reviewed, in accordance with the plan.

One copy of this should be given to the employee and the original securely retained by the Manager as it may be referred to at any subsequent disciplinary hearing if the misconduct persists. ([Appendix 1](#))

Monitor progress and review

The plan must be monitored and reviewed to check that the necessary improvement has been achieved. The outcomes of the review may be one of the following;

- If the improvements have been achieved, these must be recognised and the employee informed that their efforts have been successful, and the improvements must be maintained.
- If the improvements have not been achieved, depending on the circumstances, further discussion, or formal disciplinary action may be needed.

If the misconduct is considered more serious, or where the employee has already had an informal discussion and failed to achieve the required level of improvement, the formal stages of the conduct procedure should be invoked.

It would not be appropriate to either commence or continue with an informal approach if there is already sufficient reason to consider that there has been a breach of the Service's rules or other act of more serious misconduct. In such circumstances, a formal investigation should be conducted in accordance with the conduct procedure.

Formal Process

The need for investigation

A fair handling of disciplinary matters requires a thorough and prompt fact finding and information gathering exercise through :

- Enquiring into the circumstances surrounding the alleged misconduct.
- Giving the employee a chance to offer an explanation.
- Taking a balanced view of the information that emerges.
- Ensuring that all relevant or potential witnesses are interviewed.
- Accurate recording of all relevant information arising from the investigation.
- Reaching a decision as to whether or not there are sufficient grounds for an allegation of misconduct.

Conducting an investigation

In most cases, this is undertaken by the employee's line manager. However, there may be circumstances where this is not appropriate e.g., where the line manager may be involved in the alleged misconduct, or has commitments or absences, which may unreasonably delay the investigation.

Therefore, the Service has the right to appoint a different person other than the line manager to undertake the investigation as the "Investigating Manager".

The role of the Investigating Manager

The Investigating Manager's task is to :-

- Establish relevant facts
- Assemble evidence, which may or may not support the allegation.
- Decide whether the matter should go to a formal disciplinary meeting and notifying the Director of People and Organisational Development of this need.
- Prepare a detailed report of the allegations and collate supporting documents, ensuring these are submitted to Professional Standards who will share this with the employee and Disciplinary Manager.
- Present the case together with appropriate evidence at the disciplinary hearing.

Fact finding

It is vital that the Investigating Manager undertakes a thorough investigation into the facts by asking open questions to elicit information, for example:

What?

- What actually happened, in as much detail as possible or, perhaps
- What should have happened?

- What were the required standards?

Who?

- Who else is involved? Is there more than one person?
- Are there any witnesses?
- Who else may know something or have a relevant opinion?

When?

- When did the potential misconduct happen?
- Was it on more than one occasion?

Where?

- Was it at their place of work?
- Where were they, where should they have been?

Why?

- Why did the employee behave in that way?
- Are there any mitigating circumstances?

How?

- How did the employee act?

Each case must be investigated and assessed on the individual circumstances, and may require the collection of evidence from a range of sources. Investigations should include :-

- An examination of evidence which may either corroborate or refute the employee's response during investigation.
- An examination of any other relevant evidence, which may be identified from other sources of enquiry, for example, signed witness statements.
- A review of the employee's record e.g. any previous disciplinary action (providing time limits have not expired), notes of informal discussions, improvement plans etc.
- The employee's statements

Holding an investigatory interview

The Investigating Manager will convene an investigatory interview with the employee, in order to put questions to them and provide an opportunity for the employee to answer and explain their actions.

Natural justice requires that an employee should have sufficient details of the nature of the alleged misconduct to enable them to prepare, and employees have the right to be

accompanied if they so wish.

If an employee's trade union representative/work colleague is not available on the date given, an alternative date should be sought within a reasonable timescale.

At the interview

The Investigating Manager will,

- Introduce everyone in the room (where necessary) explaining their role, explain that the interview is investigative and is not a formal disciplinary hearing, and at the end of the interview, no immediate disciplinary action will be taken. However, the information provided by the employee may influence whether to proceed to a formal disciplinary hearing or not.
- Confirm that an unaccompanied employee does not want to have representation. If they do want a representative, ascertain why that person is not at the meeting. If a reasonable explanation is provided, it may be necessary to permit one adjournment, to allow a representative to attend.
- Explain the nature of the potential misconduct in detail, for example, dates, location, number of occasions etc.
- Ask any relevant questions relating to the potential misconduct, giving the employee every opportunity to respond, at the end of each question.

Note: The employee does not have a right of silence, which was provided in the previous Discipline Regulations, and is expected to co-operate with the investigation.

Investigatory Managers should:

- Keep an open mind.
- Remain calm throughout.
- Listen carefully to what the employee says.
- Ask searching questions as detailed above
- Avoid accusatory statements and questions.
- Allow the employee to talk without interruption
- Avoid being critical or judgmental during the interview.
- Conclude the interview when satisfied that all the pertinent information has been gathered.

When concluding the interview :-

- The Manager should ascertain whether there is anything else the employee or representative would like to say, which is pertinent to the investigation.
- Advise the employee that their representations will be considered and any further/ necessary enquiries will be undertaken.
- Advise the employee what will happen next.

After the interview the Investigating Manager should,

- Ensure that the interview notes are written up to form a statement.
- Investigate fresh issues which have been raised or evidence which needs to be examined,
- Decide on the balance of probabilities whether or not the employee has committed the misconduct and what should happen next. This will depend on the evidence and the options will fall into one of three categories.
 1. A conclusion that there is no formal case to answer

The employee has not committed misconduct, or there is a lack of evidence to justify such a conclusion. The employee should be informed as soon as possible that the matter will not be progressed and the relevant information sent to HR for reference purposes.

2. Alternatively where there are minor breaches of conduct not requiring formal action, an informal discussion should be initiated,
3. A firm conclusion that there is a formal disciplinary case to answer

The Formal Disciplinary Hearing

Purpose

The purposes of a formal disciplinary hearing is to :-

- Hear the allegations of misconduct and evidence relating to it.
- Give the employee a fair opportunity to answer the allegations.
- Decide whether misconduct has been committed by the employee.
- Consider the action to be taken.
- Inform the employee of that decision, and if appropriate their right of appeal

Moving to the hearing stage

Once the Investigating Manager has completed their investigations, and following consultations with an HR Adviser concluded that the matter should be dealt with formally; an appropriate Disciplinary Manager will be appointed by Professional Standards to chair the meeting

Normally the Manager who has investigated the case will present management's case in the disciplinary hearing. However, in exceptional circumstances this might not be appropriate and advice should be sought from the HR Department. The Disciplinary Manager should be an equivalent rank or role as that of the Investigation Manager

Making arrangements for the hearing

The Investigating Manager:

- Will forward to the employee and Disciplinary Manager via Professional Standards, all the

relevant information.

- Will ensure that their witnesses are appropriately informed of the hearing details, providing them with a copy of their statement and documents which may be referred to at the hearing.
- Prepare their own statement for the hearing to present to the Disciplinary Manager.
- Place documents in chronological order with each page of the bundle numbered consequentially for ease of reference.

Conducting an effective disciplinary hearing

The Disciplinary Manager

- Introduces those present
- Checks the employee has received correct notification of the hearing,
- Ascertains whether the employee is represented, and if not accompanied is aware of their right to representation
- Explains the purpose of the hearing is to consider fully the allegations and to decide whether disciplinary action is appropriate.
- Explains the issue has not been prejudged; the aim is to explore the facts.
- Explain how the hearing will be conducted.
- Ask if there are any questions about the procedure.

Presentation of the facts by the Investigating Manager

The Investigating Manager's opening statement specifies details of the alleged misconduct contained in the written notice and which Service rule or standard has potentially been breached. The facts of the case should be presented clearly and concisely in chronological order.

The Investigating Manager will call required witnesses and ask relevant questions. However, where a written statement from the witness has been included in the written notification this may be referenced.

Witnesses should not attend the whole hearing but will give their factual evidence, and following questioning by all parties leave the hearing.

At the end of the witness' evidence, if anything has arisen which is important and requires further questioning, the Disciplinary Manager may be asked for permission to question the witness again on a matter which has arisen out of the other party's questioning, or ask questions themselves.

Adjournments

Adjournments may be sought at any time during the hearing where appropriate. The decision to adjourn rests with the Disciplinary Manager, who may decide that it would be appropriate in circumstances such as :-

- To give a cooling off period to all parties.

- It is a convenient time for a break.
- In exceptional circumstances, when it is necessary for relevant evidence which is not currently available to be brought to the meeting e.g. a document or a witness.

Other parties may ask for an adjournment where there is a good reason e.g. one of the witnesses has not arrived. (In such a case, it may be appropriate to proceed with the hearing to deal with all matters except the absent witness' evidence, and then reconvene to a reasonable date to deal with that information).

Summing Up

The Investigating Manager and the employee and/or their representative (in that order) will be given the opportunity to summarise :

The Investigation Manager should;

- Be brief
- Review the key points of the presentation
- Review the key points in the employee's response, highlighting any inconsistencies and vagueness.
- Prevent the introduction any **new** evidence at this stage.

Making an effective decision

Following the summaries, the Disciplinary Manager will ask all parties, with the exception of the HR Adviser to withdraw whilst he/she comes to a decision. Consideration will be given to:

- Whether all the stages of the disciplinary process have been complied with
- Whether all relevant facts been established
- Whether on the balance of probabilities the employee committed misconduct
- Any mitigating circumstances
- The employee's previous record of conduct and length of service
- What action is appropriate and proportionate in the circumstances

It is the Disciplinary Manager's responsibility to satisfy him/herself that the relevant facts have been sufficiently established, before a decision is made. If there are still unanswered questions, which are relevant or require further clarification/investigation these must be followed through.

For example, it might be appropriate to recall both parties to clarify an issue or direct the Investigating Manager to gather a specific piece of evidence. At this stage it is appropriate to adjourn the hearing, pending these investigations and re-convene later.

The Disciplinary Manager must examine evidence given by all parties in a dispassionate manner deciding which account they place greater weight on. Where a conflict of evidence exists, it is not sufficient to conclude that a decision cannot be made. The Disciplinary Manager must decide which evidence they prefer.

It is not a requirement to find “beyond reasonable doubt” (i.e. the burden of proof in criminal proceedings) but one based on the balance of probabilities.

Mitigating circumstances

Such circumstances might be :-

- The employee's inexperience.
- Provocation, sexist/racial abuse, bullying or inappropriate behaviour by colleagues or a line manager.
- Inadequate explanation of the rules or procedures by the line manager.
- Inconsistent enforcement of regulations and standards.
- Misunderstanding of instructions caused by language difficulties.
- The employee's previous record of conduct

In taking account the employee's past history with the Service, it is useful to check the :-

- employee's length of service/ tenure in the role
- general standard of conduct of the employee
- any current disciplinary warnings which need to be taken account of

Taking Action

The Disciplinary Manager has a number of possible courses of action available :-

- To take no action, for example the evidence indicated that there were misunderstandings or the allegation did not occur. In such cases, it is appropriate to close the matter, if the Disciplinary Manager clearly explains how he/she has come to this conclusion.
- To take informal action (see section above)
- To take formal action. This should always be accompanied by an explanation of the desired improvement, together with details of any targets, time limits and reviews.

Giving the decision

The primary purpose of a warning is to be corrective and to prevent later and more serious action having to be taken.

The disciplinary hearing is not complete until the decision is communicated. It is vitally important to :

- Tell the employee what the decision is and why
- Explain the employee's appeal rights, if appropriate.
- Explain the objectives for the future and, if appropriate, agree targets and supportive action.
- Confirm the whole position in writing, within 7 days.

Appeals

An employee's right of appeal only applies where formal disciplinary action has been taken. The function of the Appeal is to :-

- Review the case (or in certain circumstances to rehear the case) dependent upon the grounds of appeal from when the initial decision was taken.
- Consider any other relevant matters which the parties want to raise.

The employee should advise in writing:

- The disciplinary action being appealed against, e.g. final written warning.
- The reason/grounds for the appeal e.g. new evidence.
- The name of the employee's representative.

Appeals may be raised on the following grounds :

- A failure to follow the procedure had a material effect on the decision.
- The conclusion of the Disciplinary Manager was not supported by the evidence presented.
- The action taken was too severe given the circumstances of the case.
- New evidence relevant to the case has genuinely come to light since the disciplinary hearing.

The level of authority at which appeals are heard is set out in the appropriate Grey, Green, and Red books and subject to local conditions of service.

The Appeal

The person to whom the appeal was directed will write to the employee, acknowledging receipt of the appeal letter and requesting the following information from the employee :

- A statement on the grounds on which he/she is appealing.
- Any documents which are to be presented at the meeting in support of the appeal.
- If they wish to be represented at the meeting, the name and contact point of their representative.
- Any dates when they, or their representative, are not available

The Disciplinary Manager will also be informed that an appeal has been received. They will be requested to provide in a timely manner,

- A statement summarising their reasons for taking disciplinary action.
- A copy of all documents and statements which were presented at the initial hearing.
- A copy record of evidence given at the initial hearing.
-
- The statements/reports from the original disciplinary hearing

Procedure at the Appeal meeting

It is a requirement prior to the meeting to determine whether the appeal is to be conducted as a review or a rehearing. Normally, the appeal is conducted as a “review”.

The parties present at the meeting and their role should be clarified.

If the employee has not attended, the reasons should be sought. If their absence is due to ill health, it should be ascertained whether they are fit to attend a re-arranged meeting, even though unfit to perform their full duties within a reasonable timescale. Where this is not possible, holding the appeal in the absence of the employee should be considered.

In a review, the employee appeals against the disciplinary sanction. The Appeal Manager examines the evidence and submissions that were presented at the original hearing, and thus the decisions made at that hearing to see whether the decision was reasonable.

If the Appeal Manager considers that the decision was within the band of reasonable responses, the Appeal Manager is entitled to reject the appeal.

A “rehearing” may be appropriate if the employee was absent at the original hearing or where the disciplinary process was not followed.

Conduct of a review

In a review, the Appeal Manager should ensure they have :-

- All documents presented to the initial hearing;
- A copy of the record of the hearing;
- Letter confirming the outcome of the disciplinary hearing;
- The letter of appeal and grounds of appeal;
- Any other relevant information.

The employee (or representative) presents their case referring to documents as appropriate.

The Disciplinary Manager explains the reason for the warning, and responds to the submissions of the employee (or representative)

The Appeals Manager will consider their decision and to promptly notifies employee (and representative) or decision in writing.

Conduct of a “Rehearing” or partial “Rehearing”

This is to address any perceived procedural defects.

The employee (or representative) presents case in support of their grounds of appeal (Relating to documents as appropriate) and introduces their witness for questioning.

This process is repeated for the Disciplinary Manager.

The employee (or representative) sums up their case followed by the Manager who sums up the explanation for the decision and their response to the grounds of appeal.

Decision Making

The Appeal Manager will ask the parties with the exception of the HR Adviser to leave the room while they consider their decision.

They may recall the parties to seek clarification. In such a case, both parties should be present, even if clarification is only required from one side.

The decisions available to the Appeal Manager are :-

- To confirm the disciplinary action already taken.
- To substitute the disciplinary action for some lesser disciplinary action.
- To dismiss the original decision without taking any disciplinary action at all.

The Appeal Manager will recall the parties to the meeting to give their decision verbally, with brief reasons. This will be confirmed in writing to the employee within 7 days. No further right of appeal exists. However, the procedure does not limit an employee's right under employment legislation to pursue the matter further.

Precautionary suspension

Suspension is a neutral act and is not a disciplinary penalty. It is undertaken to enable a full investigation of the circumstances, where it is not practicable or desirable for the employee to remain in the workplace whilst the investigation proceeds. During the period of suspension, the employee will receive full pay.

When to suspend :

- In circumstances where the case has been identified as one of potential gross misconduct.
- Where it is necessary to safeguard the personal welfare of employees, or members of the public.
- Where it is reasonably considered that the employee may interfere with witnesses or documents should they remain at work.
- To allow an investigation to take place which could not be undertaken if the employee remained in the workplace.
- Where the allegations are of a serious nature and the employee's response has not been sufficient.

Who can suspend

Suspension can only be carried out by the Director of People and Organisational

Development or appropriate Area Manager, Director or above.

Where it is necessary to make a decision about suspension quickly, Managers have the right to proceed with the suspension without employee representation, or notice.

How to carry out the suspension

If the employee is in work when the misconduct allegations arise, they should be taken to a private area away from their normal workplace and told of the nature of the allegations.

The manager undertaking the suspension may be accompanied by another management representative, who will act as a witness.

The employee may have a trade union representative or work colleague with them whilst being suspended, if one is available. However, it is not considered appropriate to delay a suspension if a representative is not available.

The employee should not be requested to comment on the allegations, and should be told that a detailed investigation will follow during which they will have full opportunity to comment on the misconduct allegations.

The employee should also be told that they should not make contact with colleagues during the course of the suspension or return to their place of employment unless authorised to do so by an appropriate senior manager from their department.

Sensitivity should be exercised by Managers in assisting the employee to leave the premises discreetly. If the employee needs to collect any personal items from work they should be accompanied by a senior manager.

All precautionary suspensions must be subsequently confirmed in writing.

Questioning Skills

An important part of the fact finding and disciplinary process is the use of skilled questioning. Employees may be reluctant to talk about some aspects of the matter in hand or may have difficulty expressing their views or concerns. Four main types of questions are involved.

The Open Ended Question

This is particularly useful in the early stages, when asking the employee or a witness to give their account of events. It gives no clue to the type of answer expected but simply asks them to tell their story. For example:

'What happened in the incident involving a member of the public last Friday?'

The Probing or Clarifying Question

The answers to the initial open-ended questions may be inadequate or very general and may

need probing. An example of a short sequence of questions illustrates this:

Open-ended question:

'What happened in the incident with the member of public?'

Answer: *'I had a bit of an argument about our requirement to undertake a routine inspection of the premises.'*

First probing question: *'How did the argument start?'*

Answer: *'I told her that we needed to update our record on the premises and she told me that she hadn't been notified about the visit.'*

Second probing question: *'What did you then say to her?'*

Asking employees and witnesses to repeat what was actually said during a discussion or confrontation, rather than accepting a less specific account, often throws valuable new light on the situation.

The Closed Question

Closed questions can be only answered with a simple yes or no.

They should be avoided when opening up the interview, but can be useful to confirm single facts. For example, in the case above concerning the store employee the employee says, *'I thought she was trying to be obstructive and told her so'*. Prompting the closed question, *'did you actually use the word obstructive?'*

The Playback Question

This is a variation on the closed question, because it may be answered satisfactorily with a simple 'yes'. It is used to play back to the employee your understanding of what they have said to check that this is correct. Some examples:

'Are you saying that you have never been told about the Service's time recording procedure?'

'Am I right in assuming that the important point in your mind was?'

The time for most question of this kind is towards the end of the interview, when clarifying employee's statements and views before considering what action to take.

There are three types of questions to be avoided:

The multiple question

Impatience may lead to questions being asked that cover several different topics. For

example: *'Tell me why you failed to report the problem to your supervisor and whether you said anything about it to any of your colleagues – or was it that you could not find anyone to talk to because of the lunch break?'* . The probability is that the employee will respond to only the last part of this multiple question, leaving the rest unanswered.

The leading question

This invites the employee to agree with a possible explanation, instead of probing for the employee's explanation. *'You do agree, don't you, that it would have been better to have been more polite to the member of public?'*

The discriminatory question

Questions regarding any of the protected characteristics in the Equality Act that may be perceived as discriminating against the employee or any other group must be avoided. For example, questions/statements that make assumptions should not be used e.g. *"Did you struggle to read the Services' time recording policy because of your disability?"*

Checklist for questioning witnesses

In order to maximise the effectiveness of questioning:

- Prepare points which must be taken up. Have a clear indication of the employee's case and have some idea which questions will have to be asked to achieve the desired outcome.
- Is the question necessary? If the witness has already given the required answer, or one which could be interpreted to give the meaning desired, do not pursue the issue.
- Evidence in dispute is not the only area which should be subject to questioning. Areas of omission or gaps in the evidence may be raised provided they are relevant; for example, where one party fails to refer to a written statement of terms and conditions or the lack of such a statement.
- Never ask a question to which you do not know the answer or have a shrewd idea of the answer.
- Keep questions short and sharp so the witness understands the question.
- Once you ask the question, you must let the witness have a fair chance to answer and only ask one question at a time.
- Do not try to discredit a witness because of minor contradictions and discrepancies.

Please refer to :

SI 0771 Notification to Service by an Individual Subject to Police Involvement or Criminal Investigation

Appendix 1

IMPROVEMENT PLAN				
NAME: <input type="text"/>		DATE: <input type="text"/>	REVIEWER: <input type="text"/>	 Merseyside FIRE & RESCUE SERVICE <i>"An Excellent Authority"</i>
ACTIVITY	EXPECTED STANDARD	TIMESCALE	ADDITIONAL SUPPORT	ACHIEVEMENT ATTAINED

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"An Excellent Authority"

Service Instruction Capability

Document Control

Description and Purpose

To advise Managers and employees of the procedure to follow where employees are unable to meet the Authority's expectations of them because of capability issues.

Active date	Review date	Author	Editor	Publisher
		POD	N Mernock	Sue Croker
Permanent	X	Temporary	If temporary, review date must be 3 months or less.	

Amendment History

Version	Date	Reasons for Change	Amended by
New			

Equalities Impact Assessment

Initial	Full	Date	Reviewed by	Document location
	X			

Related Documents

Doc. Type	Ref. No.	Title
Policy		Conduct and capability Policy
SI		Values Based Appraisal SI
SI		Probation SI
SI		Conduct (Discipline) SI
SI		Absence and Attendance SI
SI		Firefighter Health and Fitness
SI		Medical Discharge Procedure

Contact

Department	Email	Telephone ext.
POD		

Target audience

All MFS	X	Ops Crews	Fire safety	Community FS
Principal officers		Senior officers	Non uniformed	

Introduction

Merseyside Fire & Rescue Authority (MFRA) recognises the importance that its people, and their performance has on the continued success of the Service, as a result it places great importance on an employee's ability to undertake their role in a manner which meets the needs and expectations of the Authority.

In adopting this process the Authority will ensure that all employees understand and are appropriately supported to achieve and maintain the standards of performance and attendance expected by the Authority to meet its current and future needs.

The Authority will ensure the process is applied fairly, impartially and reasonably in order to address, any issues or concerns regarding an employee's capability in the workplace.

Terminology

In the application of this procedure;

Capability refers to an individual's skills, ability, aptitude and knowledge in relation to the job that he or she is employed to do. Capability is defined in the Employment Rights Act 1996 S.98 (3) (a) as "capability assessed by reference to skill, aptitude, health or any other physical or mental quality".

Performance is the accomplishment of a given task measured against a set of pre-determined known standards. Performance may include a number of factors and common measures of performance may relate to accuracy, adherence, completeness, cost, speed or achieving individual or organisational targets.

- A job description or role map provides an example of performance measures expected by the Authority of an individual's role and their ability to maintain a consistent level of performance.
- Objectives agreed in appraisals provide specific, measurable, achievable reviewable targets. Development activities enable these objectives to be achieved.

The measure of an individual's performance may also be compared against established work place processes and procedures where their ability to provide a standard range of skills over a period of time can be measured against required organisational expectations.

Performance is also deemed to be the fulfilment of a task, duty or responsibility, as deemed appropriate by the line manager or is an implied term under a contract of employment.

Attendance is a statutory term of the contract of employment and as such is covered by this procedure.

Absence impacts on both the performance and the ability of the individual to undertake a set of tasks and has a direct impact on the service levels and the capability of the organisation to undertake its statutory duties.

In the interests of brevity, poor attendance is not covered in detail in this procedure as it is extensively covered in the Absence and Attendance Service Instruction, the Firefighter Health and Fitness Service Instruction and the Medical Discharge Procedure; however poor attendance is linked directly to capability and should be considered in accordance with this procedure.

It may be considered unusual to consider ill health as a capability matter, however the purpose of these interventions is to be corrective and supportive to enable an employee through targeted actions and additional support to meet organisational expectations.

Responsibilities

An employee is expected to achieve and retain the skills, ability, aptitude and knowledge in relation to the role for which he/ she is employed and to work with their manager in seeking early resolutions to any issues or concerns which have been identified.

Employees have a duty to take care of themselves and those affected by their work and to co-operate and comply with Authority's policies and procedures and seek guidance and advice on any health, safety and welfare issues or concerns.

Employees are encouraged to regularly reflect on their own performance, in relation to achieving and maintaining the Authority's standards regarding their ability to fulfil the tasks, duties or responsibilities, pertinent to their role, contract of employment, job descriptions and/or via the appraisal process.

Managers are responsible for setting realistic and achievable performance and attendance targets which reflect the standards set by the Service. They are also responsible for ensuring that those are communicated to their employees so they are aware of the organisational expectations placed upon them.

Managers should broach the subject of absence, poor performance or wider capability issues with the employee directly using specific examples in order to address any issues promptly and proportionately.

Managers and employees will agree any work objectives or targets', discussing what training is available and providing appropriate advice to the employee with continual reviews.

Managers are encouraged to keep in touch with employees who are absent from work and offer opportunities of support which would assist them return to work.

Managers are encouraged to seek advice and support from the People and Organisational Development Team, Professional Standards and/or Occupational Health Team as soon as a capability issue is identified to ensure a suitable approach is taken as each case will be different and require a bespoke solution.

What is capability?

Capability can include situations affecting the individual or team performance. For example, an employee reaches or passes an absence trigger point or their performance falls below a level or standard of performance reasonably expected of their role. The employee's capability may be diminished or be unsustainable and can be clearly identifiable when measured against the agreed Service standards or organisational or individual performance targets.

It can be difficult to determine initially whether an issue is one of conduct or capability. For example, an employee may have poor attendance. In one case a person may want to attend work but is medically unfit to do so, as a result this is a capability issue. Alternatively, an employee may choose not to attend work although they could or they may manage the trigger system, and this would be a conduct issue. Both cases would be handled very differently.

Levels of Management

Stage	Manager
Informal	First line manager
Formal Stage One	First/second line manager
Formal Stage Two	Second/third line manager
Formal Stage Three (Final)	Area Manager/Director

Dealing with capability issues – informal

The manager should always adopt an informal approach in the first instance of capability issues.

Early intervention by the Manager should ensure that an employee understands what is required of them; both in terms of the duties and the standards to which those duties must be performed. This approach by the Manager should proactively reduce the possibility of capability issues arising.

The manager and the employee should discuss the situation to identify the necessary activity which needs to take place to bridge the capability gap. At this point key outcomes and milestones should be agreed with realistic timescales agreed for future meetings. ([Appendix 1](#))

The Manager must create a record of the discussion, which should capture both the issues and the improvements, which have been identified and agreed.

During each review meeting, Managers should encourage the employee to compare their own attendance/performance or abilities with the requirements and standards set by the service to identify for themselves the gaps. Reasons for the poor attendance/performance should be explored, with the employee being encouraged to identify any issues which may have had an adverse effect on their ability to attend/perform.

At the end of the review period, the Manager must determine if the necessary improvement has been achieved by the employee. The employee should be made aware that the

consequences of not achieving this improvement may result in an escalation to the formal stage of the capability process.

The informal process should be no longer than six months, but there may be extenuating circumstances which extend this period. For example, this may be due to the cancellation of an important event, such as a training course or a hospital appointment and as such, the circumstances are beyond the control of the Manager and the employee.

Dealing with capability - Formal

The aim is to correct a situation and secure sustained improvement. There are three formal meeting stages in the Capability procedure.

Stage one- First formal meeting

This stage should be used where informal support and action has not resolved the issue.

Professional Standards will be responsible for organising a capability meeting as soon as possible after the review of the informal activity and any relevant information should be submitted to the Meeting Manager and employee at least 10 working days before the meeting is scheduled to take place.

Professional Standards will advise the employee, in writing, that the meeting may result in a sanction in the form of an Improvement Notice. As this is a formal meeting an employee has the right to be accompanied by a work colleague or a Trade Union representative.

If the outcome of the formal meeting is that an Improvement Notice is issued then this should formally communicate to the employee what they need to do to improve their performance or attendance, the support available, the timescales for achieving this improvement and the consequences of not doing so.

The employee will be informed of their right of appeal.

Stage two- Second Formal meeting

The Meeting Manager should review the information from the stage one meeting and determine if the necessary improvement has been achieved.

If the issues and concerns highlighted in the first formal meeting remain or have increased during the monitoring periods then the Meeting Manager will escalate through the relevant stages of the capability process.

The employee will be informed at the end of the monitoring period that the process is being escalated and this will be confirmed in writing. Each formal meeting will take the same format as detailed in the first formal meeting.

Stage three -Third and Final formal meeting (potential dismissal)

If capability is still an issue or concern after the previous two stages then Professional Standards will appoint a Capability Manager. The Service must ensure that all reasonable considerations have been made, reasonable adjustments applied and medical advice sought or applied. This should then allow the Capability Manager to convene the final meeting and consider the circumstances regarding the employee's continued employment.

At this final stage the Capability Manager may consider dismissal on the grounds of capability, or as an alternative to dismissal, redeployment or demotion to a more suitable role in which the employee can meet the required standards.

Area Managers and Directors, or above, have delegated powers to dismiss.

Consideration may only be made to dismiss on the grounds of medical incapability if guidance or advice has been sought from the Occupational Health team. Where an employee has a disability the Equality and Diversity Manager will be involved to consider if reasonable adjustments can be made.

Redeployment or demotion would be considered only if there were current vacancies or there was an Organisational need to recruit.

If redeployment or demotion was agreed then the employee would have to adopt the terms and conditions commensurate with the new role. In addition to the redeployment or demotion, there may be a need to agree upon an Improvement Plan; this may involve either, extending the existing one, or agreeing on a new Improvement Plan.

Appeals

An employee has a right of appeal against any formal Improvement Notice. Appeals should be registered within fourteen days of the decision being communicated to them.

The appeal must include the specific grounds of appeal. These will normally be one of the following:

- There was a defect in the application of the process,
- The issue is not proven on the balance of probabilities,
- The Improvement Notice was too severe
- New evidence has come to light since the meeting which will have an impact on the decision

The appeal hearing should be held within twenty eight days of its submission unless this is altered by mutual agreement.

It should be noted that the conclusion of the appeal is final and there is no further right of appeal.

Monitoring Periods

There will be a period of informal monitoring on occasions when an employee satisfies the criteria laid down in the Improvement Notice. This will be a maximum of six months for the first formal stage and a maximum of eighteen months for the second formal stage.

The monitoring period will be determined on a case by case basis to reflect the ongoing support the employee requires and to ensure that the capability issue does not return once the formal process has concluded.

If the Manager holds a reasonable belief and concern that progress is not being met they can move to the next level, if appropriate.

Mitigating circumstances

An employee's unsatisfactory performance may be subject to external or non-employment related influences. If this is the case the Meeting Manager may wish to refer the employee to appropriate internal/external support.

The following are some examples of support which may be considered:

- Alcohol, Drug and Substance Misuse pathway of care
- Fit for Work Health Plan
- Employee Assistance Programme
- Occupational health support, such as physiotherapy
- Employee Counselling Services
- NHS Stop Smoking Helpline

This type of intervention may support the employee in achieving the required performance levels as early as possible in the capability process.

If it is clear that the unsatisfactory performance was as a result of ill health or a disability, advice should be sought from the Occupational Health team who will consider whether any reasonable adjustments are required to support the employee to meet the required standards.

Where ill health or a disability has been confirmed any subsequent actions regarding capability should be considered in conjunction with the Occupational Health team and medical advisers and handled with the appropriate sensitivity relative to each individual case.

Medical Discharge

The capability procedure is managed independently of the Medical Discharge Procedure although on some occasions it may be necessary for both processes to run alongside each other based on advice from the Occupational Health team. If this is the case then the two processes should not conflict with one another, at any point in the proceedings.

Neither process should be unnecessarily delayed by the other, before appropriate action is taken or support measures are implemented. For example, medical reports and assessments may be requested from the Occupational Health team and used to support either process and at any stage in the proceedings.

The outcome of each process is considered independently from the other and will be considered through the appropriate channels. For example, an Improvement Notice may still be issued whilst an employee is awaiting the outcome of the Medical Discharge Procedure.

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Capability Guidance

This Guide does not form part of the capability procedure, and should not be regarded as such. Capability is the responsibility of line managers, and the guide has been designed to offer practical advice to managers regarding best practice in handling capability issues at work.

The aim of this procedure is to be a positive and preventative process.

The purpose of managing capability is to be corrective and supportive to enable an employee through targeted actions and additional support to meet organisational expectations. As with any process it is important to help an employee understand the consequence of what could potentially happen if the expected standards are not met or maintained. A Manager is expected to handle every capability issue in a supportive way with sensitivity especially when the underlying issue is a medical one.

The capability procedure is used where there is a genuine lack of capability. A deliberate failure on the part of the employee to meet the expected standards is a conduct issue and will be dealt with via the conduct procedure.

The law states that in determining for the purposes of the Employment Rights Act (ERA) 1996, whether the dismissal of an employee is fair or unfair, it is for the employer to show the reason (or, if more than one, the principal reason) for the dismissal, and that it is either a reason falling within subsection (2) or some other substantial reason of a kind such as to justify the dismissal of an employee holding the position which the employee held. Capability is defined in the ERA 1996 S.98 (3) (a) as “capability assessed by reference to skill, aptitude, health or any other physical or mental quality”.

Setting Standards

It is important to understand that line managers have the right to set reasonable standards of performance, attendance and ability for their employees and to manage their teams to ensure these are met.

By ensuring that an employee knows what is required of him/her; both in terms of the duties and the standards to which those duties must be performed, the manager will proactively reduce the possibility of capability issues arising.

If the standards are to be fully effective, they need to be clearly and effectively communicated to all employees, understood by them, and accepted as reasonable.

Standards of acceptable capability can be made clear in a number of different ways:

During recruitment

It is important to make prospective employees aware of the standards expected in terms of job performance, attitude, attendance as well as wider capability issues. In this way, they will understand before accepting an offer of employment what conditions they will be working under and what standards they will be expected to maintain.

Job Descriptions / Role Maps

It is important that employees have access to their job description/role map and that the contents are discussed with their line manager to clarify the expectations required.

Probation

When joining the Service or upon appointment to a new role, every employee will have a structured set of probationary meetings where the expectations of the organisation and Manager are explained and a training plan put in place to ensure the employee understands how to discharge their duties in the required manner and with the expected levels of attendance.

Appraisal Meetings

It is a fundamental management duty to hold appraisal meetings with their employees. Appraisals to:

- Re-enforce expected standards, set future objectives and identify development needs.
- Recognise what has been done well, and what could be done better or differently.
- Identify problems either in work or externally that might create problems before they become major difficulties or impact adversely on work.
- Build relationships that enable difficult conversations to be had in an open, trusting manner.
- Create a culture of improvement and feedback.

Responsibilities

Employee

Employees have an implicit contractual obligation to perform to a satisfactory standard and will be given support and encouragement to do so. These responsibilities also include:

- Proactively and constructively taking part in appraisals and appraisal reviews.
- Taking part in training and other measures that help improve performance and/or attendance.
- Ensuring fitness and attendance levels are to the required standards.
- Raising any issues that could affect their performance with their manager.
- Asking if something is unclear.

Line Manager

Line managers have a responsibility to supervise and manage the allocations of work, and to monitor the ability of their employees.

Managers should,

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- Identify areas where the employee is failing to meet the standards and create plans with the employee to improve these areas;
- Identify areas where standards are met and give recognition to these.
- Agree realistic targets through appraisals and ensure the employee understands those
- Identify training, coaching or mentoring as appropriate to meet the performance gap.

Informal Action

It is normal practice for a line manager to discuss any matters of concern with their employee on a day to day basis. The aim is to offer positive advice, assistance and guidance to help the employee overcome any issue of capability.

The informal stage is a fundamental feature of the Service's approach to capability and should be implemented at the earliest opportunity. It provides a way of effectively:-

- Letting people know what standards are expected of them.
- Helping and encouraging those people who are not meeting the standards through agreeing appropriate courses of remedial action, for example via additional training.
- Providing additional support at an early stage.
- Reviewing regularly and offering praise for achievements met but also letting people know the consequences of not meeting or maintaining the standards.
- Lessening the need for formal action via the issuing of Improvement Notices, by tackling problems before they escalate.

These initial discussions may raise a number of issues:

- The employee may not be aware of the standards expected of them.
- The standards may not be reasonably attained.
- The standards may have changed and the employee may not be aware of them.
- A genuine lack of capability may have been present for some time but only recently identified.
- Capability issues may have become apparent because of, for example, changing job content, new systems, personal factors or the employee's health.

Informal discussions are essentially a two-way problem-solving exercise, where the emphasis is placed on finding ways in which any shortcomings can be remedied.

It is important for everyone involved to recognise that no formal action should be taken at this stage. Every effort should be made by both the line manager and employee at this stage to prevent the situation from progressing to the formal meeting stages.

There is no need for trade union representation at this stage, because such meetings should be an integral part of the line manager/employee relationship.

How to conduct an informal discussion

Preparation

- Prepare for the discussion by checking the facts on the required standards and have those facts and documents available (e.g. attendance records, job/role description etc.).
- Organise a mutually convenient time to see the person, ensuring that the discussion is conducted in private.
- Allow them adequate notice to prepare; three days or earlier with mutual agreement.

The discussion

- Explain the reasons for meeting.
- Encourage the employee to discuss the situation helping them to identify their shortfalls by adopting a coaching style.
- Listen to what the employee has to say.
- Focus on the facts and outcomes required. Employees may take the comments personally and it is important to therefore use specific examples to help to illustrate the points and concentrate only on the specific area (s) requiring improvement.
- Try to establish why there have been any shortcomings and explore those reasons.
- Discuss whether the job requirements or standards of capability are unclear, out of date, or unreasonable.
- Ask the employee what the organisation or line manager can do to assist them and reduce or remove the issue
- Agree an Improvement Plan and make a record of the discussion.

Improvement Plans

When it is appropriate to use an Improvement Plan careful consideration should be given to the design and implementation of it as the plan, providing opportunities for the employee to meet the standards required and to provide reasonable timescales.

The employee should be encouraged to contribute their own ideas or potential solutions and meaningful consideration should be given to these, and where practicably possible, these would be incorporated in the plan/ timescale.

The Improvement Plan must be underpinned and supported with regular reviews and/ or supervisory meetings in the subsequent monitoring period as required. If the employee is absent, the manager should keep in touch with the employee and welfare meetings should be planned and undertaken at an agreed location.

In the case of long term absence where the employee cannot return to work because of ill health, regular feedback must be provided by the line manager to ensure the employee continues to feel part of the team. Considerations must given to any reasonable adjustments and these should be discussed at agreed intervals with the employee.

It is recommended that the Line Manager gains agreement from the employee regarding their improvement plan, however this is not essential in order for the plan to be issued and the timescales commenced.

For some issues the timescales may be out of the employee's/ Authority hands, and therefore the prescribed Improvement Plan and monitoring period is determined by other factors. For example, availability on an external course or a consultant appointment in a hospital or post-operative recuperation may be planned but not completed; there should still be regular contact between the employee and Manager regarding how the employee is performing in other aspects of the role or in their recovery and general wellbeing.

Formal Action

Formal meetings

The purpose of the formal meetings is to:

- Set out clear and specific details outlining the capability issue.
- To listen to the employee's view of the capability issue and what they have done in relation to meeting the required standards.
- To discuss and agree what improvements are required ensuring these are clearly explained.
- To set the time frame for improvements.
- To inform the employee of the possible consequences of not meeting and maintaining these required standards.

There are three formal meeting stages and each stage re-enforces the necessity to improve and meet the required standards.

Meeting attendees and format stages 1 and 2:

- The employee has the right to be accompanied to formal meetings by an employee representative or Trade Union Representative who may ask questions for clarifications and make statements, but should not answer on behalf of the employee.
- The employee's Line Manager will provide the facts relating to the process that has been undertaken so far and present the Improvement Plan(s) and evidence regarding the extent to which the standards have been met.
- The Meeting Manager (appointed by Professional Standards) will listen to the facts presented by the Line Manager and their responses and request contributions from the employee to examine their position and views.
- At each formal stage the Meeting Manager will discuss the effectiveness of the remedial measures with the employee and Line Manager to ascertain if they should continue or if additional measures are required.

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- The Meeting Manager may ask questions of both parties to allow for an accurate summary of the points raised.
- The Meeting Manager may adjourn the meeting to consider specific points.
- The employee will be advised of the meeting outcome

It is important that the employee is given an opportunity to respond to all the points raised and explain any issues that they may be experiencing. They must be involved in the discussion so that at the end of the meeting an agreed approach to gaining improvement is reached.

If the Meeting Manager considers sufficient improvement has been achieved and maintained, this will be confirmed in writing and the information placed on the employee's personal file. The employee should continue to be supported and reviewed on a regular basis through normal supervision and appraisal.

If the Meeting Manager determines that the capability issue remains they will issue a formal Improvement Notice. (See below) The decision will be confirmed in writing and a new or updated Improvement Plan will be devised to meet the gap. Where the improvement required is of a technical nature this may be devolved back to the line manager or their line manager if appropriate in order to develop a suitable Improvement Plan.

If after considering all the facts and views the Meeting Manager concludes that there is sufficient mitigating circumstance which prevented the standards being met in the agreed timescale, the employee will remain at the same stage and the review period may be extended for a minimum of four weeks and a maximum of twelve.

An extension time is to complete training or a development activity, or to have pre-planned medical treatment that was planned but had fallen out of the monitoring timeframe and which could potentially resolve matters and conclude the process. After the extension the formal meeting will be re-convened to determine whether the standards have been met or whether the issue requires escalation.

Stage three-Third and Final Formal meeting

If the desired improvement has not be made or maintained, a final meeting will be convened which may result in the employee being dismissed on the grounds of capability. As a result there is an additional meeting attendee as one of the HR team will attend the meeting to offer further advice and guidance.

This Manager, named the Capability Manager will decide on the evidence provided, and on the balance of probabilities whether there is any likelihood of the employee meeting the required standards.

There will be an examination of each stage of the process including:

- of all the Improvement Plans and Notices, informal and formal
- every review undertaken in the previous monitoring periods,
- of all the support offered, and whether it was utilised

- Any reasonable adjustments that have been made to date.

If it is decided that the capability issues will not be resolved the Capability Manager may decide,

- to dismiss on the grounds of capability,

Or as an alternative to dismissal

- to re-issue a Third and final Improvement Notice
- demote to a more suitable role,
- redeploy to a more suitable role

Redeployment or demotion will only occur if there is a suitable post and the employee would need to move onto the terms and conditions for those roles.

Consideration of dismissal on medical grounds on capability can only be made where advice has been sought from the Occupational Health team and all reasonable adjustments have been implemented and reviewed. Where the capability is caused by a disability the Equality and Diversity Manager's advice will be sought.

Dismissal

If the Capability Manager decides to dismiss on the grounds of capability, the employee shall be provided within 5 working days, with notice in writing stating:

- The date of termination
- The full and specific reasons for termination under the grounds of capability
- The last day of service (including any contractual notice period or Pay in lieu of Notice which may be granted at the Authority's discretion)
- The employee's right of appeal, how she/he may exercise that right, the time limit for lodging an appeal and the right to representation.

Appeals

An appeal may be made in writing after the formal stages of the capability process. The reasons for the Appeal must be stated clearly in the written submission from the employee

Any Appeal should be made in fourteen days of receipt of the outcome.

The Appeal hearing will be convened and heard as soon as reasonably possible after the written Appeal has been received.

Examples of an appeal lodged by the employee may be in relation to:

- The issue of the standards required of the individual being considered as reasonable
- The severity of a the decision implemented
- The validity of the supportive measures i.e. relevance of Improvement Plans put in place, the timescales to achieve standards being appropriate.

- Finally whether capability processes have been followed.

Improvement Notices

The Improvement Notice is the formal notification to the employee that they have not met the required standards and what they need to do to reach and maintain those standards over a monitored period of time. Although they are not called disciplinary sanctions as the focus is on improvement; they do carry the weight and importance of a warning as they advise the employee what the consequences of insufficient improvement may be.

The Improvement Notice has a date by which the expected standards of performance or attendance should be reached. These will be tailored to meet the specific needs of the employee but will be clear regarding the default position and minimum standards expected within a specific time frame.

For example, an employee who has had eight working days from work due to absence will be offered support and help to ensure they attend work in line with their contractual obligation and their attendance should improve with immediate effect; in addition however they will also be expected to have no further absences during the monitoring period and this will be reviewed by the line manager as detailed in the Improvement Notice.

Consideration will be given to:

- Evidence that the employee had been informed and understood what the issues were.
- Whether the organisational or line manager's expectations or standards were reasonable and achievable.
- Whether the time scales for improvement were realistic,
- Whether there was consideration of the employee's circumstances and their ability to meet the standards.
- If the improvements had been previously discussed and understood by the employee.
- What support measures were considered and their implementation.
- Whether the employee utilised the opportunities which were made available to them
- The regularity of reviews with the line manager and whether the employee received written confirmation of the outcome of those reviews.
- Whether Occupational Health guidance regarding any potential adjustments were implemented.
- Any other mitigating circumstances.
- Whether it was clear to the employee what the consequences of no improvement would be.
- The employee's explanations in line with their right to reply.

At each stage of the process the employee should be informed verbally and in writing of their position in the process, with a clear indication of the consequences of no/ sustained improvement. Each Improvement Notice will act as a formal stage in the process thus warning the employee of the potential next stage if sustained improvement is not maintained, and this could potentially lead to their contract being terminated on the grounds of capability.

Monitoring progress and review

Having agreed on the plan, it is extremely important that the Manager monitors and reviews to ascertain whether the improvement has been achieved and sustained. Managers must make it clear that they want the employee to succeed and that the employee will be given appropriate help and encouragement during this monitoring period. At the end of each meeting the next review date should be agreed in advance:

- The monitoring period for the informal action is for a maximum of six months
- For Stage 1 the monitoring window will last for a maximum of six months
- For Stage 2 the monitoring window will last for a maximum of eighteen months.

Managers should be aware that the monitoring period should be appropriate to the individual's particular circumstances and therefore each case may have a different length of monitoring and review.

The only exception to these timescales will be on the professional advice of Occupational Health.

At the end of the monitoring period there are three potential outcomes to be considered

- The improvements have been achieved and the process does not need escalating to the next stage. In this case recognise the improvement, and confirm the expectation that those improvements will be maintained.
- The improvements have not been achieved and the process needs to be escalated.
- That the employee is on course for achieving the standards but a short extension may be appropriate (for example a course was postponed by the supplier)

If the desired improvement has been achieved and maintained at the end of the monitoring period, this will be confirmed in writing and the information sent to Professional Standards. The employee should continue to be supported and reviewed on a regular basis through normal supervision and appraisal.

Line Managers do not have to wait until the end of the monitoring period before moving the employee to the next stage of the procedure however if there is sufficient cause for concern.

Recording

All notes and copies of the formal Improvement Notices and Improvement Plans will be held by Professional Standards and may be referenced if the process is escalated. The line manager should therefore be accurate in recording the content of meetings and agreements made. Once the monitoring period has been completed the documentation will be expunged.

The line manager will clarify in writing any or all of the points below where relevant to the employee.

- The reason for conducting the informal or formal discussion.

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- A summary of the discussion.
- The agreed Improvement plan including the assistance offered with clear measurable targets to be achieved and the desired outcome.
- The length of the monitoring period and review dates.
- The consequences of a failure to improve.

Support and Assistance

Throughout the process the line manager and employee should identify and discuss support, training or development. The line manager must give careful consideration to any reasonable requests for training adjustments or suggestions made by the employee, which relate to the role and the opportunity to achieve the required standards and discuss how support or guidance may best be delivered and by who.

Any initial support coaching or training undertaken should be documented on the action plan.

Options to consider at any stage in the process include:

- Counselling the individual with regard to the difficulties being experienced.
- Providing for, or making arrangements for refresher or other forms of training;
- Providing closer supervision and support for an appropriate period of time;
- Regular reviews at appropriate intervals; if an employee is absent regular contact is essential
- Arranging an assessment of capability (for example literacy testing or testing for dyslexia)
- Providing other sources of support for example a buddy, coach or mentor
- Arranging a change in duties for the employee, modifying or re-designing some of their work activities either permanently or for a temporary period
- Modifying work patterns or location
- Seeking Occupational Health Advice and guidance
- Individual Assistance Programmes or Pathway interventions
- Considering reasonable adjustments within a specific area of the role and set time scales
- Considering external self help and support groups, for example smoking/dietary advice/ Fire Fighters Charity provision such as Jubilee House, or the Citizens Advice Bureaux

The examples above are not exhaustive.

Management support

A HR Advisor will be available to provide guidance to the manager at both the informal and formal stages. The following areas should be discussed to ensure;

- That the unsatisfactory areas were clearly explained to the individual verbally and in writing.
- Whether the organisational or line manager's expectations or standards are reasonable and achievable.
- Whether the timescales for improvement are reasonable.

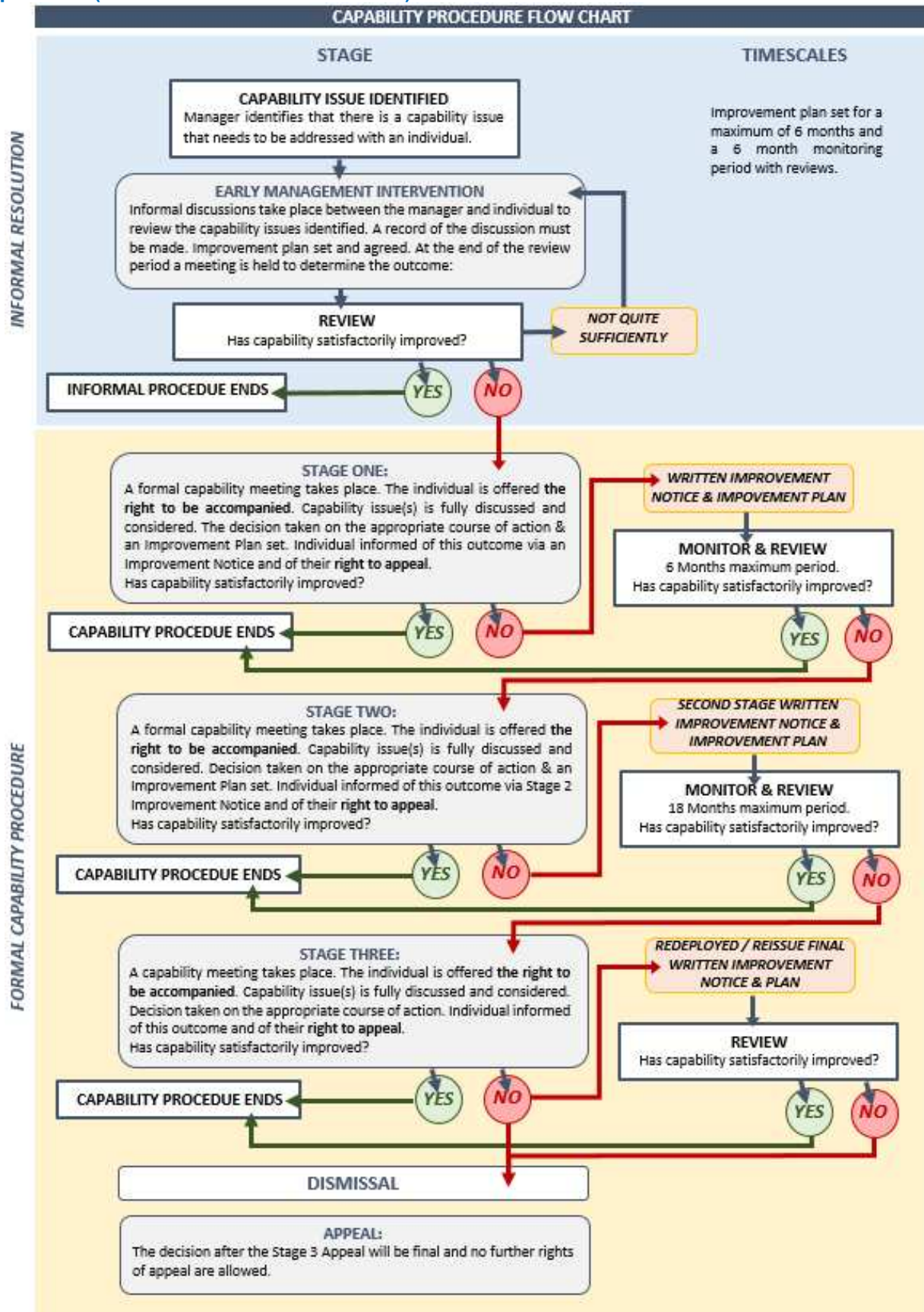
Service Instruction: Capability

- A fair and consistent approach is taken considering the individual's circumstances and their abilities to meet the standards.
- Whether the support measures were implemented as agreed.
- Whether the individual made use of the opportunities available to them
- Frequency of the reviews
- Occupational Health guidance and any potential adjustments are implemented.
- Any other mitigating circumstances.
- The employee understands the consequences of no improvement or no sustained improvement.

DRAFT

IMPROVEMENT PLAN		 Merseyside FIRE & RESCUE SERVICE <i>"An Excellent Authority"</i>		
NAME: <input type="text"/>	DATE: <input type="text"/>	REVIEWER: <input type="text"/>	<input type="text"/>	
ACTIVITY	EXPECTED STANDARD	TIMESCALE	ADDITIONAL SUPPORT	ACHIEVEMENT ATTAINED

Appendix 2 (this is a standalone flowchart)



[Sender's name]
[Sender's address]
[Sender's town]
[Sender's postcode]
[Date]

[Recipient's name]
[Recipient's address]
[Recipient's town]
[Recipient's postcode]

Dear []

I refer to our informal discussion on [] during which we discussed *[summary of the unsatisfactory capability]*.

We agreed at the meeting that you would strive to improve your *performance/ attendance/ attitude* in the workplace in order to reach the standards expected of you. In particular, as we discussed, you now need to improve your *performance etc* in the following ways: [set out details].

[It was also agreed that you would receive further [external/internal] *[coaching/training/ support]* from [name].

If you think that there are additional ways in which we can help you to improve your *absence/ performance*, please speak to me.]

I will continue to monitor your *performance/ attendance/ attitude* on an ongoing basis and I will review your progress in [] [weeks' time and, at *similar intervals* thereafter.

Please note that our discussion was intended informally to assist you in improving your *performance* and does not form part of the Company's formal capability procedure. Nevertheless, I must advise you that a failure sufficiently to improve your *performance* is likely to lead to formal capability action being instituted against you

I do hope that our discussions [and the additional measures that we are putting in place to assist you] will lead to a sufficient sustained improvement in your *performance* so that such action will not be necessary.

If you wish to discuss any aspect of this letter, please do not hesitate to contact me.

Yours sincerely

Appendix 4 Example of a formal letter

[Sender's name]
[Sender's address]
[Sender's town]
[Sender's postcode]
[Date]

[Recipient's name]
[Recipient's address]
[Recipient's town]
[Recipient's postcode]

Dear []

Following the formal capability meetings held on [] at [], this letter is to confirm that the outcome of the formal proceeding is that you have been given a *second* stage Improvement Notice.

The circumstances giving rise to the issue of this Improvement Notice were [*summary of the unsatisfactory capability*].

We discussed the matter fully at the hearing and, after considering your explanation, have concluded that your *performance/ attendance* justifies a Stage Two Improvement Notice. This is in accordance with the Authority's capability procedure.

It was agreed at the hearing that you would [improve your *performance/ attendance/attitude etc.* by completing the attached Improvement Plan]

We have also agreed to implement the following reasonable adjustments (detail as *appropriate*) which I hope will enable you to meet and maintain the expected standards.

I will continue to monitor your *performance/ attendance/ attitude* on an ongoing basis and I will review your progress in [] [weeks' time and, *at similar intervals* thereafter.

You were also informed that a failure to improve or maintain the expected standards within *4-18 months* is likely to lead to the next stage in the procedure, i.e. a third and final stage formal hearing and this may result in the termination of your contract on the grounds of capability.

I do hope that our discussions [and the additional measures that we are putting in place to assist you] will lead to a sufficient sustained improvement in your *performance etc* so that such action will not be necessary

This Improvement Notice will remain active on your file for a period of *weeks* from the date of this letter, after which it will lapse.

Yours sincerely

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“An Excellent Authority”

Service Instruction

Absence and Attendance Service Instruction

Document Control

Description and Purpose

This document is intended to give guidance to managers and employees regarding the process to follow if an employee is unable to attend work and the approach to be taken upon their return.

Active date	Review date	Author	Editor	Publisher
		G. Smith/S Foulkes	P. Dwyer	N. Mernock
Permanent	X	Temporary	If temporary, review date must be 3 months or less.	

Amendment History

Version	Date	Reasons for Change	Amended by
New			

Equalities Impact Assessment

Initial	Full	Date	Reviewed by	Document location
	X			

Related Documents

Doc. Type	Ref. No.	Title	Document location
SI		Capability	
SI	0624	Part Shift	
SI	0589	Other Duties	
SI	0660	Secondary Employment	
SI	0623	Health screen leave	
SI	0206	3 rd Party Claims	
SI	0782	Medical Discharge Procedure Positive Mental Health and Wellbeing instruction	

Contact

Department	Email	Telephone ext.
Professional Standards	Professional Standards	

Target audience

All MFS	X	Ops Crews	Fire safety	Community FS			
Principal officers		Senior officers	Non uniformed				

Relevant legislation (if any)

The Employees Relations Act 1999 & The Equality Act 2010
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Introduction

Merseyside Fire & Rescue Authority (MFRA) recognises the importance that its people and their performance have on the continued success of the Organisation. As a result it places great importance on an employee's ability to undertake their role in a manner which meets the needs and expectations of the Authority.

This Service Instruction and the process contained within it, form part of and is aligned directly to the Capability Procedure. The procedure is applicable to all employees bound by the Authority's terms and conditions. With the implementation of a Capability procedure, the Authority has introduced a fair, impartial and reasonable process, to ensure that the Authorities' statutory duties are met within an agreed organisational framework.

An employee's attendance for work is a basic term of their contract of employment.

Absence is regularly monitored and measured by the organisation and can be benchmarked with other like organisations. The Authority has set specific absence targets and 'trigger points' for action for all groups of employees.

The organisation takes the view that all absence which is linked to ill health or a medical condition is genuine and in acknowledging this the organisation will take reasonable steps to support individuals back to work as expediently as possible.

The Authority recognises that not every individual who receives support under this process will be capable of sufficient improvement to meet the agreed organisational standards.

The Authority recognises that such a situation may arise through no fault of the individual or the Authority; however the Authority has a responsibility to manage each situation accordingly, on an individual basis, fairly and consistently. It will implement and follow the appropriate policy and procedure to its logical conclusion.

Improved Attendance

Improved attendance enhances the Authority's ability to meet its aims and objectives in order to provide the best possible service to the communities we serve and to respond to emergencies in a safe and effective manner.

The application of this Service Instruction will:-

- Promote improved attendance and a positive attitude towards recognising good attendance.
- Identify causes of absenteeism and take effective remedial action.

Service Instruction – Absence & Attendance

- Identify and monitor the absence levels of individuals and the impact on the performance of the Service.
- Ensure that Line Managers are implementing the Service Instruction policy and acting in accordance with their responsibilities.

Ensure employees benefit from the extensive level of support that the Service provides

Sickness/ Absence and Notification:

For every period of absence due to sickness or injury, all employees must ensure that Time and Resource Management (TRM) are contacted in order to record their absence.

DAY 1:

Employee Initial notification:

0151 296 4300

All calls to TRM are recorded for Time and Resource Management purposes as well as other Human Resource activities. In the case of an operational member of the Service/shift related MACC staff this must be done at least one hour before the duty tour concerned is due to commence. In the case of operational / MACC staff on day duties and support staff then TRM should be notified by 9.30 am on the first date of sickness absence.

Completion of Notification of Sickness Form

In all cases employees need to provide the following information in order for TRM to complete a Notification of Sickness Form.

- Name and Service number.
- Location and watch.
- Rank/Designation and Call sign (if applicable)
- Nature of Sickness. (Compulsory)
- Type – Sickness due to Service, Sickness not due to Service.
- Estimated period of sickness
- Line Manager
- Driver (Y/N) Ops Only
- Overtime (Y/N) Ops Only
- Retained (Y/N) Ops Only
- Contact telephone number

TRM will advise the individual's Line Manager and the Occupational Health Team. For operational employees TRM will forward the form via email to the relevant Manager(s) and then delete the section of symptoms presented for privacy reasons before forwarding the form to station login e.g. (station 33 Southport). This is to ensure all the appropriate managers are made aware of any personnel who are absent

DAY 4:

Employee Second Notification:

0151 296 4300

All employees are required to contact the Service on their fourth day of absence. Employees should contact TRM as per their requirements for day one.

For operational employees on the 2-2-4 duty system, this marks the end of their first full tour of duty absent. For all employees day four is the trigger for Statutory Sick Pay to commence.

DAY 8:

All employees are required to contact the Service on their eighth day of sickness. Employees should contact TRM.

For operational staff on the 2-2-4 duty system, this marks the commencement of their second absent tour of duty. For all staff from this point in their sickness absence employees are required to obtain and submit a General Practitioner (GP) Medical Certification (Fit Note). Failure to provide such certification may result in the cessation of payment of sick pay.

NB All GP Fit Notes should be sent directly to the Occupational Health Team at Service Headquarters. When sending notes to the Occupational Health Team, please do not use the internal mail system. Send either via the external post clearly marked “Confidential” or where possible bring in person to Reception at SHQ, where a member of the team will collect the note from you.

DAY 14:

Employee to Contact Occupational Health

Notification 0151 296 4336 09.30—15.30 Mon to Fri

All employees absent for two weeks are required to contact the Occupational Health Nurse, Occupational Health Medical Suite at Service Headquarters.

This contact provides the opportunity for employees to access early medical advice from a professionally qualified Occupational Health medical practitioner, and can facilitate a referral into the Occupational Health support services offered by the Service, such as physiotherapy.

All staff that have fourteen continuous days or more days absent must be declared fit to resume duties.

This must be in the form of a “GP Fit Note”, for employees who have not attended an Occupational Health Medical Appointment, or certification by Occupational Health practitioner stating that the employee is now capable of resuming work.

Employees should make every effort to attend Occupational Health appointments.

Service Instruction – Absence & Attendance

Please note that failure to attend an Occupational Health appointment without twenty four hours prior notice may result in an invoice being raised for the cost of the appointment, the Service may also withdraw payment of Occupational sick pay until a further medical appointment can be arranged.

Employees who fail to comply with the requirements of the absence procedure will have the payment of their sickness pay reviewed and the Service may cease payment of Occupational sick pay.

Service Contact with the employee:

An employee's manager must initiate contact within the first three days of their sickness absence or as soon as reasonably practical. Contact must also be made once a month by that manager if the employee is off longer than twenty eight sick days. This is the timescale after which an employee is considered long term sick. Following that contact information regarding it must be sent to the Occupational Health Welfare update mailbox.

When an employee is absent due to an injury, on or off duty, then the Occupational Health Nurse is notified by the Manager. Under the Service's early intervention procedures the Nurse shall where appropriate, contact the employee offering the provision of physiotherapy by a practice approved by the Service.

If an employee reports absent sick due to stress, anxiety, depression or a similar problem they shall be referred under the Service's positive mental health and wellbeing Service Instruction, for a medical assessment, and appropriate advice and assistance will be offered.

Non notification of Absence:

If the individual has not notified TRM before the start of their working day/shift, the Line Manager should attempt to contact the employee via telephone. Should the manager fail to make contact with the individual the Line Manager should visit (or arrange for a manager located closer) to visit the individual at their home address where this is practicable and before the end of the first day of absence.

If all attempts to contact the individual fail by the second day of unauthorised absence then the Professional Standards Manager should be advised who will consider stoppage of pay.

If employees do not comply with any stage of the notification procedure and a reasonable explanation cannot be given, the payment of occupational sick pay may be suspended and the matter dealt with under the conduct procedure.

Resumption of Duties:

Booking Fit

0151 296 4300

All employees must book fit as soon as they are aware of the date they shall be returning to work. For operational members of the Service this must be at least one hour before the duty is due to start.

If after a Medical examination by the Occupational Health Doctor, if an employee has been found unfit for any duties, they may not return to normal duties until the Occupational Health Doctor so certifies.

Where there is a difference of opinion between the Occupational Health Doctor and the employee's GP regarding the fitness for duty, the Occupational Health Doctor will take all appropriate steps to liaise with the employee's GP to resolve the differences in line with the protocol for medical divergence.

In the case of Green and Red Book employee's where there is a difference of opinion between the Occupational Health Doctor and the employee's GP, the opinion of the Occupational Health Doctor shall prevail.

Return to Work interviews

This interview must be completed on the employee's first day back at work. This is an informal discussion with a suitable line manager and the employee.

The manager will speak to the employee about their attendance and discuss any issue with the employee. They will record this as per the requirements of the Service. ([Appendix A](#)). The manager should ensure that employees are clear of the expected outcomes and the process by which they will be achieved.

Personnel who return to work on 'Other Duties' must undergo a 'Return To Work' interview at the location they report to on their immediate return following absence.

It is the employee's responsibility to notify a Line Manager to ensure that an interview takes place and the Line Manager has an obligation to conduct this interview expeditiously.

The manager should in all cases complete a Return to Work Form AM2. This form is to be emailed to the Absence Management Team mailbox and a copy given/e-mailed to the staff member. A further copy can be passed to the Station Manager/Section Manager if requested. The return to work informal meeting will be held to discuss / confirm with the employee the following:

- Manage the employee's return back to work
- Ensure that they are fit to resume duties,
- Ensure that they understand the necessity for good attendance,

- Identify if they require any additional or on-going support,
- A review of previous absence from AM1 records,
- To confirm if absence targets have been exceeded.

Copies of all the required forms are located on the portal. All relevant paperwork must be submitted to the Absence Management Team.

Longer term absences

Where an employee has been absent from work for a lengthy period it may be advisable for the Occupational Health team to facilitate a meeting prior to the employee's first day back to agree what considerations can be made to assist the employee to return to work.

Absence Targets/Triggers

Absence from work places a significant strain on the Authority both in financial and operational terms. If as a result of persistent short term or continual long-term absences, an employee is failing to attend for duty, then the Authority has a responsibility to take appropriate action.

Where an employee's sickness absence is sustained over a long term and renders the individual incapable of satisfactorily carrying out his or her duties, this may ultimately result in the Authority being unable continue to sustain their employment.

Employees with frequent or patterned absence will be managed under either the conduct or capability procedure whichever is appropriate, once the facts have been ascertained.

Personnel who trigger specific targets will be dealt with under the Authority's Capability Procedure.

The Authority has set absence targets providing 'trigger points' for action for all groups of employees, as follows: these can be any or all of the below

Sickness absence resulting in a total of 8 working days/shifts/retained cover periods in any consecutive preceding 12-month period (or pro rata for part time staff) or determined by the Improvement Notice under in line with the capability Service instruction.

3 separate instances of sickness absence, or unavailability for retained cover periods, in preceding 12 months or as determined by the Improvement notice in line with the capability Service Instruction

Where a sickness absence pattern or trend is identified. A non-exhaustive list of examples include:

- Regularity of sickness absence on a Friday or Monday;
- Pattern of taking sickness absence during school/summer holidays;
- Pattern of similar day or night shifts;

- Pattern of sickness remaining just below frequency or just below days count;
- Regularity of booking sick following refusal of public holiday leave;
- Pattern of sickness absence during sporting fixtures, major events etc.

Where patterns/trends of sickness absence are identified or sickness absence exceeds the applicable targets, then management may request the employee obtains and provides a GP Fit Note in respect of further absences on the grounds of sickness, in order that the employee may qualify for occupational sick pay in respect of such absences.

In such circumstances, the Authority shall refund the cost of a GP Fit Note. If the employee refuses to attend their GP, or fails to provide a valid Fit note, the Authority will be entitled to notify the employee that they will not be paid occupational sick pay in respect of those absences.

Similarly, the Authority may at any time require the employee to attend the Services premises for an Occupational Health appointment and if the employee fails to do so, then the Authority shall have the discretion to cease payment of Occupational sick pay.

Alternative Duty Systems/ Work Locations

Self Rostering System

Where an individual is absent through sickness within a self rostering system the following will apply over the (current) eight week reference period:

- An hourly credit will be made for all current shifts planned within the system up until the end of the eight week reference period
- For absence monitoring purpose only shifts that have been planned will be counted as duty days.

Should sickness extend into the following eight week reference period;

- Individuals will be credited with hours mirroring a 2-2-4 system i.e. the first 4 shifts of sickness (in the new eight week reference period) will count as duty days and be credited with the appropriate 12 hour amounts. The following 4 shifts will be classed as rota and therefore not credited any hourly amount. This will ensure that an individual absent over a complete eight week period will achieve their full contractual requirement of 336 hours.
- For absence monitoring purpose a system mirroring the accrual of hours detailed above will be followed i.e. the first 4 shifts of sickness (in a new eight week reference period) will count as 'duty days due to the accrual of hours. The following 4 shifts will be classed as rota as hours will not be accrued. These shifts will not be counted as 'duty days' for absence monitoring purpose.

LLAR System

A credit will be made for any planned shifts within the sickness period. For the purpose of absence monitoring only shifts that have been planned will be counted as duty days.

All personnel within the self-rostering LLAR system have the opportunity to roster unavailable for any periods of short term sickness. Personnel wishing to utilise this option should contact TRM. The ability to self-roster for periods of short term sickness is at the discretion of the staffing officer.

Please refer to SI 0650 LLAR Staffing

Out of Service Area Secondments

All staff seconded from the Service to other locations or agencies, e.g. the Fire Service College, must still follow all Service procedures for booking sick/injured and fit. This is in addition to any procedures imposed at their seconded location.

It is the responsibility of the seconded person to ensure their manager at their temporary location is aware of their responsibilities. Guidance should be taken using the aide memoire and Z cards. An AM2 must be completed for all periods of sickness and this should be completed by the seconded staff members Line Manager and sent to:

AbsenceManagementTeam@merseyfire.gov.uk

Disregard of Certain Absences

Absences due to disability (as defined under the Equality Act 2010 and advised by the Occupational Health Doctor) and pregnancy related absences will be disregarded. Employees in these circumstances will be required to provide a GP Fit Note for all such absences that states the reason for absence as being pregnancy/disability related, in order for the days not to be counted under the procedure. If applicable the Service will reimburse the cost of the certificate.

Where an employee initially attends work (or is initially available for retained cover), but subsequently goes off duty during a shift/work day then:

- If the employee has worked for more than 50% of the shift/day before going absent, then the employee will not be regarded as being absent.
- TRM should be contacted and informed of the part shift absence immediately the staff member becomes unavailable.
- If the employee remains absent the following day then they must inform TRM of on 0151 296 4300. Their absence day's count will commence from this point.

Please see service instruction 0624 Part Shift Absence for more information.

If an employee has a prearranged hospital appointment which extends over half a shift, then for certain medical conditions additional leave may be allowed. An application for Specialist Health Screening leave should be submitted for consideration, along with all supporting documentation, in advance of the appointment.

Please see service instruction 0623 Specialist Health Screening Leave for more information.

Non-Essential Surgical Procedures

Time needed by employees for elective/cosmetic surgery appointments and procedures without a medical reason, including recuperation periods must be taken from either their annual leave entitlement or as unpaid special leave.

Absences and Annual leave

Employees who are absent prior to their annual leave should contact Attendance Management for information on booking fit or submitting Fit notes to ensure that the employee receives the correct payments.

When an employee has annual leave this will be reallocated to the employee and taken at a time agreed between the employee and Attendance Management. Attendance Management may ask for evidence demonstrating that leave was pre-booked in order to support requests.

Employees who wish to book a holiday during a period of absence should inform the Occupational Health team.

An employee who becomes ill during pre-arranged annual leave can stop their annual leave by notifying Attendance Management on their first day of sickness absence, and booking fit when they are no longer ill. The remainder of their annual leave will then be taken later in agreement with Attendance Management. In order to have the leave re-allocated the request should be supported in all cases by a medical certificate either provided abroad by a medical officer or if possible on their return.

Sickness or injury relating to secondary employment

The Authority will not pay for any absence from duty or sick leave caused by outside employment. Any injury, illness or medical condition sustained during off duty employment or any exposure to hazardous substances whilst carrying out secondary employment must be reported to the Occupational Health Team as soon as possible. Failure to report such injuries, illnesses or medical conditions will be regarded as a disciplinary matter.

An employee who works for another party or on a self-employed basis whilst on sick leave will be regarded as working without permission and this will be considered under the conduct procedures as detailed in the Service instruction. Where an employee is undertaking voluntary work, this should

also be suspended unless the Service's Occupational Health Doctor specifically states that this would be beneficial to the employee's recovery.

Please see Service Instruction 0660 – Secondary Employment for more information.

Probationary Employees

Employees who have had unsatisfactory attendance and timekeeping will not be confirmed in their position. New employees who trigger 2 absences in their 6 month probation (Green Book) or 4 in 12 months (Grey Book) period may have their contracts terminated. Please see the relevant SI on Probation for details on this.

Third Party Claims

The Litigation Department must be notified of all off duty injuries caused by a third party. In accordance with the conditions of service sick pay, will be reclaimed by the Authority from any damages awarded to the employee.

Please see Service Instruction 0206 – Third party Claims on duty or off duty accidents.

Additional support

'Z'cards

The Absence Management Team issue guidance in a number of ways including the issue of a 'z-card' and an aide memoire.

A 'Z card' provides the employee a step by step guide to how to book themselves sick or fit and what number to contact. There is a list of numbers available from occupational health for further help and support (e.g. the Service Employee Assistance Programme provider, PPC). Misplaced or lost 'z card' can be replaced by contacting the Absence Team on ext. 4574

Occupational Health Management Team

0151 296 4917

The objective of the Occupational Health Team is to promote and facilitate the maintenance of the highest possible standards of health and fitness, both physical and mental, for Service employees.

The Occupational Health team shall provide advice to the Service and its employees on their capacity to work and will continually seek to provide support and assistance to ensure that employees are fit to perform their usual role.

The provision of medical services shall be provided by suitably qualified Occupational Doctors and Nurses that the Authority shall directly contract with for their professional services.

Appendix A

Appropriate levels to complete the Informal Stage: Return to Working interview

Grey Book Return to work interview

Employee		Manager
Fire-fighter		Crew/Watch Manager
Crew Manager		Watch Manager
Watch Manager		Watch Manager
Station Manager		Station Manager
Group Manager		Group Manager
Area Manager		Brigade Manager?

Green Book return to work interview

Employee		Manager
Grade 1		Grade 5 or above
Grade 2		Grade 5 or above
Grade 3		Grade 5 or above
Grade 4		Grade 5 or above
Grade 5		Grade 5 or above
Grade 6		Grade 6 or above
Grade 7		Grade 7 or above

The same applies for the rest of the roles/scales.

At Grade 5 or Watch Manager level Return to Work interview can be carried out by a colleague of the same role or above and does not need to be your line manager.

- Grey Book staff this applies to the Crew Managers and above.
- Green Book staff this applies to Grade 5 and above.

A Return to Work interview is an informal meeting to ensure the employee is well and fit for work. If further help and support is needed to improve their recovery, the Occupational Health team is there to provide support.

If you return to work on **other duties** an AM2 (Return to Work interview) must still be carried out and sent to the absence team mailbox. It is your responsibility to ensure an interview is carried out.

Managers must ensure the capability process is followed particularly in relation to staff who return to work on **other duties** as they may not be at their substantive location

Link to Capability.

Employees should be aware that unsustained attendance will be managed via the capability procedure and information regarding the process is referenced in the Capability Service Instruction.



“An Excellent Authority”

Service Instruction Firefighter Health and Fitness

Document Control

Description and Purpose

To outline the Service standards expected regarding operational fitness

Active date	Review date	Author	Editor	Publisher
		Paul Blanchard Flett	N Mernock	Sue Croker
Permanent	<input checked="" type="checkbox"/>	Temporary	If temporary, review date must be 3 months or less.	

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Equalities Impact Assessment

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Related Documents

Doc. Type	Ref. No.	Title
SI		Capability

Contact

Department	Email	Telephone ext.
POD	Paul Blanchard Flett	4339

Target audience

All MFS	<input checked="" type="checkbox"/>	Ops Crews	Fire safety	Community FS
Principal officers		Senior officers	Non uniformed	

Introduction

Merseyside Fire and Rescue Service is committed to the development and maintenance of a fit and healthy workforce that is able to meet the requirements placed on the Service when undertaking its functions and the operational and physical demands placed on its firefighters in the pursuance of their duties.

This Service Instruction emphasises the importance the Service places on physical fitness and an employee's ability to carry out their role within a risk critical and at times highly demanding environment.

The level of physical fitness (the fitness standard) required across the Service will be the same for all uniformed employees where there is the potential for those employees to undertake firefighting duties.

The safety of our employees is paramount and the aim of this Instruction is to discharge effectively the Duty of Care placed on the Authority under the Health and Safety at Work Act 1974, Section 2.

This instruction provides a framework by which the Authority will discharge its responsibilities in order to ensure its employees, maintain adequate fitness levels throughout their career.

Non-operational employees will be offered the same health support as the Service Operational staff to ensure that they are fit and healthy for their role.

The Importance of Fitness

Merseyside Fire and Rescue Authority (MFRA) are committed to the development of a healthy workforce that is able to meet the exigencies of the service and the operational and physical demands placed on its firefighters throughout their career.

In order to discharge this duty of care the Service has adopted an aerobic capacity standard of 42 VO₂max as its Fitness Standard. Adoption of this standard reflects national guidance and is the equivalent to achieving a Shuttle Run Level 8-6. This standard has been recommended by the Chief Fire Officers Association (CFOA) – Fire fit steering group.

In addition to the Fitness Standard, the Service have introduced weight and body mass standards and guidance that aims to ensure the health and wellbeing of firefighting employees and seeks to ensure the health and safety of the employee, their colleagues and the community.

All operational employees are required to maintain a minimum level of fitness to ensure they are capable of meeting the physically demanding requirements of their role.

Individuals are responsible under the Health and Safety at Work Act 1974, Section 8, for maintaining the appropriate fitness level. MFRA will assist them by providing Physical Training equipment, appropriate training, advice and support. This meets the requirements of the

Management of Health and Safety regulations (1999), Section 5. The Service will take the following measures to assist all employees in achieving, maintaining and improving their level of physical fitness.

- Provide a safe environment for training in compliance with the Workplace (Health, Safety and Welfare) Regulations 1992.
- Purchase and provide physical training equipment for employees in accordance with the Provision and Use of Work Equipment Regulations (1998).
- Provision of a Service Health and Fitness Advisor who will be responsible for coordinating the monitoring arrangements and managing the assessment programme. Also for the provision of advice and guidance on any health, fitness and wellbeing issues required, and appropriate to the role.
- Provision of appropriately trained Fitness Advisers to advise operational employees in group and individual exercise and advise operational and non-operational employees on fitness training issues.
- Facilitate fitness training periods within the work routine for Wholetime Duty System operational employees.
- Undertake compulsory annual fitness assessments for all operational employees and voluntary assessment for non-operational employees and control staff.
- All operational employees will complete the assessment by 31st March each year and must achieve at least 42 ml/O₂/kg/min VO₂ max.
- Provide advice on all aspects of wellbeing, health and fitness in conjunction with the Occupational Health Team, especially where rehabilitation is required following illness or injury.

We can define physical fitness as the ability to carry out the tasks of a role in a competent way without undue fatigue or risk to health. The degree of physical fitness required across the Authority will be the same for all uniformed firefighting employees where there is the potential for those employees to undertake firefighting duties.

The Fitness Standard

The Service has adopted is an aerobic capacity standard of 42 VO₂max as its Fitness Standard. Adoption of this standard reflects national guidance and is the equivalent to achieving a Shuttle Run Level 8-6.

Employees who attain a level between 35 and 41 VO₂max will be regarded as not reaching the approved fitness standard; however employees attaining this level of fitness will remain on operational duties whilst they are supported to reach the necessary standard.

Service Instruction: Fire Fighter Health and Fitness Service Instruction

Those employees attaining levels of VO2max between 35 and 41 VO2max will be required to undertake a fitness programme to achieve a standard of 42, as they will be classified as having a fitness level that 'needs improvement'.

Those employees below 35 VO2max will be considered as 'failing' the fitness assessment. The Service require that all firefighters achieve the fitness standard that is 42 VO2max and above.

Any firefighter who fails to achieve an aerobic fitness level of at least 35 VO2Max will be removed from operational firefighting duties for health and safety reasons immediately.

The 35 VO2max level relates to Multi-Stage Shuttle Run Level 6-6.

Those employees who fail to reach the required standard will be required to undertake an intensive fitness programme to achieve a standard of 42, as they will be classified as having a fitness level that 'needs significant improvement'.

The Fitness Standard will apply to all operational staff.

There will be a 6 month amnesty period for employees who have failed to achieve a fitness level of 35 VO2max or above, starting from the live date of this Service Instruction.

In addition to the Fitness Standard, the Service will introduce weight and body mass standards in order to ensure the health and wellbeing of firefighting employees their colleagues and the community.

QRISK2 Assessment and Fitness for Duty

The Occupational Health team will undertake a range of health assessment tests to produce a QRISK2 percentage for firefighters to ensure they are not only fit enough but also healthy enough to undertake the physically demanding work entailed in fire and rescue operations when they are called upon to do so.

The Occupational Health team will measure weight, Body Mass Index, percentage body fat, waist circumference and hip-waist ratio. Obesity adversely affects tolerance, mobility and general health.

These measures will be considered 'High' by the Occupational Health Medical Team where:

1. Body Mass Index ≥ 30
2. Percentage Body Fat for Male Firefighters $\geq 28\%$, and for Female Firefighters $\geq 30\%$
3. Firefighters Hip Waist Ratio is greater than >0.95 for male firefighters and is >0.80 for female firefighters)
4. Waist Measurement for male fighters of 36" and above and for female firefighters of 34" and above

Any firefighter presenting with a Body Mass Index of 40 or above will be removed from operational firefighting duties and placed on other duties for health and safety reasons immediately by the Occupational Health Doctor.

A Firefighter who presents with a weight of over 125 kg (19st 10lbs) will have restrictions placed on them in relation to rescue operations utilizing rope access for safety reasons.

There is evidence of an increased risk of cardiovascular disease for those employees classified as obese or morbidly obese. For this reason the Service will undertake the use of **QRISK2** to measure the cardiovascular risk of all employees; however firefighting employees who attain a score of over 20% or more will be placed on a fitness and health improvement programme until they lower their risk of a cardiac event. The QRISK2 assessment has replaced in General Practice the NICE adjusted Framingham score and the QRISK1 and has proven a more effective predictor of cardiac risk.

Firefighters who are assessed as having excess measurements according to the above indicators will be referred to see the Health and Fitness Advisor who will assign a Service Physical Training Advisor for Functional and Fitness tests. A referred Firefighter will be required to see the Health and Fitness Advisor who will work with the Service PTA's on a fitness and health training programme for the Firefighter.

The Functional and Fitness assessments that the Firefighters will be required to complete will include:

1. A sub-maximal test of aerobic fitness i.e. the Chester Treadmill Walk Test
2. Firefighter Fit for Duty Tests (as advised by the Occupational Health Doctor),
3. The Enclosed Space Test,

If they fail the functional assessments and/or fail to attain an aerobic fitness level of at least 35 VO2Max they will be taken off operational firefighting, the latter in accordance with the Service Fitness Standard above. Those employees attaining 35 to 41 VO2Max will be required to undertake a fitness and health improvement programme to achieve a standard of 42, as they will be classified as having a fitness level that 'needs improvement'

Those employees referred to the Health and Fitness Advisor / Service Occupational Health team will attend for regular Occupational Health reviews at intervals to be determined on an individual assessment basis, which will provide referrals as appropriate to assist these employees. They will attend assessments with the Health and Fitness Advisor / Service PTA at intervals as the Advisor considers appropriate to the individuals need to improve their fitness.

Employees who fail to achieve a pass level in the functional assessments and the fitness test, and fail to attain levels acceptable to the Service in their Weight and Body Mass measures, indicated above; within a defined time limited period will be considered as unfit to perform the duties of a regular firefighter. In these cases the Occupational Health Medical Team will be required to advise the Service if there are any medical reasons for their inability to improve their performance.

If the Firefighter passes all the required functional tests the Health and Fitness Advisor / Service PTA will work with them to get their measurements on the above indicators in a range acceptable to the Service.

Assessment of Fitness

Fitness testing for operational personnel is included in the routine health screening check. All uniformed employees will undertake 12 monthly fitness testing.

In addition to the 12 monthly fitness testing, full health screening (2012 Asbestos Regulations) will be undertaken every two years commencing in 2013. The Service Health and Fitness Advisor will assist the Occupational Health Nurses in the conduct of the Fitness Tests as required.

Occupational health will inform employees of dates and times of fitness tests along with instructions with regard to clothing and instructions about exercising/eating before the test.

Where a firefighter achieves a standard of less than 35 VO₂max at their fitness assessment the Occupational Health Nurses will advise the Service that the firefighter is unfit for operational duty.

Where following the fitness assessment a firefighter is in the 'needs improvement' category (a fitness level of between 35-41 VO₂max) the Occupational Health Nurses shall arrange for a review and advice for the firefighter with either themselves or the Health and Fitness Advisor, subject to availability, to improve their fitness and health. This Occupational Health review will be conducted at the earliest opportunity.

The Occupational Health Nurses shall assess a firefighter prior to them undertaking a fitness test and if they consider it appropriate ask them to complete a PAR-Q Form prior to the fitness assessment. Any employee deemed unfit to participate in the fitness assessment based on the information declared on their PAR-Q Form will be referred to the Occupational Health team for a medical review.

Firefighters who fail the Fitness Testing, by achieving an aerobic fitness score of below 35 VO₂max, with the occupational health nurses, using the Chester Step Test, will be removed from operational firefighting duties and referred to the Service Health and Fitness Advisor. The firefighter shall be retested by the Health and Fitness Advisor / Service PTA's using the Chester Treadmill Walk Test. If this test result also produces a failure the firefighter will be referred to Liverpool John Moores University for a Gas Analysis Test.

If the firefighter passes the Gas Analysis test, with an aerobic fitness score of 35 VO₂max or over, they will be returned to operational firefighting duty.

All firefighters who produce an aerobic fitness score of below 42 VO₂max will be placed on a Fitness Improvement Programme that will be monitored and supported by the Service Health and Fitness Advisor and the PTA's.

Method of Testing and Recording

Twelve Monthly Fitness Assessments

The Service will commence by undertaking assessments at 12 monthly intervals.

Fitness Testing

The main methods of fitness assessments to be undertaken by employees will include.

Chester Step Test

The Chester Step Test will be used by the Occupational Health Nurses for the annual fitness checks. It is a sub maximal test which means that it allows participants to work at around 80% of maximum heart rate in a safe and controlled environment. Heart rate is monitored throughout the test by the use of a heart rate monitor to ensure that cardiac stress remains within acceptable limits.

The measure used is VO₂ max. It is a measure of ventilated oxygen measured in milliliters per kg body weight per minute. The Service expects firefighters to achieve the recommended aerobic capacity standard of 42 VO₂max.

Chester Treadmill Walk Test

The Chester Treadmill Walk Test provides an alternative method of predicting aerobic capacity from performance on an incremental bout of exercise, walking at 6.2 km/hr (3.9 mph) on a treadmill. Subjects able to complete the full 12-minute test protocol will have achieved the recommended fitness standard. The test has been designed specifically to identify individuals capable of reaching the fitness standard of 42 VO₂max.

Firefighters who achieve a time of 9 minutes 36 seconds on this Test will be considered fit to continue operational firefighting duties but will be required to undertake a fitness and health improvement programme, through the Service Physical Training Advisers / Health and Fitness Advisor, in order to attain the required standard. Firefighters who fail to reach 9 minutes 36 seconds will be considered as failing this test and will be unfit for operational duty and the Service will act as indicated above to provide them with fitness and health support to achieve a return to full operational duties.

This test may be used for those firefighters who the Occupational Health Team advise have musculo-skeletal problems, often knee problems, as a less impactful test. This Test will also be used for firefighters referred to the Service Health and Fitness Advisor, supported by the Service PTA's, for reason of their Weight and Body Mass.

As with the Multi Stage Shuttle Run Test, for some individuals, this will be a maximum test and care should be taken by the tester to ensure that if the firefighter is unable to keep up with the work rate and becomes overly distressed, the test should be stopped and the firefighter should be allowed to cool down.

Energy cost (VO₂max) of treadmill walking at 6.2 km/hr (3.9 mph) at different gradients.

Time (minutes)	2	4	6	8	10	12
Treadmill Gradient (%)	0	3	6	9	12	15
VO ₂ (VO ₂ max)	14	19	25	31	36	42

Multi Stage Shuttle Run

The Multi stage shuttle run method of fitness assessment can be used on Station when undertaking fitness training. The Service aim is to move towards six monthly fitness testing and in such circumstances it may be considered appropriate to utilise the multi stage shuttle run as the mode of testing.

If the shuttle run is being used on a Station for fitness training all participants must confirm that they had read and signed the PAR-Q Form before undertaking the fitness training.

The shuttle run has the potential to be maximal for some, and as such checking on an employee's health should be performed before undertaking the training.

The recommended aerobic capacity standard of 42 VO₂max requires the participant to achieve Shuttle Run Level 8-6. A Shuttle Run Level of 6-6 is equivalent to 35 Vo₂max.

Gas Analysis

The measurement of aerobic fitness by gas analysis is considered the 'gold standard' in the assessment of cardiorespiratory fitness. This direct measurement requires the subject to wear a mask covering the mouth and nose connected, via a low resistance breathing valve to a gas analyser.

The Service will utilise the services of Liverpool John Moores University Sports Science Department for this gas analysis testing for those employees who fail to achieve the fitness standard using the tests detailed above. These firefighters will be tested initially when they fail the standard and will be retested at intervals as considered appropriate according to their progress through their personal Fitness Improvement Programme.

Failure to reach the required fitness standards

Fitness is a key component of an employee's capability, and in line with the capability procedure, the Service Medical team will inform the Service of any employee who is unfit for operational duties as soon as is practicable. This will usually be at the Fitness Assessment/Health Screening, or appointment, when they have not achieved the standards detailed in above.

The Occupational Health Doctor or Nurse will further advise the Service that they have excluded medical issues as a cause for the employee's lack of aerobic fitness. It is anticipated that this will be the norm. If there are medical reasons for the failure to reach the required standards then these will be taken into account when considering improvement programmes.

The Occupational Health Doctor or Nurse will make it clear when personnel are on fitness review, the date the review commenced and what their VO2 levels and other measures are that require improvement at the beginning and end of the informal review.

The following procedure will be followed for all uniformed firefighting employees.

Removal from Operational Duty

On receipt of advice from Occupational Health that a firefighter has failed to achieve the aerobic fitness requirement the Service will remove a firefighter from operational duty.

Occupational Health will advise the Service that they will be required to organise a Stage 1 capability meeting with the individual, their Watch Manager and their Station Manager. This meeting will be arranged as soon as possible after notification of the individual's lack of operational fitness, but will not prevent the individual commencing Other Duties prior to this meeting.

The meeting will confirm that the individual is operationally unfit, the reason(s) why the employee is being removed from operational duties, the improvement required to facilitate a return to operational duties and outline the support the Service will offer to the employee. The individual will be allocated to a department and area of work appropriate to the needs of the Service and the medical advice received.

The individual will be allocated to duties of a nature to improve fitness levels and a review period, based on medical advice set. Unless there are exceptional reasons, the review period will be in line with the capability Improvement Plan timescales. An agreed Personal Training/Weight Management plan will be set between the firefighter and the Service Health and Fitness Advisor, supported by the Service PTA's, and Occupational Health Team.

The individual will be advised as part of the Stage 1 capability procedure that they must be operationally fit for firefighting duty and it is their responsibility to actively participate in and undertake such measures required to achieve and maintain their fitness and health.

The employee will receive written notification of the content of the meeting via an Improvement Notice and details of the consequences of not achieving operational fitness.

The Review Period

During the review period the employee will be expected to take responsibility for and take any steps required to regain fitness.

In addition to the Improvement Plan further advice on exercise and lifestyle issues can be obtained on request from Occupational Health - Nursing staff; the Service Health and Fitness Advisor; or from Service PTA's.

All stations and the Training and Development Academy have gyms, which individuals are encouraged to use, and given time during the working day to use. If any individual is unsure of how to use the equipment they should contact their Watch Manager, who should refer them to the Service Health and Fitness Advisor for appropriate guidance.

Return to Operational Duty

At the end of the review period the employee will have a formal occupational health and fitness review. Return to operational duties will occur following advice from the Service Occupational Health Doctor, that the firefighter has achieved at least a fitness level of 35 VO₂max and they have achieved a level in the health measures compatible with firefighting. They will then be required to continue to improve their fitness to the 42 VO₂max fitness standard.

If the employee is still not operationally fit, they will remain on non-operational duties and a Stage 2 formal Capability meeting will be organised. The employee may be accompanied at the meeting by a colleague or trade union representative.

This meeting will explore any problems regarding attaining fitness, agree a further period to improve by and review and monitoring period (based on medical advice and reasonable expectations in line with the Capability procedure. It will outline the consequences of not attaining fitness at the end of this period. The Service will have regular, at least monthly, reviews with the individual during this period, and shall have a formal review at the end of the monitoring period to ensure the fitness is sustained.

The meeting will confirm that the employee is still operationally unfit, the improvement required to facilitate a return to operational duties and outline the support the Service will continue offer to the employee. The employee will be allocated to a department and area of work appropriate to medical advice received.

The employee will be allocated to duties of a nature to improve fitness levels and a review period, based on medical advice set. A further agreed Personal Training/Weight Management fitness plan will be set between the firefighter and the Service Health and Fitness Advisor, supported by the Service PTI's, and Occupational Health Services.

If no improvement is maintained or achieved the employee is be referred to Professional Standards for a review of their case and a stage 3 third and final Capability meeting may be convened in line with the Capability Service Instruction.

Fitness Training

Pre Participation Physical Activity Checklist

Before carrying out fitness training sessions the Service will ensure that all employees have read the Pre Participation Physical Activity Checklist and have signed the Pre Participation Physical Activity Form, see [Appendix A](#).

Service Instruction: Fire Fighter Health and Fitness Service Instruction

Employees will sign a pre participation form to ensure they are fit to undertake fitness training. Following the signing of a Pre Participation Form for Station fitness training the firefighter must advise the Service if there are changes relating to their health and wellbeing, such as if they have a surgical procedure on their knee etc.

If a health/medical issue is identified at any point then the firefighter will be referred to the Occupational Health team for a medical review.

Physical Fitness Training

Physical fitness training time forms part of the Service's Station Work Routines. Firefighters and officers working on a fire station will be allocated an hour per shift for physical fitness training. The timing of the hour in the shift will be dictated by the Station Work Routines.

Firefighting staff should note that the Service are providing this physical fitness training time to benefit the health, safety and welfare of all individuals and in accordance with the safe person principles.

Fitness Training Information

The Service shall provide information on fitness training circuits and programmes for firefighters that will accommodate the training needs for staff with varying levels of fitness and experience in the use of gym equipment. These programmes are supported by national information that is available on the CFOA FireFit Steering Group website. The information will be available on Learn Pro and the Service Portal. Those employees who are on an Improvement Plan will be given bespoke guidance and assistance.

Gym Equipment

The Estates Team along with the Health and Fitness Advisor are responsible for the provision of Gym equipment and in conjunction with the Service PTA's have agreed a standard set of equipment that the Service shall seek to provide at all locations where a gym is provided for the use of Service employees.

The core items of gym equipment are:

Cardio-vascular training equipment-

Treadmill with 0-15% incline;
Static bike;
Concept 2 indoor rower;
Multi Stage Shuttle Run CD and CD player
Heart Rate Monitor Watches

Resistance Training Equipment-

Olympic bar and plates 100kg;
Bench press – Bench and rack;
Squat Rack;
Set of fixed dumbbells and stand (10-25 kg)
Set of fixed barbells and stand (10-40 kg)

Ancillary Equipment-

Pull up bar;

Stability (Swiss) Ball

Medicine Balls (various weights 5-10 kg)

Kettle Bells from 4kg – 16kg

Battle rope 50 mm diameter 15m length

Durable Floor Mats

Health and Safety Responsibilities

The Authority acknowledges its duty of care to all employees engaged in Service work activities, including fitness and exercise activities at work. The Service is committed to ensuring that suitable and appropriate equipment is supplied to each department to allow personnel to carry out fitness training.

The following practices should apply in order to promote safety;

- All firefighters must ensure that before using any Service Gym they have had a Gym Induction and have signed a Gym Induction Form. This should be undertaken for each new location where the firefighter is working but will only need to be done once at each location.
- All designated area utilised for fitness training or assessment must have a suitable and sufficient risk assessment. The PTA / Watch Manager must check this risk assessment is adhered to.
- All participants in fitness training and assessment must complete a PAR-Q Form before undertaking fitness training and assessment. This will only be required to be repeated if the firefighter's health has changed from when they completed their original form.
- Personnel have a duty to ensure that the areas where fitness training is carried out are kept clean and tidy;
- Personnel are required to ensure the equipment is fit for use (clean and mechanically sound) prior to undertaking any training.
- Any faults to equipment should be reported immediately.
- A First Aid kit and Defibrillators should be available for all training sessions and readily accessible, with the Defibrillators being held in Station Gyms; and
- Injuries should be recorded, with a note of the action taken in relation to each injury. Entries must be made in the Health and Safety system (OSHENS).

Appendix A



FITNESS TRAINING/ASSESSMENT **Pre Participation Physical Activity Checklist**

• Below is a checklist which will help ensure there is no reason to exclude you from participating in regular exercise / physical activity. Please consider the list below each time you are about to embark on exercise / physical activity.

Do you currently have any of the following?

- Chest pain or chest tightness at rest or with physical activity Yes No
- Episodes of dizziness or loss of consciousness Yes No
- Periods of un-explained shortness of breath/breathlessness Yes No
- Bone, joint or muscle condition which may be made worse by a change in your physical activity Yes No
- Newly diagnosed (past 4 weeks) high blood pressure or new medication for existing high blood pressure in past 4 weeks Yes No
- Any symptoms which you feel may make it difficult for you to participate in training

In the event of any of the above being applicable to you, you are requested to advise your Line Manager (Watch/Crew Manager) and they will make appropriate arrangements to seek further advice from the Service Physical Training Advisers and Occupational Health Team prior to you embarking on or continuing with exercise or physical activity.

I have answered the above questions accurately to the best of my knowledge. I accept responsibility for any harm resulting from my failing to declare any relevant medical/fitness information. In signing this Form you are confirming that there are no reasons to exclude you from participating in the Station physical training sessions, Station 'Warm Ups' and Operational Training and Occupational Health Services Fitness Assessments. If your health/medical status negatively changes you must advise your Line Manager (Watch/Crew Manager) at your earliest opportunity.

Print Name:

Date:

Signed (email signature)

Occupational Health Services. E: occupationalhealthservices@merseyfire.gov.uk

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"An Excellent Authority"

Service Instruction 0782
Positive Mental Health and Wellbeing

Document Control

Description and Purpose

This document is intended to give guidance to all Service staff on Positive Mental Health and Wellbeing and the support they can expect

Active date	Review date	Author	Editor	Publisher
19/12/2012	19/12/2013	Paul Blanchard-Flett	Paul Blanchard-Flett	Sue Coker
Permanent	<input checked="" type="checkbox"/>	Temporary	If temporary, review date must be 3 months or less.	

Amendment History

Version	Date	Reasons for Change	Amended by

Risk Assessment (if applicable)

Date Completed	Review Date	Assessed by	Document location	Verified by(H&S)

Equalities Impact Assessment

Initial	Full	Date	Reviewed by	Document location
x		06/08/12	P Blanchard-Flett	

Civil Contingencies Impact Assessment (if applicable)

Date	Assessed by	Document location

Related Documents

Doc. Type	Ref. No.	Title	Document location
SI		Capability	

Contact

Department	Email	Telephone ext.
Occupational Health Team	occupationalhealthservices@merseyfire.gov.uk	0151 296 4917

Target audience

All MFS	<input checked="" type="checkbox"/>	Ops Crews	<input type="checkbox"/>	Fire safety	<input type="checkbox"/>	Community FS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Principal officers		Senior officers		Non uniformed					

Relevant legislation (if any)

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POSITIVE MENTAL HEALTH & WELLBEING

Merseyside Fire & Rescue Authority's Positive Health and Wellbeing Policy has been developed to promote and encourage positive health and wellbeing at work.

This Service Instruction has been produced in accordance with our Mission and Values and recognises that it is the policy of the organisation to:

Promote health and wellbeing through its management policies, support services, information networks and health promotions, including alcohol awareness, healthy eating, physical activity, self management, and by liaising with external agencies such as local health providers.

Prevent, so far as is practicable, those circumstances detrimental to mental health and wellbeing

The Service recognises that mental health is as important as physical health. This Service Instruction applies to all staff employed by Merseyside Fire & Rescue Service and aims to ensure that all staff feel supported in their work.

The Service aim to:

- promote good practice in both physical and mental health & wellbeing activities and share successes across the organisation
- provide training for all managers and supervisory staff in good management practices appropriate to this policy
- ensure all necessary resources are provided to enable managers to implement the organisation's agreed health & wellbeing strategy
- Identify those circumstances that may contribute to work-related stress and conduct stress risk assessments to eliminate or control the risks from such stress. These circumstances and risk assessments will be kept under regular review
- consult with relevant trade union safety representatives and other stakeholders, where appropriate, on all proposed action relating to staff wellbeing and the prevention of workplace stress
- provide confidential counselling for staff whose wellbeing is affected by either work or external factors

Responsibility of the Health, Safety and Welfare Committee

The Committee has a responsibility to:

- promote an emphasis towards good physical and mental health and wellbeing
- provide support, resources and advisory services
- produce and disseminate guidance notes to the policy
- offer practical support and guidance
- provide training to staff

- monitor the effectiveness of the policy through annual reporting

Responsibility of the Strategic Management Group

Strategic Managers will:-

- establish effective monitoring processes so as to be able evaluate the impact of the policy
- make recommendations following consultation with staff on developments and improvements to the policy
- ensure the promotion of the policy throughout the organisation
- provide support and guidance for individuals
- Allocate resources necessary to allow managers to deliver the agreed strategy on reactive response, promotion of health and wellbeing activities and health referrals for expert opinion.

In addition to the general duties of all managers, Strategic Managers influence the culture in their part of the organisation. Their specific responsibilities include:

- Setting an example by adopting and adhering to the agreed health & wellbeing strategy
- Actively promoting the principles and behaviours contributing to positive staff wellbeing
- Awareness of employees' personal circumstances and offering additional support where appropriate to members of staff experiencing risks to their wellbeing derived from outside work, e.g. bereavement or separation
- Ensuring effective communication between management and staff, particularly where there are organisational and procedural changes
- Ensuring that bullying, harassment and discrimination are not tolerated
- Referring employees (with their consent) to the Occupational Health Team or counselling services
- Working with managers to initiate staff wellbeing focus groups where appropriate
- Conducting any investigation necessary to protect staff wellbeing – with input from the most appropriate line manager in the circumstances.

Responsibility of Line Managers

All line managers and those with supervisory responsibility for other employees are required to:

- Facilitate risk assessments relating to staff wellbeing, and implement agreed findings
- Ensure staff are fully trained to discharge their duties
- Ensure staff are provided where practicable with meaningful developmental opportunities
- Monitor workloads to ensure staff are not overloaded

- Monitor working hours to ensure staff are not overworking, and monitor holidays to ensure staff are taking their full entitlement
- Attend relevant training as required, including management training and health and safety training
- Ensure any potential staff wellbeing issues are communicated to a member of the Occupational Health team as soon as possible in order to secure appropriate advice and support
- Ensure effective measures are in place for monitoring all sickness absences for stress-related absence
- Ensure absence patterns are monitored, and anomalies are reported to Senior Management.
- Ensure regular contact is maintained for welfare purposes with staff absent from work due to ill health

Responsibility of Staff

All staff are expected to:

- treat each member of staff with dignity and respect
- take advantage of training and information sources
- recognise the limits to what they can do and seek advice at the earliest opportunity
- share ideas for promoting health and wellbeing in the workplace
- Raise issues of concern with their line manager, the Occupational Health team, their Health & Safety Representative or member of the Strategic Management Group.
- Accept opportunities for Occupational Health review or counselling when recommended.

Responsibility of the Occupational Health Team

Occupational Health Early Intervention

For Service staff who become unfit for work through either illness or injury the Occupational Health Team can offer early intervention to enable employees to access treatment and assistance to aid their recovery.

On receipt of referral when an employee has booked sick due to mental ill health (this is employees booking unfit for work due to stress, anxiety, depression or similar ill health issues), the Occupational Health team will take the following steps:

- Ascertain more information from the Line Manager and when appropriate make contact with the employee
- Offer relevant support services and advice
- Refer on to the Occupational Health medical team

- On advice from the Occupational Health medical team, a rehabilitative return to work/ other duties or the Psychological Support Pathway of Care may be considered

Occupational Health Services, supported by the Health and Safety Department, are responsible for the monitoring and support for employees' mental health and wellbeing.

This is done by:

- Health & Wellbeing promotion and training
- The training for managers and supervisors on Stress Risk Assessments and how to identify the early warning signs and symptoms of stress
- The introduction of an individual stress risk assessment
- The provision of Counselling Services and Employee Assistance Programme

Employees experiencing difficulties due to stress, anxiety, depression, or a similar problem may be referred to the Service Counsellor via the Occupational Health Team. Those experiencing difficulty following bereavement may also be referred to a Bereavement Counsellor.

Employees and their families living at the same address can access counselling and advice services by contacting the Service employee assistance programme at any time, all year round.

Pathway of Care

Psychological Support Pathway of Care (PSPC)

In cases considered appropriate by the Occupational Health Medical team the Service will consider placing an individual who is experiencing poor mental health on a PSPC.

An employee at any time based on their circumstances may request a referral into Occupational Health in order to be placed on a PSPC.

This Pathway of Care will seek to ensure that they access mental health services available through the NHS and the Service. The employee's role in the workplace will be modified to ensure their wellbeing.

The employee will have an individual stress risk assessment and will attend Occupational Health medical reviews at regular, initially weekly, intervals. They will be directed to seek support, and probably medication, from their General Practitioner. They shall also be directed to access the wellbeing support services such as the Employee Assistance Programme. The pastoral care services of the Service Chaplain will be offered to the employee.

There will be regular reviews with the employee to ensure they are receiving appropriate support and formal reviews will be set on an individual case basis. A return to the employee's

full duties will be determined by management based on medical advice from the Service Occupational Health medical team.

The Occupational Health team shall continue to undertake clinical checks on an employee following their time on the Pathway to ensure their continued wellbeing in the workplace.

The Service may utilise the Pathway of Care to support an employee in cases where it is considered more appropriate than utilising the capability or conduct procedures. Alternatively the employee may be placed on a Pathway of Care following a sanction to support them in their rehabilitation.

The Pathway of Care will be used on occasions to formalise the support available to an individual accessing this support. This does not preclude the possibility of formal.

The Chaplain and Chaplaincy Team

The Service Chaplain is available for staff who may be seeking assistance. It should be stressed that the Chaplain and the Chaplaincy team are there for all personnel irrespective of whether they have religious beliefs or not. The Service Chaplain is available any time to chat and listen to groups i.e. watches or crews, or individuals.

Confidentiality

While all dealings with staff are subject to the organisation's policy on confidentiality this policy is often of great importance with regard to those experiencing mental health difficulties. Confidentiality would only be breached by necessity, for example where the individual is deemed to be a risk either to him/herself, to other people or to the Authority. In cases of doubt the safety of the individual and the safety of our community take precedence over confidentiality.

Wellbeing Indicators

Experience demonstrates that organisations which adopt a positive approach to improving health and wellbeing across the organisation, may achieve substantially reduced costs associated with:

- A healthy workforce
- Low rates of accidents and injuries to Service employees
- An engaged, high performing workforce
- Low levels of absence, discipline, absenteeism and staff turnover

Appendix A

Employee Wellbeing Occupational Health Contacts:

Occupational Health Services Team Office Number	0151 296 4917
Paul Blanchard-Flett - OH Manager	0151 296 4339/ 07977 218 474
Kelly Patterson– Senior OH Officer	0151 296 4340
Nicola Hanlon – Occupational Health Officer	0151 296 4344
Wendy Stanley – Occupational Health Administration	0151 296 4338

(The Medical Team should be contacted only via the Occupational Health Services Team).

Reverend Bill Sanders - Service Chaplain	07970 669160
PPC - Freephone number (available 24/7 365) Employee Assistance Programme	0800 282 193
For calls from outside the UK	+44 (0) 1865 397 074
For deaf /hard of hearing employees please use	(Minicom) 0800 085 4739

Further Information and resources

Wellbeing Charter	www.wellbeingcharter.org.uk
NICE Public Health Guidelines on workplace Mental health	www.nice.org.uk
Mindful Employer Charter	www.mindfulemployer.net
Time2Change anti-stigma campaign	www.time-to-change.org.uk
MIND employer resources	www.mind.org.uk
Mental Health Foundation	www.mentalhealth.org.uk
Sainsbury Centre for Mental Health	www.scmh.org.uk

'Health, work and wellbeing' (Department for Work and Pensions 2005; 2008). 'Dame Carol Black's review of the health of Britain's working age population

'Working for a healthier tomorrow' (Department for Work and Pensions and the Department of Health 2008).

'Mental health and employment strategy' (Department for Work and Pensions and the Department of Health 2009).

Healthy Lives, Healthy People PH White Paper 2010 www.dh.gov.uk

This Policy shall be reviewed every 12 months to assess the requirement for updates.

Appendix B

Definition and Terminology

The term “mental health” is one which encompasses a wide range of experiences which affect an individual’s ability to balance his/her life. The difficulties can range from stress and anxiety through to serious mental health conditions diagnosed and treated by the health services.

The organisation’s duty of care towards its staff is determined externally by legislation such as

Health and Safety at Work Act (1974)

Human Rights Act (1988)

Data Protection Act (1988)

Equality Act (2010)

The Equality Act defines disability as “a physical or mental impairment which has a substantial and long-term adverse effect on the ability to carry out normal day to day activities” and defines “long-term” as “12 months or more”. Certain mental health difficulties may fall under this definition and will therefore qualify as disabilities.

DRAFT



“An Excellent Authority”

Service Instruction Medical Discharge Procedure

Document Control

Description and Purpose

This document is intended to give guidance to all MFRS personnel regarding the Authority's Medical Discharge procedure.

Active date	Review date	Author	Editor	Publisher
Permanent	X	Temporary	If temporary, review date must be 3 months or less.	

Amendment History

Version	Date	Reasons for Change	Amended by

Risk Assessment (if applicable)

Date Completed	Review Date	Assessed by	Document location	Verified by(H&S)

Equalities Impact Assessment

Initial	Full	Date	Reviewed by	Document location

Civil Contingencies Impact Assessment (if applicable)

Date	Assessed by	Document location

Related Documents

Doc. Type	Ref. No.	Title	Document location
SI		Capability	

Contact

Department	Email	Telephone ext.
Occupational Health Team	Occupational Health Services	0151 296 4917

Target audience

All MFS	X	Ops Crews	Fire safety	Community FS
Principal officers		Senior officers	Non uniformed	

Relevant legislation (if any)

Medical Discharge Procedure

Introduction

There are a number of 'triggers' for consideration of a medical discharge. In all cases the Fire Authority will follow medical advice regarding an employee's permanent incapacity for their full contractual duties.

The 'triggers' for consideration of a medical discharge are:

- a) A request from a member of the Service for the consideration of a medical discharge under either Pension Scheme (FPS or NFPS/LGPS).

Or an Authority instituted ill health discharge review due to:

- b) A long term sickness absence with no planned or foreseeable expectation of resumption of normal duties;
- c) An extended period on other duties with no planned or foreseeable expectation of resumption of duties with long term being defined on an individual case by case review;
- d) A report from the Occupational Health Doctor that in their opinion an employee is likely to be permanently incapacitated to perform their duties.

During the review process the Service shall adhere to the National Conditions of Service regarding an employees pay.

Pension Scheme Definitions of Incapacity and Permanent Incapacity:

- Under the Firefighter's Pension Scheme Order 1992, Rule A10-2, (as amended 13.09.2004) the definition of disablement is 'incapacity, occasioned by infirmity of mind or body, for the performance of duty as a regular firefighter'. That is, a member of a Fire & Rescue Authority who is, or may be, required to engage in firefighting, or without a break in continuity of such employment may be required to perform other duties as appropriate to their role as a firefighter (other than or in addition to engaging in fire fighting).
- Permanent disablement is defined in the Firefighter's Pension Scheme, Rule A10-1, as being 'you are permanently disabled if, at the time the question of disability arises for decision, your disablement is considered likely to be permanent. Under Rule A10, in determining whether a disablement is permanent, the Authority shall have regard to whether the disablement will continue until the age at which the person would otherwise be required to retire in accordance with Rule A13. This obviously depends on the medical evidence available at the time.
- The Local Government Pension Scheme Regulation 27 defines permanent incapacity as being 'permanently incapable of performing efficiently the duties of that employment or any comparable employment with the member's employing authority because of ill health or infirmity of mind or body'. The term permanently incapable is further defined in Regulation 27 as meaning 'incapable until, at the earliest, the member's 65th birthday'.

Service Instruction: Medical Discharge Procedure

- Comparable employment under the LGPS Regulation 27 is defined as ‘a job whose terms as to pay, hours, location etc are similar to the current job and whose capability requirements are either the same as the normal job or only differ sufficiently to accommodate a persons medical condition. It is for the employer to identify any available job that may be suitable and obtain a medical opinion on whether or not a person is permanently incapable of doing it. Please note to be regarded as comparable a job must be with the same employer’.

Procedure

An employee’s case will be considered for possible medical discharge where ‘triggers’ a, b, c or d have been met. In these cases the employee will be invited to attend for a Management Referral Interview with the Occupational Health Manager, and the Pay and Pensions Manager. The interview will be to discuss the employee’s current case and the next stages in the process expected to occur.

Subject to the outcome of this interview and where a medical discharge is being considered, consent will be gained for access to the employee’s General Practitioner Medical records, and if considered appropriate Specialist Records, by the Occupational Health Doctor. Following receipt of these Records the Occupational Health Doctor issues a Report to the Service. If he/she considers it appropriate a medical review appointment will be made with the employee prior to the issue of a Report.

All medical records will remain confidential to the Occupational Health Doctor only.

In all cases a copy of all injury reports submitted by the employee, as well as any relevant accident investigation reports will also be submitted to the Occupational Health Doctor for their consideration when compiling their Report.

The Occupational Health Doctor will issue a Report to the Authority with a prognosis of the employee’s condition relating to their future capacity to work. This Report will consider the full medical records available and any relevant Injury Reports. Where appropriate the Service may request further specialist medical reports.

A decision will be taken whether to submit the case to the Independent Qualified Medical Practitioner / Independent Recognised Medical Practitioner, before making a recommendation as to whether an employee should be medically discharged. In all cases where the employee has requested an ill health retirement, the Authority must obtain the independent opinion.

The form ‘Permanent Redeployment Review’ found in Appendix A will be completed and all options considered for all personnel before processing through the independent process.

Local Government Pension Scheme:

The IRMP will complete an LGP 12 Merseyside Pension Fund ‘Medical Certificate for Employees leaving from 1 April 2008’ Form.

The IRMP will advise the Authority whether:

Service Instruction: Medical Discharge Procedure

1. The employee is permanently incapable of discharging their normal occupation until their 65th birthday
2. The employee has a reduced likelihood of undertaking gainful employment before age 65
3. The employee
 - Has no reasonable prospect of undertaking gainful employment before age 65;
 - Cannot undertake gainful employment within 3 years of leaving but is likely to do so before age 65
 - Is likely to be capable of undertaking gainful employment within 3 years of leaving (or before 65 if earlier)
 - Where they have reduced their hours due to their current medical condition whether this has been wholly or mainly as a result of the condition causing their incapacity
 - As a result of their ill health they are unable to continue in their current job and are unlikely to be able to undertake any paid work other than to an insignificant extent before State Pension Age (the Severe Ill Health Test).

Following receipt of this Certificate the Authority will determine whether to bring the employee's retirement benefits into payment before age 65 on the grounds of ill health and if so at what Tier, 1-3. The Tiers of an LGPS ill health discharge relate to the employees capability to undertake gainful employment following their leaving the Service as assessed by the IRMP.

Tier 1 is the 'highest' Tier and covers employees for whom there is no reasonable prospect of them undertaking gainful employment before aged 65 (or the pensionable retirement age applicable to the Scheme at that time).

Tiers 2 and 3 differ only in the prospect of an employee undertaking gainful employment after or before three years have elapsed from the date of leaving the Service. Managers should refer to the Merseyside Pension Fund website when considering an ill health discharge of an LGPS member and for future information relating to Tiers 1-3.

Following receipt of the IRMP opinion and the review of the Tier level of the case the Pay and Pensions Manager will arrange for a Discharge Interview with a Principal Officer.

Firefighters Pension Scheme Order:

The case will be referred to an IQMP (Independent Qualified Medical Practitioner) in adherence to the FPS and New FPS Regulations.

The IQMP shall provide to the Service a medical opinion as to whether:

- The firefighter is suffering from the incapacity advised by the Service
- The firefighter is medically disabled from engaging in firefighting
- The firefighter is disabled from performing the duties of a regular firefighter additional to firefighting
- Whether any medical disablement is likely to be permanent
- Whether they are capable of undertaking any regular employment
- Any disablement is due to a qualifying injury

Prior to the issue of the employee's case to the IQMP the Service should consider point's a-d below, at which point a Principal Officer will sign the Permanent Redeployment Review Form. However on occasions where the employee has instigated this process, as the Service are obligated to submit them to the IQMP, this consideration will take place following the receipt of this IQMP medical opinion:

- a. Can reasonable adjustments be made that would enable the employee to continue as a firefighter?
- b. If not, can reasonable adjustments be made that would enable the employee to continue to perform some of the duties of a firefighter and continue in employment?
- c. If not, are there any suitable permanent 'non firefighting' NJC for Local Government Services (Green Book) positions available within the Service that would enable the employee to continue in employment?
- d. Whether a restructure of the Fire and Rescue Service employee establishment is practicable taking to account the statutory duties of the Service.

If, in cases submitted to the IQMP at the employees request, following a through consideration of reasonable adjustments/ the availability of suitable permanent 'non firefighting' roles and the Authority cannot identify a role for the employee, then the employee shall be invited to a meeting to discuss a medical discharge.

The Pay and Pensions Manager will arrange for a Discharge Interview with a Principal Officer to discuss an ill health discharge.

In cases where the IQMP advises that the employee is permanently incapable of performing their duties, the IQMP medical opinion is binding on the Authority under the Pension Schemes.

Appendix A



“An Excellent Authority”

Permanent Redeployment Review

The employee listed below is to attend for a medical review with an the Independent Qualified Medical Practitioner (IQMP), under the Firefighters Pension Scheme, following advice received by the Service from our Medical Advisors that in their opinion this employee should be reviewed by an IQMP for their binding medical opinion.

Employee:

Name:		Service No.	
Rank		Current Post	
Enrol date:		Length of Service:	

Capabilities/ Restrictions on Activities:

As it is a recommendation under the Firefighters Pension Scheme to consider re-deployment as an alternative to straightforward medical discharge I should be grateful for you consideration of suitable **permanent** non firefighting roles, conditioned to either the National Joint Council for Local Authority Fire and Rescue Services (Grey Book) or the National Joint Council for Local Government Services (Green Book) Conditions of Service, that you have on your establishment that this employee may be capable of performing as a suitable alternative to their possible retirement from the Service. The Service shall also consider reasonable adjustments prior to submission of this case to an IQMP and/or a restructure of the Service establishment where practicable taking into account the statutory duties of the Service. This information is required by the IQMP to further inform their review of this case.

I have considered this employees case and can find no suitable permanent non firefighting role in which to re-deploy them.

Signature

Date

AGENDA ITEM:	
REPORT TO:	MERSEYSIDE FIRE & CIVIL DEFENCE AUTHORITY
DATE:	17th JANUARY, 2005
REPORT NO.	CFO/15/05
REPORTING OFFICER:	EXECUTIVE DIRECTOR OF LAW AND HR
CONTACT OFFICER:	MR. DAVE WRIGHT, EXT. 4111
OFFICERS CONSULTED:	
SUBJECT:	PROPOSED AMENDMENTS TO DISCIPLINE AND GRIEVANCE PROCEDURES, AND CONSULTATION AND NEGOTIATION PROCEDURES

Purpose of Report

1. To request the Authority to consider amendments to the Discipline and Grievance Procedures and Consultation and Negotiation Procedures approved by the Authority.

Recommendations

2. That the Authority approves the revised :-
 - 2.1. Discipline Procedures Scheme of Delegation, attached as Appendix A.
 - 2.2. Grievance Procedures Scheme of Delegation, attached as Appendix B, and
 - 2.3. Consultation and Negotiation Procedures, attached as Appendix C.

Information

3. The Authority, on 23rd December, 2004, approved new Discipline and Grievance Procedures and Consultation and Negotiation Procedures in line with the new Grey Book provisions.
4. However, the Fire Brigades Union has entered into correspondence and discussions regarding specific issues of concern to the Union in respect of such procedures. The outcome of discussions is that the parties have reached a Collective Agreement as to revised arrangements, which are now submitted for endorsement by the Authority as set out in Appendix A, B & C.

Discipline Procedures Scheme of Delegation

5. The Discipline Procedures Scheme of Delegation, attached as Appendix A, is amended from that previously approved by the Authority by expressly providing that the Assistant Chief Fire Officer, Deputy Chief Fire Officer or Chief Fire Officer or Brigade Manager are the only officers who have delegated powers to dismiss under the third formal stage.

The third formal stage is the stage at which dismissal, demotion, loss of pay, final written warning or a further written warning may be given.

6. It should be noted that any appeal against dismissal would then fall to be considered by the Appeals Committee. The Fire Brigades Union also wish the Authority to consider whether it would be willing to determine that appeals against sanctions other than dismissal at the third formal stage should also be heard by the Authority (e.g. demotion or loss of pay).

Grievance Procedure

7. The Grievance Procedure, attached as Appendix B, is amended from that previously approved by the Authority in the following manner.

Where a complainant is still dissatisfied following determination of an appeal against the initial determination of their grievance, then instead of the Chief Fire Officer determining whether the matter is one of a serious nature, and if so referring the matter to the Appeals Committee, the arbiter as to whether the matter should be referred to the Appeals Committee, will be the local Joint Secretaries.

Consultation and Negotiation Procedures

8. The Consultation and Negotiation Procedure, attached as Appendix C, is amended from that previously approved by the Authority as follows :-

The National Negotiation Procedure provides that, where issues are not resolved internally, then both parties may jointly agree to refer the issue to the NJC Joint Secretaries, ACAS or the NJC Disputes Resolution Advisory Panel. Agreement of both sides is therefore required.

However, the revised proposals provide that, if the parties cannot agree on reference of the issue to an external route, then the issues will be referred to the NJC Joint Secretaries for them to seek resolution of the issue in question.

If the issues are not resolved by the NJC Joint Secretaries within 10 working days of reference of the issues to them (or such longer time as is agreed between the parties), then both parties agree that the issues will be referred to ACAS for resolution.

Financial Matters

9. None arising directly out of this report.

MERSEYSIDE FIRE & RESCUE SERVICE

SCHEME OF DELEGATED POWERS TO OFFICERS – DISCIPLINE AND
GRIEVANCE PROCEDURES

1. Officers for the time being employed by Merseyside Fire & Civil Defence Authority ("the Authority") at the ranks or roles specified in the first column below (or for the time being employed at a higher rank or role) shall be empowered to take the action specified in the corresponding part of second column below in respect of the Disciplinary Procedure set out in the National Joint Council for Local Authority Fire & Rescue Services Scheme of Conditions of Service (6th edition) 2004 as amended from time to time ("the Grey Book").

First Column
(Rank/Role)

2nd Column
(Authorised action under Discipline
Procedures)

Informal Stage

2. Leading Firefighter, Crew Manager (or line manager if higher rank/role than employee the subject of the procedures).
2. Informal discussion under informal stage.

First Formal Stage

- 3.
- Line Manager of employee the subject of the procedures at the rank of sub officer or role watch manager or equivalent level.
 - HR Manager.
- 3.
- a) Initiation of discipline process.
- b) Investigation of disciplinary case.
- 4.
- Sub.O., Stn.O. or watch manager.
- 4.
- Conduct discipline meeting and decide outcome re cases of unsatisfactory performance or absence and inform employee that a failure to improve could lead to disciplinary action.
 - Issue written warning.
- 5.
- ADO, station manager or equivalent.
 - HR Manager.
- 5.
- Conduct discipline meeting and decide outcome.
 - Issue written warning

Second Formal Stage

- 6.
- ADO, station manager or equivalent.
 - HR Manager
 - Group Manager or equivalent, HR Manager

- 6.
- Initiation of disciplinary process.
 - Investigation of disciplinary case.
 - Conduct disciplinary meeting and decide outcome.
 - Issue further written warning or final written warning.

Third Formal Stage

- 7.
- DO, Group Manager or equivalent.
 - HR Manager

- 7.
- a) Initiation of discipline process.
- b) Investigation of disciplinary case.

8. 8.1.
- SDO, Area Manager or equivalent.
 - Director of HR

8. 8.1
- a) Conduct disciplinary meeting and decide outcome.
- b) Issue further written warning, or final written warning, and/or demotion and/or disciplinary transfer and/or loss of pay up to a maximum of 13 days pay.

- 8.2
ACFO, DCFO, CFO or Brigade Manager

- 8.2
Dismiss employee (including dismissal for gross misconduct).

Gross Misconduct

9. ACFO, DCFO, CFO or Brigade Manager.

- 9.
- a) Establish facts and determine an outcome.
- b) Summary dismissal.

Appeals Against Disciplinary Sanctions

(other than dismissal)

11. Officers at the rank/role or equivalent level who are at a rank/role/level higher than the rank/role/level of the officer that determined the disciplinary case the subject of the appeal.

- 10.
- Conduct appeal hearing.
 - Determine whether appeal is by way of review or rehearing.
 - Determine whether appeal is allowed or dismissed.

Suspension

- 11.
- SDO, Area Manager or equivalent
 - Director of HR
- 11.
- Determine whether an employee should be suspended.
 - Review supervision.
12. This scheme of delegation shall apply with effect from 1st January, 2005 until and unless further amended or revoked by the Authority.
13. In this scheme :-
- (a) Reference to the roles in the 1st column below include reference to the ranks specified in the corresponding part of the second column below.

<u>First Column</u> (Roles)	<u>Second Column</u> (Ranks)
Crew Manager	Leading Firefighter
Watch Manager	Sub.Officer and Station Officer
Station Manager	Assistant Divisional Officer
Group Manager	Divisional Officer
Area Manager	Senior Divisional Officer

- (b) The term "Manager" applies to both uniformed and non-uniformed roles where reference is made to a uniformed role, that reference is equally applicable to a non-uniformed employee at the level equivalent to that uniformed role.

MERSEYSIDE FIRE & RESCUE SERVICE
SCHEME OF DELEGATED POWERS TO MANAGERS
-GRIEVANCE PROCEDURES

1. officers for the time-being employed by Merseyside Fire & Civil Defence Authority ("the Authority") at the ranks or roles specified in the first column below (or for the time-being employed at a higher rank or role), shall be empowered to take the action specified in the corresponding part of the second column below in respect of the individual Grievance Procedures set out in the National Joint Council for Local Authorities Fire & Rescue Services Scheme of Conditions of Service (6th edition) 2004 as amended from time to time ("the Grey Book").

First Column
(Rank/Role)

2nd Column
(Authorised action under Grievance
Procedures)

Informal Stage

2. Line Manager of person aggrieved. Discuss grievance with employee.

Formal Stage

3. Line Manager of person aggrieved (or person who made the decision the subject of the grievance if at a higher level).
 - Hear grievance
 - Reach decision on grievance and notify person aggrieved of decision.

Appeal Stage

4. Employees at next level of management higher than the complainant's line manager (or person who determined the grievance).
 - Hear grievance
 - Reach decision on grievance and notify person aggrieved of decision.

Consideration of further appeal

5. Local Joint Secretaries
 - Decide whether a grievance determined at the Appeal Stage, but where the complainant is still dissatisfied, is one of a serious nature. If so, refer the grievance to the Appeals Committee for consideration.

Collective Grievances

6. The powers set out above do not apply to collective grievances, which are not appropriate for the individual grievance procedures.

LOCAL CONSULTATION AND NEGOTIATION

CONSULTATION AND NEGOTIATION PROCEDURES

Context

These procedures are intended to establish relationships and interactions that promote joint solution seeking to resolve differences between management and recognised trade unions that may arise from time to time.

Consultation Procedure

1. This procedure shall be used for matters that do not require collective agreement and should cover at least those issues described in the European Union Information and Consultation Directive and the arrangements for consultation should as a minimum follow the United Kingdom Regulations fall-back provisions.

Commencement

2. Consultation shall commence at the earliest opportunity and shall take place prior to final decisions having been taken. As far as practicable, all relevant, non-confidential, information will be made available to the recognised trade unions to enable meaningful consultation to take place.
3. Consultation will take place at the level in the organisation affected by the issues in question. Matters of a corporate nature will be dealt with corporately.

Purpose

4. Consultation between the fire and rescue authority and recognised trade unions shall be conducted with a view to reaching agreement. To this end the authority shall give consideration to all issues raised with them and will give reasons when it is unable to agree to any proposals put forward by the recognised trade unions.
5. The parties shall work jointly to resolve issues identified in the course of consultation and ensure that consultation is carried out effectively.

Conclusion

6. Consultation will be concluded at the point either when there is agreement or when the issues not agreed have been fully responded to. All parties agree to adhere to any pre-arranged timetable for completion of discussions.

Third Party Assistance

7. Where one party considers that external assistance may be beneficial it may seek the agreement of all other parties to this approach. No party would unreasonably refuse a request.

Negotiation Procedure

1. This procedure shall be used for all matters that are the subject of collective negotiation and agreement between the fire and rescue authority and recognised trade unions. The objective of the procedure is to resolve issues jointly. Individual issues should be dealt with through the grievance procedure.

Application

2. Issues shall be dealt with at the appropriate level, but issues of a corporate nature should be dealt with at the corporate level in the first instance.
3. Any issue should be able to be pursued to a corporate level for resolution.
4. All parties should have the requisite information needed to deal with any issue.
5. All parties will use their best endeavours to ensure compliance with the timetables set out in the procedure unless otherwise jointly agreed.
6. Notwithstanding these formal procedures each party should give early notification to the other party that an issue has arisen and maintain a continuous informal dialogue and exchange of information on relevant issues.
7. External assistance may be used to facilitate the negotiating process where the parties agree that this would be helpful.

Stage 1

8. Other than for issues that arise initially at corporate level, the fire authority and/or recognised trade unions shall notify the other party of an issue that has arisen which falls within the purview of this procedure.
9. Where requested a meeting shall be arranged within ten working days to deal with the issue(s). As far as practicable any supporting information will be made available to all parties prior to the meeting taking place.
10. If no solution is found within ten working days the parties shall decide whether or not to continue discussion at this stage, refer to the next stage or end the discussion. Any party may refer the matter under negotiation to the next stage.

Stage 2

11. The fire and rescue authority and/or recognised trade unions shall notify the other parties of an issue of a corporate nature which comes within the purview of this procedure or which has been referred from a previous stage in this procedure.
12. Where requested, a negotiating meeting at a level appropriate to the issues shall be arranged within ten working days to deal with the issue(s) raised. As far as practicable all parties will be provided with relevant information prior to the meeting take place.
13. If no solution is found within ten working days of the meeting the parties shall decide whether or not to continue or conclude the discussion.
14. Where one party considers that external assistance may assist in resolving an issue at corporate level it may request the agreement of the other parties to this approach, and no party will unreasonable withhold agreement to such a request. Such a request shall be made within five working days of completion of discussion at the corporate stage.
15.
 - 15.1. In such circumstances the parties may jointly agree to refer the issue to:-
 - (1) the NJC Joint Secretaries; and/or
 - (2) ACAS; and/or
 - (3) the NJC Resolution Advisory Panel (which shall comprise an Independent Chair and the Joint Secretaries)to assist the parties further with their negotiations.
 - 15.2. Where the parties do not agree on reference of the issue to an external party under paragraph 15.1 within 10 working days of the meeting referred to in paragraph 12 (or such longer time as agreed between the parties) then the issue shall be referred to the NJC Joint Secretaries for them to seek resolution of the issue.
16.
 - 16.1. The above should be completed within twenty working days of the request for external assistance being made.
 - 16.2. If the issue is not resolved within 10 working days of reference of the issues to the NJC Joint Secretaries (or such longer time as agreed between the parties) under paragraph 15.2, then the parties agree that the issue shall be referred to ACAS for resolution.

Arbitration

17. If a difference remains unresolved, subject to agreement of the parties and agreed terms of reference, an issue may be referred to ACAS (in Northern Ireland, the Labour Relations Agency) for settlement by arbitration.

General

18. While an issue is subject to discussion/resolution under this negotiating procedure neither side will seek to take any collective action or introduce change.
19. Any difference over the application of paragraph 18 will be resolved by reference to the Independent Chair of the Resolution Advisory Panel. Submissions and the decision will be by correspondence and will be completed within ten working days of the reference being made.

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Merseyside Fire and Rescue Service
Equality Impact Assessment Form

Title of policy/report/project:	Conduct and Capability policy
Department:	POD
Date:	January 2014
Author	Amanda Cross
<p>1: What is the aim or purpose of the policy/report/project</p> <p><i>This should identify “the legitimate aim” of the policy/report/project (there may be more than one)</i></p>	
<p>The policy is necessary to provide managers with a formal process for managing capability issues , so that all employees regardless of grade are managed in line with ACAS guidelines, the National Conditions of Service (grey, green and red books) and the principles of natural justice; in a clear, fair and reasonable manner in relation to conduct and performance matters.</p> <p>The aims and objectives of the policy are for managers to have a formal process for managing any issues of shortfalls in performance and to support employees achieve the standards required in the job. Should an employee be dismissed for capability, to ensure that the dismissal is carried out fairly.</p> <p>The outcomes are:</p> <ul style="list-style-type: none"> ➤ To ensure consistent treatment for everyone and to offer support when standards are not met. ➤ having a capability policy in place which compiles with the statutory minimum dismissal procedure <p>The policy will benefit both employees and the employer as it ensures key learning and development needs are recognised and addressed early on, ensuring that employees are given the opportunity to address these before the matter gets too serious.</p>	

2: Who will be affected by the policy/report/project?

This should identify the persons/organisations who may need to be consulted about the policy /report/project and its outcomes (There may be more than one)

1. SMG as the body authorised to make decisions regarding equality and diversity issues.
2. POD to ensure the information is accurate and aligned to National and European statute and case law.
3. Representative bodies to ensure the policy is in line with best practice and is used correctly
4. All employees who will be managed via this policy and its associated procedures.

3. Monitoring

Summarise the findings of any monitoring data you have considered regarding this policy/report/project. This could include data which shows whether the it is having the desired outcomes and also its impact on members of different equality groups.

What monitoring data have you considered?

What did it show?

Professional standards information reports that of the 36 disciplinary warnings issued last year 34 were male employees and 1 female employee was disciplined on two occasions for failing to improve the same conduct issue. The female employee was a green book employee. There were no grey book female employees disciplined for conduct issues.

Professional standards will monitor all formal action taken by Managers in relation to conduct and capability. HR Managers will be responsible for coaching and guiding Managers in the effective use of the policy, with monthly meets to ensure consistency of application.

The Task and Finish committee have asked for scrutiny for the first year to ensure that the policy is being used appropriately.

4: Research

Summarise the findings of any research you have considered regarding this policy/report/project. This could include quantitative data and qualitative information; anything you have obtained from other sources e.g. CFOA/CLG guidance, other FRSs, etc

<p>What research have you considered?</p>	<p>What did it show?</p> <p>ACAS, DBIS, Directgov, CIPD, HSE and TUC websites as background reading.</p> <p>Employment Relations Act and extant case law to ensure the policy is in line with the current legal position.</p> <p>The Equality Act Employment Statutory Code of Practice 2010 was researched for examples of reasonable adjustments particularly with regard to disability related absence and capability.</p> <p>Cleveland, Leicester and West Midlands FRS policies were reviewed to gauge a FRS perspective.</p> <p>Kent Police, various NHS Trusts to gain a wider public sector stance.</p>
<p>5. Consultation</p> <p><i>Summarise the opinions of any consultation. Who was consulted and how? (This should include reference to people and organisations identified in section 2 above)</i></p> <p><i>Outline any plans to inform consultees of the results of the consultation</i></p>	
<p>What Consultation have you undertaken?</p>	<p>What did it say?</p> <p>The policy and associated SI's will be submitted to DAG for discussion.</p> <p>The material has been to the Authority Task and Finish Group for member scrutiny.</p> <p>The policy and associated SI's have been circulated to SMG.</p> <p>The representative bodies are being consulted.</p> <p>The Policy will also be submitted to the Next Diversity Meeting in April 2014 for further consultation, specifically in relation to the issues raised within this EIA.</p>

6. Conclusions

Taking into account the results of the monitoring, research and consultation, set out how the policy/report/project impacts or could impact on people from the following protected groups? (Include positive and/or negative impacts)

(a) Age

Our employees are all of working age, however as employees age they are more statistically likely to develop certain age related illness for example cancers, sight and hearing related disabilities. These cases are currently managed by our Occupational Health Teams who will continue to assist employees at an early stage to mitigate age related causes of ill health.

The Service actively encourages employees to maintain their health and fitness through targeted support such as Roy Castle Lung Cancer charity, pathways programmes for alcohol and trained mental health first aiders.

In addition the Service support employees to maintain good health regardless of age via informal means such as the Sports and Social clubs and through formal means for example, the provision of gyms and for Fire Fighters scheduled time in fitness training. There have been convincing links between the maintenance of physical fitness and age related illness for example a recent study demonstrated the benefit of walking in reducing the likelihood of dementia.

(b) Disability including mental, physical and sensory conditions)

A potential barrier could be that an employee with a disability as defined under the Equality Act 2010 (Disability Discrimination Act) may not be able to attain the standards required for the job. In such circumstances, consideration will be given to extending the capability review period to allow sufficient time for the employee to meet the standards, and advice be sought from Occupational Health and Diveristy Manager to see if any reasonable adjustments may be needed in either the workplace or the duties of the role to assist the employee to reach the required standards.

The duty to make 'reasonable adjustments' is owed to employees as and when the need arises. The obligation is placed on the employer when employees who are disabled or become disabled, have notified their employer that they have a disability This provision does not oblige employers to make the best adjustments possible, e.g. to re-allocate key functions of a job, or to provide items which the individual could be reasonably expected to have already for their personal use. However, in deciding if it is reasonable to require an employer to undertake a particular action, the following factors will be taken into account at an Employment Tribunal:

- the extent to which taking the action would prevent the disabling effect in question
- the practicability of such a step

- the financial and other costs and the degree of disruption to the employer
- the financial or other resources available to the employer
- the availability to the employer of financial and other assistance (for example, the "Access to Work" scheme)
- the nature of the employer's activities and size of its undertaking (for example where an employee becomes disabled and can no longer undertake the duties of the post, it might be reasonable given the size of the Authority and the wide range of jobs available to seek suitable alternative employment in accordance with the redeployment policy).

In relation to conduct and capability meetings, reasonable adjustments will be made to ensure a person with a disability can understand the process and has access to information in a manner compatible with their disability, for example a signer can be arranged for a deaf employee.

With the support of pathways programmes for substance abuse and the introduction of one to support mental health issues, the Service is looking at early proactive interventions and sustainable support for its employees rather than dismissals.

There is however, the potential for capability dismissals when all other options have been explored and exhausted, and after suitable and sufficient assessments have taken place. Where a capability issue arises through absence or fitness the Service is bound by the Equality Act 2010 to make reasonable adjustments and consider reasonable steps in order to assist an employee to remain in work. The capability process is a multi-staged process where the employee and employer can jointly discuss required improvements, action plan and supportive measures.

(c) Race (include: nationality, national or ethnic origin and/or colour)

No differential impact.

(d) Religion or Belief

No differential impact

(e) Sex (include gender reassignment, marriage or civil partnership and pregnancy or maternity)

The service employees 1192 employees of which 243 are female. The majority of operational personnel are male and therefore will have a disproportionate skew in potential capability issues for FF fitness management.

No female FF's have been disciplined for conduct issues although 1 female green book employee has been managed through this process.

There are already risk assessments for pregnant employees to ensure they are managed appropriately in relation to their capability and attendance. Moreover absences related to pregnancy related illness when certified as such will not be counted when absence is the subject of the capability policy.

(f) Sexual Orientation

No differential impact.

(g) Socio-economic disadvantage

Fitness of all staff to enable them to work effectively and attend work without significant amounts of sickness levels is an important aspect for MFRS. All employees have access to free gyms on Service premises to assist in the maintenance of personal fitness, there is also time allocated in the operational Work routine for Fire Fighters to enable them to maintain fitness levels to meet fitness standards and assessments.

7. Decisions

If the policy/report/project will have a negative impact on members of one or more of the protected groups, explain how it will change or why it is to continue in the same way.

If no changes are proposed, the policy/report/project needs to be objectively justified as being an appropriate and necessary means of achieving the legitimate aim set out in 1 above.

The conduct and capability policy provides a framework to enable all employees to understand the standards of performance, conduct and behaviour expected from them, and to have set procedures where these standards are not met. Where an employee does not meet these standards, the policy is focussed on finding solutions and helping the employee understand consequences of not meeting those standards.

There may be occasions where an employee despite their best efforts cannot meet the Service's expectations. When all reasonable steps have been considered and the next outcome is a dismissal for conduct or capability, the service will be able to demonstrate that the actions taken were those of a reasonable employer.

8. Equality Improvement Plan

List any changes to our policies or procedures that need to be included in the Equality Action Plan/Service Plan.

See recommendations below in section 9

9. Equality & Diversity Sign Off

The completed EIA form must be signed off by the Diversity Manager before it is submitted to Strategic Management Group or Authority.

Signed off by:

Wendy Kenyon

Date:

7.2.13

Action Planned	Responsibility of	Completed by
1To include within the policy a section which would state that if a disabled employee is subject to the capability procedure then 'specialist' advice should be sought from HR, Occupational Health and Diversity Manager.	Amanda Cross	To be included as part of the consultation discussions- Actioned and completed

<p>2 Ensure that the Capability Policy does not have a different effect or adverse impact on any Protected Equality Group , specifically those minority groups . Conduct Annual Equality Monitoring of the Capability cases and outcomes and provide Strategic Equality Group and Diversity Action Group with reports</p> <p>3. To carry out further consultation with DAG members to provide a further level of scrutiny , specifically relating to the findings of this EIA</p>	<p>Wendy Kenyon and Amanda Cross</p> <p>Amanda Cross to attend next DAG</p>	<p>March 2015 will be the earliest opportunity to do this.</p> <p>Next DAG meeting 7.4.13</p> <p>Actioned and completed</p>
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For any advice, support or guidance about completing this form please contact the DiversityTeam@merseyfire.gov.uk or on 0151 296 4237

The completed form along with the related policy/report/project document should be emailed to the Diversity Team at: DiversityTeam@merseyfire.gov.uk

MERSEYSIDE FIRE AND RESCUE AUTHORITY			
MEETING OF THE:	ANNUAL GENERAL MEETING		
DATE:	26 TH JUNE, 2014	REPORT NO:	CFO/077/14
PRESENTING OFFICER	DEPUTY CHIEF EXECUTIVE		
RESPONSIBLE OFFICER:	KIERAN TIMMINS	REPORT AUTHOR:	KIERAN TIMMINS
OFFICERS CONSULTED:			
TITLE OF REPORT:	RESERVE STRATEGY		
APPENDICES:	N/A		

Purpose of Report

1. This report considers a potential reserves strategy for the Authority to adopt in light of the Authority debt profile and the need to finance the proposed programme of station mergers without increasing debt costs/burdens.

Recommendation

2. That Members
 - a. Note the Authority current debt profile
 - b. Approve the proposed reserves strategy
 - c. Approve The Chief Fire enter into a dialogue with any firefighters who might wish to be considered for voluntary severance (VS) to see if there are agreements that can be reached that might suit both the individual and the public purse

Executive Summary

MFRA currently has outstanding debt of £42.1m.

This is relatively higher than most FRA's because of:-

- Historical lack of valuable asset sales
- Previous capitalisations of revenue costs
- A large number of assets to support

The Authority should therefore seek to avoid increasing debt if it can as it delivers station mergers.

The Authority has built-up reserves as a hedge against various risks in a very challenging financial position. It is recommended that a large proportion of these reserves are put toward funding the station mergers programme.

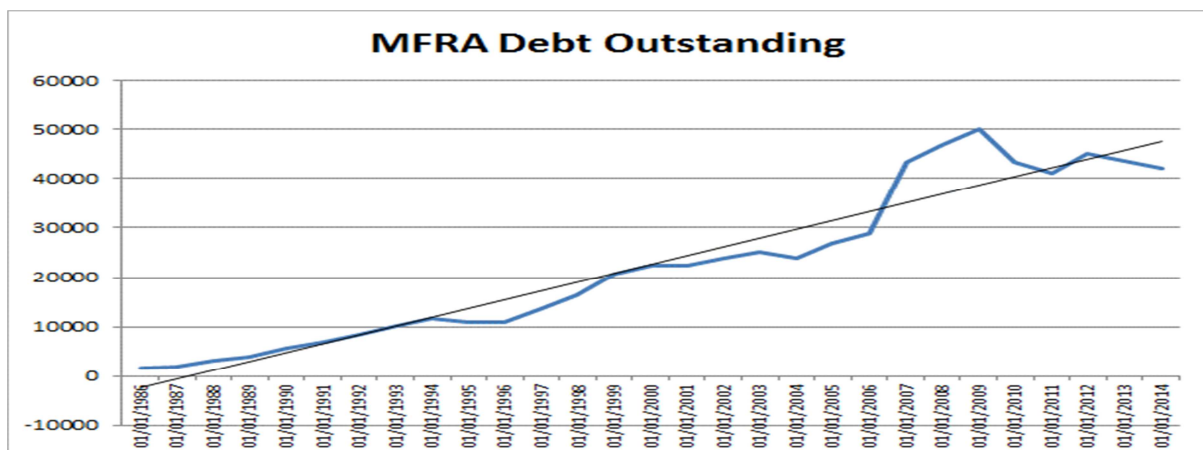
If reserves are lower post 2015/16 and there are ongoing funding cuts and/or other spending pressures it will prove harder to use natural turnover rates to deliver savings and the risk of compulsory redundancy amongst firefighters would be higher.

Because of that issue coupled with the significant change programme for firefighters ways of working it is proposed to explore with firefighters to see if a voluntary severance 'package' can be produced that would be attractive to both firefighters and meet the aims and requirements of the Authority's financial plan.

Introduction and Background

3. Current Debt

The Authority has outstanding loans of £42.1m at the 31 March 2014. The graph below shows total debt outstanding over time since the formation of the Authority.



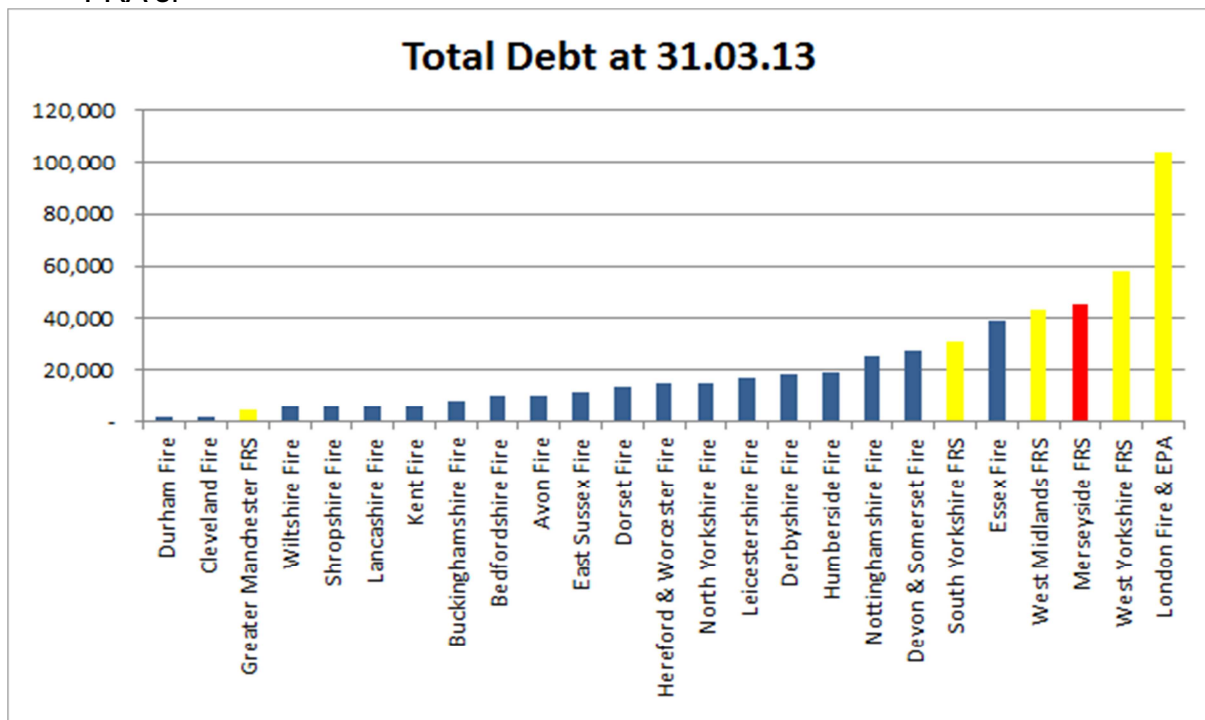
4. In the longer term, any Authority's borrowing is a reflection of the investment funded by borrowing (the capital financing requirement). However, the exact timing of taking out any loans is mainly a function of the cash flow position of the organisation. In recent years Merseyside has had significant financial reserves because of the budgetary risks and challenges it faces, and that

combined with grants being received in advance of payment has meant it has been in a relatively cash rich position and so has avoided borrowing.

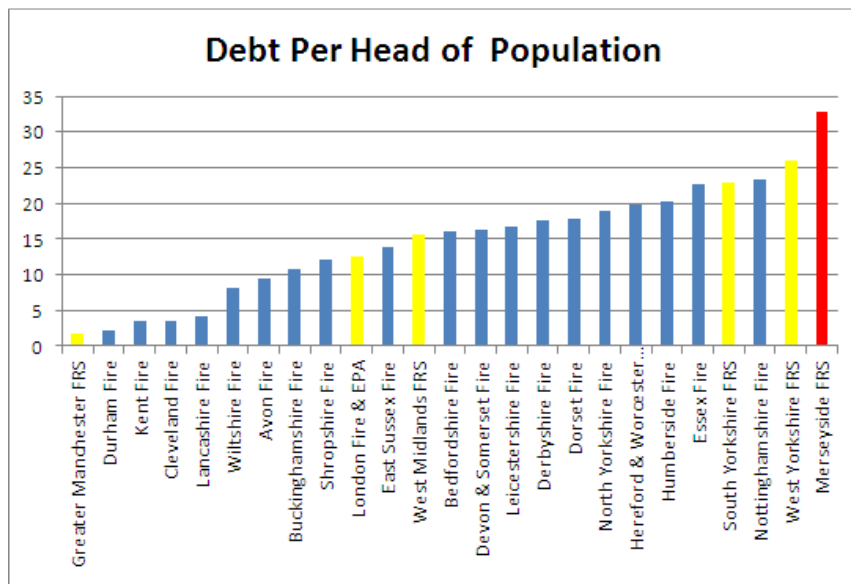
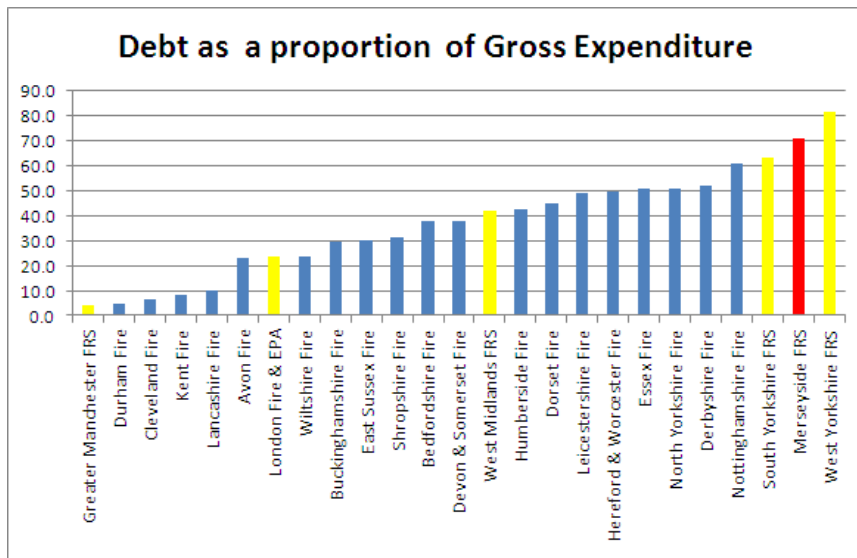
- The capital financing requirement for the Authority is currently £56m so the Authority is “under borrowed” by some £14m and in the longer term one would expect its actual borrowing to be £56m.

6. Relative Position

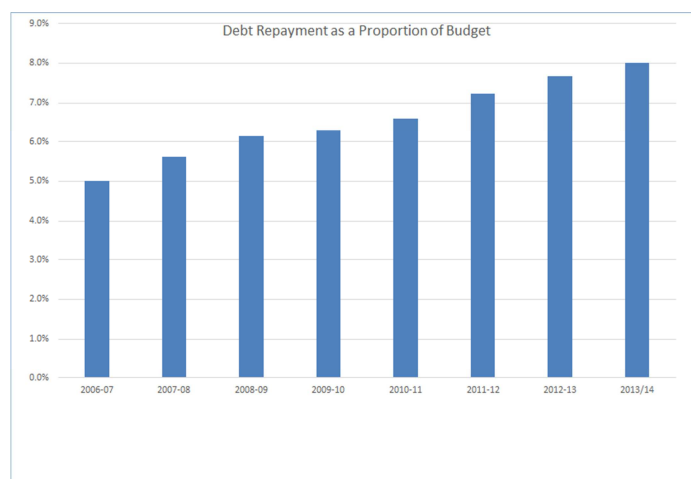
The graph below shows all Fire and Rescue Authorities’ absolute debt at 31 March 2013. Merseyside has one of the higher levels of absolute debt of all FRA’s.



- As a further comparison the tables below show that absolute debt as a proportion of budget and debt per head of population for all FRA’s at the same date.



8. In absolute and relative terms Merseyside FRA seems to have high levels of debt compared to most other FRA's, and this comparison would be more acute still if we were fully borrowed up to our capital financing requirement.
9. The cost of repaying debts (Principal and Interest) in 2013/14 was £5.4m or 8% of our budget.
10. In recent years as the budget has been reducing, debt repayments have formed an increasing proportion of the Authority's budget overall as shown in the bar chart below.



11. Reasons for Relatively High Levels of debt

There are three key reasons for the debt levels in Merseyside:-

- a) Lack of Capital Receipts
- b) Maintaining a relatively large number of assets
- c) Capitalising costs to avoid firefighter redundancy

a) Lack of Capital receipts

Merseyside FRA has a relatively unchanged asset base over a long period of time and has sold relatively few sites. Because the property market in Merseyside has never been as buoyant as other cities, the Authority has not been able to generate capital receipts like London, Manchester and West Midlands. For example, London Fire Brigade sold its HQ on the banks of the Thames for £42m in 2008, West Midlands sold its city centre HQ for £11m in 2007.

b) Maintaining a relatively large number of assets

Until very recently Merseyside maintained 42 Fire appliances in 26 Fire stations. Compared to most other Fire and Rescue Services this is a relatively high level of assets per head of population. The long term capital investment in these properties and vehicles is reflected in the relatively high levels of borrowing.

c) Capitalising Costs to Avoid Firefighter Redundancy

The Fire Authority has experienced several 'shocks' to its financing because of external factors or decisions. These have left the Authority in the position of having to make fairly radical cost reductions through reductions in the number of firefighters. In order to give time to make savings through natural turnover rates and avoid compulsory redundancy for firefighters, the Authority has in the past sought special permission to capitalise costs. Capitalisation means taking out costs from the revenue budget and treating them as capital expenditure, since capital expenditure is funded by

borrowing this means the revenue cost is funded over an extended period of time. Capitalisation usually needs the permission of the Secretary of state.

12. There have been three specific capitalisations:-

- In 1996 MFRA received Secretary of State Permission to capitalise £1.1m of pensions costs.
- In 2006 MFRA faced significant financial difficulties following changes to the way firefighter pensions were funded and it received permission to capitalise £6.1m.
- As a short term measure, from 2006 the salary costs of firefighters installing smoke alarms (which are deemed capital expenditure) were capitalised and funded by borrowing. In total about £3m of costs were financed in this way. Since 2010 the Authority has continued capitalising costs but funds the costs by revenue contribution so there is no long term cost implication.

13. In total about £10m of current borrowing (a quarter) relates to capitalisations.

14. Summary of Debt Position

In overall terms whilst the position is by no means unmanageable, the Authority has relatively higher levels of debt than most FRA's and as the budget is shrinking repaying debt will form a larger proportion of our expenditure.

15. The Authority should seek to control its borrowing as part of any medium term financial strategy.

16. The Need to Borrow

The Authority has already approved a capital programme for the next five years with total borrowing of £18.5m. (A significant portion of which is in 2014/15 relating to the JCC project). That capital programme does not include any provision for the cost or financing of the station mergers programme.

17. Members will be well aware that the Authority is embarking upon a programme of 4 station Mergers. The current forecast costs and funding are set out in the table below:-

	All 4 Mergers £'m
Community Fire Station Build Cost	11.610
Project Management	0.400
Purchase of Land	2.850
Build Cost Total	14.860
Land sale receipts	- 3.950
Grant Confirmed	- 1.770
Grant Bid For	- 4.500
Net Cost to be funded by Merseyside	- 5.640
Total Funding	- 14.860

18. It can be seen that the total estimated cost of the programme will be £14.860m. This will be funded by an anticipated £3.950m of capital receipts, £1.770m of capital grant already received for Prescott. The Authority has bid for £4.5m from the transformation and efficiency fund (£1.500m per station) against national fund of £75m for 46 FRA's.
19. If the grant bid is successful in full the net cost to be funded by MFRA would therefore be £5.640m. If no grant is received this would be £10.140m.
20. Reserves

Members will recall that the Authority has in recent years been building up its financial reserves in preparation for the very difficult financial challenges it is now and will face in the future. The risks it has had to cater for include:-

- Seeking to avoid Firefighter redundancy and using natural retirement rates to deliver cuts.
- Having a hedge against rises in the pay bill from pay awards, pension costs or NI increases.
- Paying for severance and early retirements of non-uniformed staff to avoid compulsory redundancy and deliver savings.
- Risk in major capital projects like the JCC
- Funding invest to save schemes

21. The Deputy Chief Executive has undertaken a review of the available reserves. The table below summarises the current main reserves and identifies what sums might potentially be available to support a capital investment strategy.

	Current 31.3.2014 £'m		Potentially Available £'m	Remaining £'m
Costs Smoothing	6.750	This reserve is used to give time to make savings from firefighter reductions by natural retirements and avoid compulsory redundancy Of this £3.643M is anticipated to be used in 2014/15 and 2015/16 to deliver the current financial plan. Therefore £3.107m will be available. However if it is used for capital investment it means there will be no cost smoothing reserve for 2015/16 and beyond	3.107	3.643
Capital Investment Reserve	0.910	Already available for capital investment	0.910	-
Facing the Future	0.800	Set up in the wake of the Sir Ken Knight review to support modernisation	0.800	-
Inflation reserve	1.500	Currently allows for a 3% rise in the pay bill in a single year (Pay, Pensions and NI). This	1.000	0.500

		might be reduced to 1% (£0.5m). However this would mean that there would be less scope to cope with sudden increases and less time to identify additional permanent savings to cope with cost increases		
Catastrophe	1.000	The Authority maintains a specific fund to cater for the costs it might immediately incur in a very major incident scenario. It is considered that in light of the overall suite of reserves and balances held £0.500m of this might be made available	0.500	0.500
Underspend	1.400	The Final accounts of the Authority are yet to be optimally reported but the Authority has got ahead of target in delivering savings targets by £1.4m in total. This is available to support a reserves strategy	1.400	-
General Reserve	2.894	The Authority has always maintained a general reserve of at least £2m. In recent years it has moved slightly upwards as minor in year underspendings have been reported. In light of the overall balance of reserves and risks and the reducing budget overall it is considered it can be returned to £2m freeing up £0.894m	0.894	2.000
Total	15.254		8.611	6.643

22. It can be seen that £8.611m is available to support the capital investment strategy.

23. Risks

If the Authority uses reserves to avoid borrowing and to fund the station mergers then as the reserves are used up it will reduce the short term flexibility within the financial strategy post 2016/17.

24. If there are large scale cuts in fire service funding and any other short term spending pressures in, for example, the pay bill overall the Authority will in general terms have to reduce its budget to balance the books. In order to do this this almost inevitably means a reduction in staffing and firefighter numbers since those are the biggest areas of spending for the Authority. If the Authority has fewer reserves to act as a buffer against short term shocks post 2016/17 there is a risk that it will be harder to use natural turnover rates to deliver savings from firefighter costs and the risks of compulsory redundancy in this area will increase.

25. Voluntary Severance for Firefighters

The Authority regularly receives queries from firefighters about the potential for early (enhanced) retirement and/or voluntary severance (VS). This has never been progressed in the past because:-

- a) There has been a need, since the natural retirement rate of firefighters to deliver savings combined with the use of reserves to avoid redundancy meant it has not been required.
 - b) There are legal barriers to delivering the same package that can be offered to staff in the LGPS under the rules of the Firefighters pension scheme so early retirement is not an option.
 - c) Because of the position regarding double accrual for most firefighters it would be expensive to 'buy out' service and to leave them in an uncompromised financial position.
26. The expectations of the Authority in relation to productivity has fundamentally changed over the course of the current spending review. This has been brought about in no small part by the desire of the Authority to attempt to maintain a wholetime crewing model rather than the far more financially efficient retained alternative. This increased expectation has resulted in real tangible change for large numbers of operational staff which for understandable reasons is not always embraced.
27. The reality is however that for the Authority to maintain a wholetime crewing model all operational staff must demonstrate maximum flexibility and fully adapt to and embrace the current and further inevitable change to come, because it is becoming increasingly hard to deliver a reserves strategy that avoids compulsory redundancy (especially post 2015/16).
28. The Chief Fire officer therefore recommends that the Authority should open a dialogue with any firefighters who might wish to be considered for voluntary severance (VS) to see if there are agreements that can be reached that might suit both the individual and the public purse.
29. This does not represent a firm offer of VS, but a proposal to discuss and explore the feasibility for genuinely interested individuals and the Authority.

Equality and Diversity Implications

30. Natural turnover rates have not been sufficient to deliver savings in the non-uniformed workforce and large numbers of staff have been put at risk of redundancy. The Authority has currently used voluntary severance/early retirement with non-uniformed staff to avoid compulsory redundancy. The non-uniformed workforce contains much larger numbers of women, disabled and other minority groups than the firefighting workforce which so far has never faced the threat of redundancy.

Staff Implications

31. Potential to explore voluntary severance or similar for firefighters.

Legal Implications

32. As stated in Paragraph 25(b) it is not possible to approve early retirement for firefighters due to restriction within the Firefighters Pension Schemes. Voluntary severance would therefore be the only option available to the Authority in these circumstances as described above.

Financial Implications & Value for Money

33. As set out in the report there is the potential that the mergers programme will require capital funding of £10.1m if grant bids are unsuccessful. If this were financed by debt the cost of servicing that debt would be about £1m p.a. The strategy proposed is to use reserves to avoid increasing debt levels any further if possible.

Risk Management, Health & Safety, and Environmental Implications

34. Applying all the reserves to the merger programme will reduce flexibility in the budget overall and increase the risk of compulsory redundancy.

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

35. The mergers programme will improve the assets we have for both the community and for firefighters.
36. Using reserves will reduce the long term cost of borrowing allowing scarce resources to be focused on the Authority mission.

BACKGROUND PAPERS

GLOSSARY OF TERMS

MERSEYSIDE FIRE AND RESCUE AUTHORITY			
MEETING OF THE:	MERSEYSIDE FIRE AND RESCUE AUTHORITY ANNUAL GENERAL MEETING		
DATE:	26TH JUNE 2014	REPORT NO:	CFO/075/14
PRESENTING OFFICER	CHIEF FIRE OFFICER		
RESPONSIBLE OFFICER:	CFO STEPHENS	REPORT AUTHOR:	CFO STEPHENS
OFFICERS CONSULTED:	AM SEARLE		
TITLE OF REPORT:	THE FUTURE OF NATIONAL OPERATIONAL GUIDANCE FOR THE FIRE AND RESCUE SERVICE		

APPENDICES:	APPENDIX A: LETTER TO NEIL O’CONNOR – ‘THE FUTURE OF THE NATIONAL OPERATIONAL GUIDANCE PROGRAMME’
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Purpose of Report

1. To request that the Authority make a contribution of £25k per year to ensure the continuation of the National Operational Guidance Programme (NOGP) on a match funded basis with the Department for Communities and Local Government (DCLG).

Recommendation

2. That Members approve a contribution of £25k per year to ensure the continuation of the NOGP on a match funded basis with DCLG.

Introduction and Background

3. In order to secure the long term future of the NOGP the Chief Fire Officers Association (CFOA) Director of Operations CFO Roy Wilsher wrote to Neil O’Connor on 29th May outlining a proposal building on the existing NOGP arrangements to be jointly funded by the sector and DCLG (letter and proposal attached at appendix A).
4. The NOGP was initiated in 2012 and is a partnership between CFOA, the Local Government Association (LGA) and London Fire Brigade (LFB) to produce operational doctrine aimed at Policy writers within Fire and Rescue Services (FRS) to enable them to develop Standard Operational Procedures (SOP’s) and safe systems of work for local application.
5. The programme is resourced by a £6m contribution from LFB to cover the period up until 31st March 2015. In order to maintain the programme beyond this point agreement is required over a sustainable funding model.
6. The attached report advocates retaining the existing NOGP governance structure funded through tiered contributions aligned to population from Fire and Rescue Authorities (FRA’s) matched by funding from DCLG. This approach has been

supported at the Fire and Rescue Service Council which is a CJOA forum attended by Chief Fire Officers or their representative from every FRS in the Country.

7. The report sets out the rationale for Government investment in the production of National Operational Guidance highlighting a number of issues including;
 - The state of the extant guidance catalogue (which extends to over 8,000 publications)
 - The findings of public inquiries, significant judgements and reviews
 - The fact that the Fire and Rescue Services Act 2004 places a local duty on FRS with regards to FRA's collaborating to '*deliver interoperability [which includes] compatible operational procedures, and guidance with common terminology...*'
 - The strong support for the NOGP from the sector
 - The way in which the burden of producing and maintaining guidance can be shared (along with the benefits)
8. The report goes on to list the outcomes achieved by the NOGP to date along with the benefits realised. The report highlights the importance of interoperability and how the NOGP works with partners to improve incident ground working practices (MTFA etc.) and advances the proposed work plan for 2015-18 which covers 34 pieces of guidance which have been identified as being in need of replacement.
9. The report concludes by setting out proposals for the integration of work undertaken in the Regions and by the National Resilience capabilities within the NOGP in order to deliver the full suite of doctrine from strategic level guidance to local SOP's.
10. It is the strong recommendation of the Chief Fire Officer (CFO) that the Authority support this proposal subject to DCLG agreeing to match fund the initiative.

Equality and Diversity Implications

11. There are no equality and diversity implications contained within this report.

Staff Implications

12. A number of Merseyside personnel are currently seconded to the NOGP and the CFO is the Project Executive for the Performing Rescues project. The full costs of the secondments to the Authority are met by the NOGP however the individuals themselves derive significant professional development through their involvement in developing operational doctrine for consumption across the sector.

Legal Implications

13. The direct legal implications for the Authority are contained within paragraphs 5, 5.1 and 5.2 at page 6 of the attached report.

Financial Implications & Value for Money

In supporting the Programme the Authority will be required to contribute £25k per year. This is considered by the CFO to represent excellent value for money on account of the significant benefits that arise from the programme. The costs can be contained within current budgets.

Risk Management, Health & Safety, and Environmental Implications

-
14. This NOGP commits to produce interoperable guidance and doctrine which is predicated on all reasonably foreseeable hazards and risk control measures to be utilised locally in the production of SOP's and safe systems of work.

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

15. The Authority Operational Planning Policy assumes the development of local SOP's and hazard and risk control statements based on the doctrine produced through the NOGP. Supporting the NOGP in the future will ensure Merseyside firefighters have access to high quality operational doctrine designed to achieve safe systems of work and enhance the quality of operational response.

BACKGROUND PAPERS

NONE

GLOSSARY OF TERMS

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National Operational Guidance Programme



CFOA
Chief Fire Officers
Association

in partnership with



Neil O'Connor
Director, Fire, Resilience and Emergencies
Department for Communities and Local Government
Eland House
Bressenden Place
LONDON
SW1E 5DU

Date 29 May 2014

Dear Neil,

The future of the National Operational Guidance Programme

We have been discussing sustainable funding arrangements to ensure that the fire and rescue service and the department are able to benefit from high-quality and current national operational guidance. Colleagues across the service have welcomed the support that you have shown the programme in your letter of 2 December 2013, in the conversations that you have held with members of the board, and in your support for the Joint Emergency Services Interoperability Programme's legacy proposals. There is a strong consensus between us that the fire and rescue service must not become the only emergency service without a means of developing national operational doctrine, whether that is to provide best practice to local services or to respond to changing civil contingencies requirements.

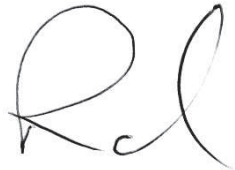
You have asked for more information to help the department support the programme financially. You have also acknowledged in our discussions that the core business case for the continued and shared funding of the programme is not necessarily about local efficiency, but it is about operational effectiveness, resilience and interoperability—though we acknowledge the ancillary benefits of efficiency and the reduction of the department's liability for extant and high-risk guidance.

The appended document provides additional information, whilst addressing those three compelling and core drivers. We do not want an administrative task to be a barrier to a successful funding arrangement, and will provide a transformation fund application form if you feel that is necessary after all. However, we trust that this submission is sufficient for you to apply to the source of funding you deem most appropriate.

In recognition of a shared interest in the programme, and in-line with your request for a commitment from the service, we have spent the past few months engaging with fire and rescue services, fire and rescue authorities and the devolved administrations, each of whom have committed to support the programme financially, if that funding is matched by the department. Building on the £6 million fund provided by the London Fire Brigade, we believe that the service is demonstrably meeting its responsibilities.

We would welcome the opportunity to meet you, and discuss this submission and any further details you require, to ensure that this opportunity is grasped and Steven Adams will contact your office to make those arrangements.

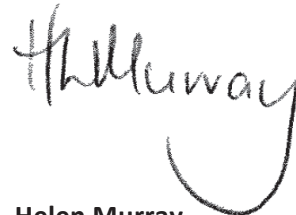
Yours sincerely,



Ron Dobson
Commissioner
London Fire Brigade



Roy Wilsher
Director of Operations
Chief Fire Officers' Association



Helen Murray
Director of Programmes
Local Government Association

The future of national operational guidance for the fire and rescue service

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Vision

1. Fire and rescue activities on the incident ground will be driven by high quality national operational doctrine that is the foundation for safe systems of work for firefighters, interoperability with our partners, and intraoperability between fire and rescue services.
- 1.1. National operational guidance will be evidence-based industry good practice that is developed collaboratively, and which is assure-able and auditable with an excellent rate of adoption by local fire and rescue services.
- 1.2. A new catalogue of operational doctrine will completely replace existing and out-of-date materials issued by government since the 1940s with an up-to-date, online, searchable database that is openly accessible to the fire and rescue service and its partners.
- 1.3. A national hub hosted by the London Fire Brigade, and jointly funded by government and fire and rescue authorities, manages the development of all of the different types of operational doctrine needed by the service.

The programme

2. The National Operational Guidance Programme is a partnership between the Chief Fire Officers' Association, the Local Government Association and the London Fire Brigade to develop operational doctrine that supports local fire and rescue services to development safe systems of work that are intraoperable between services and interoperable with our partners.
- 2.1. Between 2012 and 2015, the programme is resourced by a £6 million fund provided by the London Fire Brigade. The brigade hosts the team which reports to the programme board that approves and commissions guidance and sets strategic direction. Those resources have been targeted at the programme's infrastructure development and guidance development.
- 2.2. The programme's infrastructure work includes a review of all extant material in circulation, new policy and programme frameworks, governance structures, incident learning and feedback mechanisms, and an online platform for document management, communication and collaboration between the programme and project teams, and online publishing.
- 2.3. The programme's current guidance development is focused on core activities, such as '*Water rescue and flooding*', '*Incident command*', '*Fires and firefighting*', and '*Performing rescues*'. The next work programme will focus on the contexts that firefighters work within, specialist activities, national resilience activities, and the development of incident ground procedures.

The rationale for government investment

The state of the extant operational guidance catalogue

3. In April 2012, the catalogue of national operational guidance was in poor condition. In 2006, the Department for Communities and Local Government commissioned a risk and liability review of operational guidance from law firm Field Fisher Waterhouse, which established that much of the existing catalogue is high-risk to the government.
 - 3.1. Their recommendations, and the 2008 National Framework for the Fire and Rescue Service in England, led to the Chief Fire and Rescue Adviser's 2009 programme to address the most risk-critical documents and gaps in a catalogue of more than 8000 documents.
 - 3.2. That programme funded project teams across the service to develop new guidance. It produced a number of documents, however it did not benefit from economies of scale between projects, nor programme co-ordination to remove conflict and duplication between guidance publications. It also experienced difficulties moving guidance to publication. For example, the review of Technical Bulletin 1/97 (first published in 1997) about the use of breathing apparatus was published in 2014 after six years in development. The Fire Brigades Union subsequently opened discussions about this guidance's fit within the fire and rescue service's health and safety framework and wider guidance arrangements—discussions that the Chief Fire Officers' Association hope to conclude and confirm with chief officers shortly.

The findings of public inquiries, significant judgments and reviews

4. The findings of the government's Field Fisher Waterhouse review have been supported in a number of public inquiries and major incident reviews that have criticised fire and rescue service doctrine. Notably, in his comments regarding the Atherstone-on-Stour fire in Warwickshire, The Honourable Mr Justice MacDuff said—

"...It seems to me that one of the real difficulties here has been the proliferation of paper which has been generated in recent years both before and after the passing of the Fire and Rescue Services Act 2004. It has taken a lot of explanation from Mr Matthews QC ... to educate me upon the statutory and regulatory framework which lies behind the huge volume of directives, advisory notices, operational procedures, and the many thousands of pages of other documents which we have had to consider in the course of this case ... [we] have found internal contradictions and entirely different flow charts purporting to show the same thing. In the course of the trial earlier this year, we spent much time debating what a particular directive or advisory note was intended to mean. There is no time for debate at the fire ground."
- 4.1. In his recent review of efficiency in the fire and rescue service, Sir Ken Knight noted the weaknesses with the operational guidance development process before April 2012, saying—

"The production of easily understandable and updateable guidance is key: previous guidance has been too long, too onerous to produce, and the consultation and validation procedures too complex and drawn out ..."
- 4.2. In light of these findings and assessments, a key area of work for the programme has been to understand the current position by reviewing the catalogue of extant national operational guidance. After building a robust picture of the current state of the catalogue, the strategic aim for the programme is to review or replace all of the extant guidance, including that which the department has declared high-risk and which is presenting a liability to the service and to government. That liability is being diminished by the work of the programme.

Responsibility for the production of national operational guidance—a new local duty

5. In the past, the Fire Services Inspectorate produced operational guidance. After the closure of the inspectorate, guidance was commissioned by the Chief Fire and Rescue Adviser as prescribed by the 2008 National Framework. However, the 2012 National Framework is silent on the Chief Fire and Rescue Adviser's role, saying—

“Fire and rescue authorities must collaborate ... to deliver intraoperability [which includes] compatible operational procedures, and guidance with common terminology ...”.

- 5.1. Consequently, the latest framework establishes new duties for fire and rescue services—which are now responsible for collaborating to produce procedures and guidance—new duties that are discharged by an inclusive and collaborative national guidance programme.
- 5.2. There is a wide consensus that the service should lead the development of guidance. There is also recognition that this new burden should attract new funding. The London-funded phase has established the capacity, governance and guidance foundations of a service-led programme—a second phase that was match-funded by the service and government would represent a positive and shared approach to this new burden.

Strong support from the service and the sector

6. The programme's effective and inclusive governance and stakeholder engagement arrangements involve the Fire Brigades Union, the Institute of Fire Engineers, the National Resilience Assurance Team, Welsh and Scottish government, the Fire Officers Association, the Department for Communities and Local Government, the Fire Protection Association and the Health and Safety Executive.
- 6.1. The Fire Brigades Union supports the programme, citing it as an official source of national doctrine for local officials to judge local policies and procedures against. The importance of that status is amplified during the development of new national resilience capabilities, which require new safe systems of work for trades unions to support the involvement of members.
- 6.2. The Operational Guidance Strategy Board is the programme board, the membership of which is the London Fire Commissioner, the Chief Fire and Rescue Adviser, the Local Government Association's Director of Programmes (Safer and Stronger Communities), and the Chief Fire Officers' Association's Director of Operations, who chairs the board. This governance structure would continue in a new phase of the programme after March 2015.
- 6.3. As a full member of the board, the Chief Fire and Rescue Adviser is in a position to monitor progress and promote government priorities, as was demonstrated by the recent flexible and fast commissioning of guidance for Marauding Terrorist Firearms Attacks. This puts the chief adviser in a strong position to assure the Director of Fire, Resilience and Emergencies and the Minister about the condition of operational doctrine and the liability that is retained by government from extant guidance—until it is replaced and declared obsolete.

Sharing the burden—and the benefits

7. The programme provides a function required by government *and* by the service: it provides the foundation of safe systems of work needed by fire and rescue services—and the national

doctrine development capacity needed to implement new or changing national resilience capabilities, new legislation or regulation as required by government.

- 7.1. The programme has wide-ranging support from fire and rescue services and the devolved administrations. The funding commitments and agreements made by each, to support the programme's continuance beyond the period funded by the London Fire and Emergency Planning Authority, have been made on a match-funded basis. Those agreements are dependent on each beneficiary—services and government—contributing to its development.

Our record of achievement—national outcomes with local benefits

Achievements

8. The programme has an excellent record of delivery. Some of the programme's achievements are detailed below along with an indication of the project delivery dates up to March 2015.
 - The establishment of representative and authoritative programme boards with senior representatives from across the fire and rescue service and wider sector.
 - An online communications and collaboration platform that enables real-time remote document collaboration, web conferencing, and other functionalities that reduce the need for project teams to meet in person—reducing costs and delay in development.
 - An online publishing tool that allows for fast online search and referencing of guidance on desktop, tablet or mobile devices.
 - A definitive online library of extant national operational guidance emerging from the review of thousands of documents produced by governments over decades—the first library of its kind. This is a free resource to local fire and rescue services.
 - A framework for operational doctrine that provides scope and purpose to operational documentation—addressing concerns expressed by a number of public inquiries, including those made by Justice MacDuff.
 - The closure of the Generic Risk Assessment programme and the development of a new concept for hazard management by the fire and rescue service, that the Health and Safety Executive has held up as best practice for the emergency services.
 - The development of an expert policy, programme and project management team, which uses Cabinet Office *'Best Management Practice'* ('MSP' and 'PRINCE2'). This is important for the programme's involvement in inter-agency projects arising from proposals by the Joint Emergency Services Interoperability Programme ('JESIP').
 - An assurance process to ensure the development of guidance is robust and transparent. This provides government, and principal officers giving testimony to public inquiries (and other important forums), confidence in the programme and its products.
- 8.1. The guidance development work programme for 2013 – 2015:
 - *'Water rescue and flooding'* – this guidance has been published.
 - *'Environmental protection'* – this guidance has been published.
 - *'Marauding Terrorist Firearms Attacks'* – this guidance has been published.
 - *'Incident command'* – consultation will be in July 2014; publication in December 2014.
 - *'Operations'* – consultation will be in January 2015; publication in March 2015.
 - *'Fires and firefighting'* – consultation will be in October 2014; publication in March 2015.
 - *'Fires in the built environment'* – consultation will be in October 2014; publication in December 2014.
 - *'Performing rescues'* – consultation will be in December 2014; publication in March 2015.

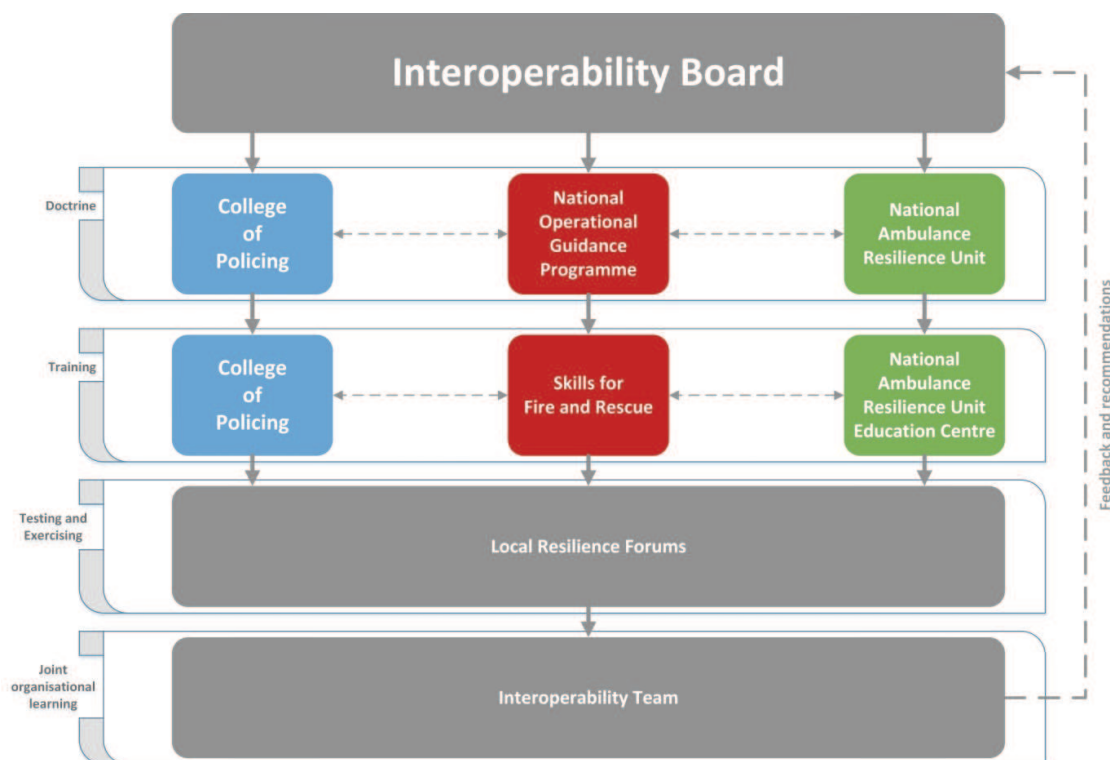
Outcomes and benefits

9. The outcomes and benefits provided by the programme are characterised by an increase in efficiency and improved public and firefighter safety. Those benefits include—
- Fewer deaths and injuries to members of the public as a result of incidents;
 - Fewer firefighter deaths and serious injuries at incidents;
 - A reduction in guidance issued by central government, and a reduction in the overall amount of guidance in use by the fire and rescue service;
 - Reduced guidance production timescales and costs;
 - A decrease in individual fire and rescue service expenditure on the development of operational policy and procedures;
 - A means of developing and implementing multi-agency doctrine relating to new capabilities, the improvement of interoperability or civil contingencies projects;
 - delivery through one online platform, providing an opportunity to link to training platforms and other digital initiatives—ensuring that operational materials are available in one place;
 - Fewer Rule 43 letters (now 'Prevention of Future Death Reports') with recommendations related to intraoperability, interoperability and operational doctrine;
 - Improved access to existing guidance in a central online location with an intelligent search facility, with an accessible feedback mechanism to drive guidance reviews;
 - Increased confidence in guidance from chief fire officers, representative bodies and partners, resulting in a higher adoption rate and greater consistency in operations;
 - A permanent team producing service-led guidance and reviewing existing guidance;
 - Fast and flexible reviews of guidance due to its modular construction;
 - Alignment in levels of detail, content design and language between national documents; and
 - One governance structure and one national hub, providing a greater opportunity to deliver the desired outcome.

Interoperability

10. The National Operational Guidance Programme works closely with partners such as the College of Policing ('CoP') and the National Ambulance Resilience Unit ('NARU') to improve incident ground working practices. This is evident in the service's first Marauding Terrorist Firearms Attacks guidance, and new survivability thresholds for water rescue and recovery.
- 10.1. The Joint Emergency Services Interoperability Programme was established to address the recommendations from Operation Bridge after the 2010 Cumbria shootings; the Hillsborough Independent Report; Lady Justice Hallett's report following the July 2005 London bombings; and the Pitt report into the 2007 floods. JESIP says:

"The success of the programme will be measured by the resulting change at the operational ground level but [there] must be a clear vision of the future [and] a longer term vision [to] progress interoperability..."
- 10.2. The JESIP Strategic Board has approved a new arrangement to govern that long term vision and relationship between emergency services after March 2015. That arrangement assumes a responsible body for the development of national doctrine for each emergency service.
- 10.3. The interoperability arrangement (illustrated below) recognises the National Operational Guidance Programme as the responsible body for national doctrine for the fire and rescue service. If the programme closes after March 2015, the fire and rescue service would be the only emergency service without this important national function—and the only emergency service unable to collaborate with other emergency services or civil contingencies partners to develop national doctrine or new capabilities.



2015 – 18 work programme

11. The programme is on track to deliver eight guidance development projects by March 2015. During their delivery, the programme has identified a further 34 pieces of guidance required to fully replace the extant and out-of-date operational guidance issued by government over the years. The tables below identify these projects.
- 11.1. The 2012 – 15 work programme focuses on developing guidance for the activities performed by firefighters, rather than for the environments or contexts that they work in. Projects have identified areas of activity-related guidance that are currently out-of-scope, detailed in the table below. Grey shaded areas indicate where guidance is already in development or complete; unshaded areas represent projects for inclusion in a 2015 – 18 work programme.

All-incident guidance	Activity guidance – tier one	Activity guidance – tier two	Activity guidance – tier three	
Operations (including incident command)	Performing rescues	Rescue of animals		
		Rescue from confined spaces		
		Line rescue		
		Water rescue and flooding		
	Fires and firefighting	Fires in the built environment	Firefighting in household waste recycling centres	
			Managing photovoltaic cells	
			Buildings in the course of construction / demolition	
	Hazardous materials and environmental protection			
	National Resilience Co-ordination Framework		High Volume Pumping	Initial Operational Response to a Chemical, Biological, Nuclear or Radiological explosion
			Chemical, Biological, Nuclear or Radiological explosions	
		Mass decontamination		

- 11.2. There are a number of different hazardous environments—or contexts—that firefighters work within and which require guidance to be developed within a 2015 – 18 work programme. The grid below is a comprehensive schedule of context guidance required by the service (shaded areas are covered in the current work programme):

Transport	Sub surface	Structural and access	Utilities	Industrial	Social factors
Road transport systems	Underground structures (including tunnels and mines)		Live electricity	Petrochemical plant, pipelines and distribution	Large-scale events
Underground rail transport systems	Dangerous structures (buildings, structures or trees)	High voltage power lines	Silos	Cross-border working	
Overground rail transport systems		Collapsed structures	Mains gas supplies	Farms	Public order and civil disturbance
Air transport systems		Restricted access/egress	Sewers		Biological (including body fluids)
Maritime and waterways		Confined space			Secure accommodation
		Security fencing and alarms			Lifts and escalators
		Trenches, pits and quarries			Animals (including farm, wildlife, vermin and domesticated)
	Geological (including unstable ground, landslides and sink holes)			Marauding Terrorist Firearms Attack	
		Working at height			

The need for flexibility

12. Alongside the need to replace the out-of-date and high-risk legacy materials, it will be important for the next work programme to have flexibility built in, to respond to safety-urgent issues, changes in legislation or regulation, and the development of new capabilities with emergency service partners.
- 12.1. This need for the flexibility has been apparent in the current work programme, in the commissioning of a guidance development project for *'Marauding Terrorist Firearms Attacks'*. There is also an emerging need for a guidance development project for *'Initial Operational Response to a Chemical, Biological, Radiological or Nuclear Explosion'*. In each case, the service's ability to implement a capability is affected by the existence of national doctrine.

Developing an integrated suite of operational doctrine

Business-as-usual guidance and procedures

13. Safe systems of work for firefighters are comprised of different operational documents. National operational guidance sets out high-level policies and best practice about the management of incident-ground hazards, legal duties and powers, roles and responsibilities—and more. These are structured by activity-type or context. Standard operational procedures are step-by-step guides to the management of incidents, which may be used by firefighters to guide actions and decisions on the incident ground. These are structured by incident type, informed by national guidance and are often set out according to the incident’s chronology.
- 13.1. Alongside the guidance development projects described in the work programme, an important project for the 2015 – 18 work programme will be to reconcile the work of the Collaborative Partnership with the National Operational Guidance Programme, by aligning products, resources and platforms. This is a critical activity to ensure that national doctrine avoids the type of conflicts observed by Justice MacDuff in the Atherstone-on-Stour inquiry.
- 13.2. The partnership’s products include risk assessments, additional hazard information sheets, standard operational procedures, task analysis, training packages, and more. The wide range of products produced by the partnership will require review and maintenance in-line with the guidance development programme. The Collaborative Partnership aim to complete an index of 168 documents by 30 June 2014, with a number of other document types in production.
- 13.3. As the Collaborative Partnership is limited to a number of fire and rescue services and products are not currently subject to a nation-wide validation or consultation process, exposing those products to the level of scrutiny and assurance that applies to national operational guidance before publication will be important.

National resilience

14. CFOA National Resilience (‘CFOA NR’) are funded by government to provide certain national capabilities, such as a High Volume Pumping capability to manage wide area flooding, as seen during the recent flooding. Within that arrangement, CFOA NR produce technical notes about the use of equipment and training packages for firefighters.
- 14.1. The interface between guidance and procedures for everyday use and guidance for national resilience capabilities is very clear. Major incidents that would utilise national resilience structures are very rarely declared as such from the outset—often they are declared after a period of rapid escalation. During this high-risk and complex incident phase, specialist and non-specialist firefighters will be moving between everyday policies and procedures into the purview of national resilience guidance. It is critical that these two sets of doctrine are compatible, complementary and easily communicated to partner agencies.
- 14.2. There is a consensus view in the service that the National Operational Guidance Programme should manage both of these tranches of work. This would ensure that one structure is responsible for all national doctrine—complementing the aims of the JESIP legacy structure and the needs of the service. Further, it is logical that the rigorous project and assurance processes being applied to everyday guidance and procedures should also be applied to guidance for some of the most complex and high-risk areas of firefighter activity.

Sustainable funding for national operational doctrine

Supported by the fire and rescue service

15. At the September 2013 meeting of the Chief Fire Officers' Association board, the members of the board agreed to continue leading the development of national operational guidance in partnership with the Local Government Association and the London Fire Brigade, and to support a bid to government for match-funding. That agreement accompanies a strong vote of support by the Fire and Rescue Services Council—a forum of all chief fire officers.
- 15.1. Each of the programme partners agree that it would be expensive and wasteful to allow the existing infrastructure and momentum to be lost while a new governance structure and delivery vehicle were established.
- 15.2. The production of robust operational doctrine nationally removes a considerable burden from the development of local operational doctrine—a burden that local services want to avoid within an environment of reducing resources.

Achieving value for money

16. The government provided £1 million grant-funding to the Collaborative Partnership to develop operational procedures and other documents for participating fire and rescue services. £180k of that funding was hypothecated to the development of a partnership with CFOA to develop those procedures into national products; a process that has been on going. The partnership has 12.1 Full Time Equivalents ('FTEs'), and an annual spend-rate of £690k.
- 16.1. Before 2012, the Chief Fire and Rescue Adviser's programme to develop guidance was grant-funding individual projects with £250 – 300k to develop operational guidance manuals, such as *'Hazardous materials: operational guidance for the fire and rescue service'* published in November 2012 and *'Operational guidance: breathing apparatus'*. Those manuals were accompanied by Generic Risk Assessments, which were produced by a government-funded programme led by Surrey Fire and Rescue Service.
- 16.2. The National Operational Guidance Programme will seek to reconcile the work of the Chief Fire and Rescue Adviser, the Generic Risk Assessment programme, the Collaborative Partnership and the ad hoc projects funded to produce national resilience guidance with other emergency services, into one integrated and coherent programme. That will achieve better doctrine, faster implementation of new capabilities, and greater value for money by eradicating duplication between programmes.

The funding model

17. Chief fire officers and fire and rescue authority chairs (or responsible cabinet members) have indicated that their authorities will support the programme, matching funding from the Department for Communities and Local Government from April 2015, with—
 - £25k per fire authority with a population of 1.2 million or more (total of 12) per year;
 - £20k per fire authority with a population of 750k or more (total of 16) per year; and
 - 15k per fire authority with a population of less than 750k (total of 18) per year.
- 17.1. The programme recognises that a small number of very small services will struggle to commit funding. It also recognises that commitments are subject to the annual agreement of each fire

and rescue service's politically-managed authority. However, based on the strong support identified at paragraph 15, a strong success rate of 90 per cent has been assumed, providing circa £815kpa funding to the programme.

- 17.2. The rationale for government funding has been established at section three of this paper—in particular, the shared requirement was highlighted and the existing commitment to the programme made by the fire minister and other political stakeholders through the Joint Emergency Services Interoperability Programme.
- 17.3. The work programme and proposals within this paper establishes a requirement for £1 million per year from government, with a minimum commitment of three years (2015 – 18). Funding commitments made by fire and rescue services, and the discussions with devolved administrations, are on a match-funded basis. A reduced government commitment risks reduced local commitment.

How will funding be spent?

- 17.4. Based on the funding model proposed, the programme will establish 35 guidance development projects, to completely replace the high-risk government catalogue of extant guidance. Alongside those projects, it will establish four national resilience projects. Project budgets will average at £100k (£3.9 million in total). Project costs primarily relate to:
 - fixed-term secondments of subject matter experts,
 - the procurement of expertise from outside of the service,
 - technical authoring, and
 - the logistics of managing a national programme (meeting facilities, travel, workshops and accommodation, for example).
- 17.5. In response to contributions from the Fire Brigades Union and the Health and Safety Executive, who note the need to be able to expedite safety-urgent guidance development projects, £100k will be held as a contingency fund. That fund may also be applied to resource projects arising from Civil Contingencies or JESIP partners.
- 17.6. This low project unit cost is achievable by phasing experts' time efficiently, eradicating duplication between projects, and by commissioning technical authoring, expertise and logistical requirements as a programme. This represents a project cost which is 33pc of the level of project funding provided entirely by government historically, and 58pc of today's London-funded average project budget.
- 17.7. Project budgets will be variable and dependent upon the complexity and scale of the subject matter, the geographic proximity and availability of subject matter experts, and the need to procure expertise from outside of the fire and rescue service. For example, whilst '*Fires in the built environment*' has incurred more than £150k in secondments and research, '*Water rescue and flooding*' has incurred less than half of that. This variation is inevitable.
- 17.8. To ensure the effective management and delivery of this fundamental function for the service, the programme will—
 - provide qualified project managers to each project, for new guidance and infrastructure, and the reviews of guidance;
 - develop and manage projects arising from urgent operational learnings (from public inquiries, Prevention of Future Death Reports or significant judgments, for example);

- service the programme’s relationship with the Joint Emergency Services Interoperability Programme legacy arrangements and Civil Contingencies partners, to resource new capabilities projects relating to national resilience, or reviews of existing capabilities;
 - manage the controlled reconciliation of high-risk and extant government guidance against the emerging catalogue of new operational guidance, ensuring obsolete documents are removed from circulation;
 - develop national resilience guidance projects for capabilities provided by CIOA National Resilience;
 - integrate the production arrangements, platforms and work programme for national operational procedures and related documents;
 - commission and manage an independent assurance process, giving the programme board, chief officers, government, emergency service partners and any potential judicial scrutiny confidence in the operational products produced by the programme;
 - support the programme’s governance, communication, engagement and consultation arrangements, ensuring critical stakeholders are engaged with, and adopting, the programme’s products;
 - support and quality assure the technical authoring of guidance, whilst managing the doctrine framework and single lexicon, ensuring the service has one definitive list of operational terminology which is up-to-date, accurate and linked to dependencies such as the Civil Contingencies Secretariat lexicon of terminology;
 - manage the programme budget, procurements and resource distribution, ensuring best value across projects;
 - collate and process reviews of incident ground learnings nationally, and other performance-related information, to action reviews of guidance accordingly; and
 - manage and develop integrated digital publishing, collaboration, communication and content management platforms, including any technical support and licensing.
- 17.9. Full funding would allow all of this to be delivered over the three programme, partial funding would require the programme of work, delivery timescales, and potentially its scope, to be tailored. The Operational Guidance Strategy Board would be responsible for any decision, however delivering fewer projects before 2018 would result in the extant and high-risk catalogue of guidance remaining in circulation for a number of years beyond then, extending government’s recognised liability. The programme’s ability to service inter-agency requirements, and emerging Civil Contingencies demands could also be affected.

Summary

18. The need for national operational guidance is well-established—a need that is mirrored across each emergency service. Guidance supports smaller services that may not have the breadth of expertise to develop safe systems of work for every activity; it is a single reference point for other emergency services, providing the foundations for interoperability; and it is a common policy platform for all fire and rescue services, providing the foundations for intraoperability.
- 18.1. Guidance is used as a benchmark of best practice on the incident ground. It is used by trades unions when agreeing safe ways of working for new or existing operational capabilities. It is used by governments when inspecting or auditing local services. It is used in court, to protect or prosecute fire and rescue services.
- 18.2. Government has funded the development of national doctrine since the 1940s under a number of guises, establishing a catalogue of more than 8000 documents by 2012. That catalogue, according to the government’s own analysis, is considered high-risk and in need of review and replacement. In 2012, the London Fire Brigade made £6 million available for a programme to perform that review and assume the responsibility for guidance development.
- 18.3. That programme, and this proposal, is supported by chief fire officers, local politicians, trades unions, devolved administrations and other industry leaders. That support is strengthened by the Home Office, Cabinet Office, Department of Health and Department for Communities and Local Government new arrangements to govern the relationship between emergency services, approved by respective ministers, which recognises the National Operational Guidance Programme as responsible for national guidance for the fire and rescue service.
- 18.4. Fire and rescue services, local politicians and the devolved administrations have recognised that they are consumers of guidance, alongside government. Whilst it is noted that the production of guidance is a new duty, they have recognised that funding it should be a shared burden, and that they would be willing to match-fund government’s contribution. The proposals in this paper establish that partnership.

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MERSEYSIDE FIRE AND RESCUE AUTHORITY			
MEETING OF THE:	MERSEYSIDE FIRE & RESCUE AUTHORITY ANNUAL GENERAL MEETING		
DATE:	26 JUNE 2014	REPORT NO	CFO/049/14
PRESENTING OFFICER	JANET HENSHAW		
RESPONSIBLE OFFICER:	JANET HENSHAW	REPORT AUTHOR:	SHARON MATTHEWS
OFFICERS CONSULTED:			
TITLE OF REPORT:	AGGREGATION AND COLLABORATION IN PROCUREMENT		

APPENDICES:	APPENDIX A:	FIRE & RESCUE PROCUREMENT AGGREGATION AND COLLABORATION – DCLG, MARCH 2104
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Purpose of Report

1. To provide an overview of the Department for Communities and Local Government (DCLG) report 'Fire and Rescue Procurement Aggregation and Collaboration' attached under Appendix A to the Authority.

Recommendation

2. That Members note the contents of this report.

Introduction and Background

3. In November 2012, DCLG approached the Chair of the Chief Fire Officers Association (CFOA) National Procurement Group (NPG) to see what assistance they could provide in identifying collaborative procurement opportunities in the fire sector. This approach came at a time when the NPG were considering how to collaborate more widely and what tools would be needed to facilitate this.
4. Following lengthy discussions regarding DCLG's expectations and funding issues, DCLG engaged PA Consulting to undertake a piece of work with the NPG. A pilot group of 13 authorities provided data to inform this report – 4 authorities in the North West participated: Merseyside, Lancashire, Cheshire and Greater Manchester.
5. The data provided from the authorities was used to identify where opportunities for savings could be made, and what procurement strategy was most appropriate to deliver these savings. In addition, PA Consulting supplemented

ongoing work from the NPG to review different spend analysis tools. The final report was published in March 2014.

6. The report identified potential savings from collaborative procurement over a range of commodities including personal protective equipment, uniform, breathing apparatus, cutting equipment and ICT equipment.
7. The report identifies that lack of standardisation across the sector impedes collaborative procurement and that opportunities are lost as result. This builds on previous reviews of the fire sector which has reported similar issues and is often a real barrier to collaboration.
8. The report's key recommendations for the NPG and individual authorities are :
 - a. To agree a common classification of goods and services for all 46 authorities, and actively encourage the use of one spend analysis tool.
 - b. To build capability within agreed equipment and service lines – to move from over reliance on frameworks to leveraging committed spend that drives down costs
 - c. To develop a dashboard indexing prices on specific products so authorities can see what others are paying for goods and services to determine the market rate
 - d. To provide internal sponsorship, governance and partnership arrangements to facilitate collaborative procurement
 - e. To have a focused effort to supplier and contract management
 - f. To develop a strategy for buying non fire specific goods and services
 - g. To develop a national procurement pipeline which identifies opportunities for future collaboration
9. In respect of these recommendations, the North West's current position is outlined below :

a. Common classification of goods and services / use of spend analysis tool

- i. The NW already uses a common spend analysis tool (Spendpro) and has been for a considerable period of time. It is this tool that PA Consulting has recommended for use in the sector.

b. Leveraging committed spend

- i. The NW already seeks to do this wherever possible, when tendering as a group or using a framework. For example, when procuring thermal imaging cameras via the Consortium framework the team undertook a single mini competition using 1 specification and committed volumes. This resulted in the authorities procuring the right product at a very competitive price with demonstrable added value (e.g. Extended warranties)

c. A price indexation dashboard

- i. The NW doesn't currently have a price indexation dashboard, however pricing and commercial information is widely shared among the group where this is appropriate.

d. Internal Sponsorship, governance and support for collaboration

- i. The regional procurement team reports into the NW Finance Officers Group and also provides feedback to the NW Partnership Board and regional Chiefs meetings as requested.
 - e. **Supplier & contract management**
 - i. The regional procurement actively contract manages key suppliers. Bi monthly meetings are held with suppliers to assess and discuss performance. Contract management processes have also been developed at a local level and the procurement team is working with users to manage local contracts.
 - f. **To develop a strategy for buying non fire specific goods and services**
 - i. The NW procurement team consider how best to procure a range of items – sometimes this can be done together, and at other times it is best to collaborate with other bodies, such as a Local Authority to deliver best value. As an example, MFRA procures its gas and electricity with Liverpool City Council to leverage their buying power.
 - g. **National procurement pipeline**
 - i. The NW team has already utilised the national pipeline tool advocated by DCLG. However, this has not been successful to date, and further work needs to be undertaken at a national level to make the tool more useful for authorities and the supply markets.
10. Although the NW is already addressing some of these issues, the intention is to continue to engage on a national level to develop these recommendations further and to shape procurement plans for the sector.
11. There are some limitations of the report which are briefly outlined below :
- a. Some of the fire specific commodities benchmarked in the report are relatively low value (e.g. hose) and the scope to reduce any costs will only yield low levels of savings. To be successful, any collaborative work in these areas must not be resource intensive, or the costs will outweigh the benefits.
 - b. Where there is scope to reap higher benefits, these will be in more complex areas such as ICT hardware and software. The barrier to delivering savings in these areas will be standardisation/integration with existing kit. For example, different authorities use different financial applications – the scope to rationalise on one application is low because of asset refresh plans, local requirements and resourcing arrangements within the authority departments.
 - c. The report did not focus high spend areas such as Estates, Fleet and ICT in any depth. These are areas which could deliver significant savings for authorities but will need a great deal of work, from different stakeholder groups at a national level to drive this forward. The CFOA NPG would be unable to drive this forward in isolation.

- d. It should be noted that some of the key findings will not apply to the authorities in the North West (NW) as there is already a great deal of collaborative procurement taking place. For example, the report notes '*Some authorities pay over 200% as much for their products as others. One authority paid £125 for a pair of fire fighting trousers while another paid £274*'. In the North West the authorities paid £177.46 so will never leverage the kind of savings suggested. In addition, the benchmarking data is not 100% accurate but was PA Consultings 'best estimate' based on the data submitted by authorities. This data was collected within a very short time frame and the data requested was open to interpretation by the responding authorities.
12. Finally, the report recommends that 2 full time resources are employed to co-ordinate and encourage collaboration in the sector for a 3 year period. The report estimates the total cost of this resource to be circa £120,000 per annum. To date, there is no indication where this cost would be met from.
13. Despite these limitations, the report did highlight scope for possible improvements within the sector. It is anticipated that Anne Millington (Chief Executive of Kent Fire & Rescue Authority and Chair of the CFOA Asset Management Board), will be writing to Chiefs to ask for support in driving the recommendations of this report forward. As a region, the NW has representation on the NPG and is content to work with the rest of the group to determine priorities and devise work plans for implementation if this is acceptable to Chiefs in the region.

Equality and Diversity Implications

14. No EIA has been completed as this report is outlining the recommendations from the DCLG report, and no immediate action will be taken as a result.

Staff Implications

15. There are no immediate staff implications. However, to deliver some of the recommendations in the report there may be resourcing requirements for participating authorities. At the current time it is estimated that these will be contained within existing resources.

Legal Implications

16. There are no immediate legal implications arising from this report. If collaborative procurement does expand on a national level, there will be implications arising from a) utilising national agreements and/or b) letting contracts on behalf of the sector. These implications will be considered as sector plans develop.

Financial Implications & Value for Money

17. There are no direct financial implications. The authority has a duty to obtain best value, and will continue to work with the rest of the sector to drive improvements in procurement wherever this is possible.

Risk Management, Health & Safety, and Environmental Implications

18. There are no risk, health and safety or environmental implications arising out of this report. Any project specific implications will be considered as part of that particular piece of work.

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

19. Effective aggregation and collaboration can deliver cost savings and efficiencies for all participating authorities.

BACKGROUND PAPERS

NONE

GLOSSARY OF TERMS

CFOA	Chief Fire Officers Association
DCLG	Department of Local Government
EIA	Equality Impact Assessment
NPG	National Procurement Group
NW	North West

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Department for
Communities and
Local Government

Fire and rescue procurement aggregation and collaboration

Joint research project with Chief Fire Officers Association

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Department for Communities and Local Government
Eland House
Bressenden Place
London
SW1E 5DU
Telephone: 030 3444 0000

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Foreword

Brandon Lewis MP

Like the rest of the public sector fire and rescue authorities are redesigning their services, and grasping opportunities to deliver world class public services. We all need to make a contribution to delivering efficiencies - including leading innovation, trying new models of delivery, joining up with others and driving transformation. Procuring smarter is a key part of that - this research shows that fire and rescue authorities can save time, money and achieve better operational and commercial outcomes.

This research looks at current spend data, price benchmarking and strategic future plans. It also shows that whilst there are pockets of good practice, fire and rescue authorities have tended to buy on their own or within limited collaborative contracts. Within fire and rescue authorities, there is a small and reducing number of skilled, professional procurement staff but their capacity and ability to influence change for the better has been limited.

In particular, the findings of the research are that:

- The size of the opportunity - fire and rescue authorities are currently spending an estimated **£600 million** a year on total goods and services
- There are substantial savings to be made - on the specific products that were studied in this research alone, there are possible savings of **£18 million** on a total spend of **£127 million**. The savings could be even greater if this was applied across the piece on spending and if products were more standardised
- It sets out a high level plan to help the fire and rescue sector deliver these savings, and to procure in smarter ways. Working together is not always straightforward and the report highlights some issues and ways of improving this

The **case for change is compelling**. It is now up to the fire and rescue sector to capitalise on the opportunities that this research suggests are achievable - and I will expect to see significant progress in procurement savings as a result. I encourage fire and rescue authorities to work with the wider public and private sector procurement community to share experience and learn from skills, expertise and economies of scale to achieve the significant savings that are available. It is also vital that the importance of effective procurement is recognised within fire and rescue authorities and that it is supported from the top down.

Fire and rescue authorities no longer have the luxury of being able to buy alone - they need to work together to deliver the best value for money, as well as share resources, knowledge and best practice. Ultimately, avoiding duplication and buying better is vital to help the public sector deliver its services.

Tax payers are right to expect the most cost effective processes and will rightly hold fire and rescue authorities to account if they fail to make the necessary changes to drive better procurement.

I would like to thank all the fire and rescue authorities that participated in this project and in particular members of the Chief Fire Officers Association National Procurement Group led by Mike Pearson.

A handwritten signature in black ink, appearing to read "Brad". The signature is written in a cursive style with a large, looped initial "B" and a long, sweeping tail.

1. Executive summary

This research project has been commissioned, through PA Consulting, to identify how fire and rescue authorities currently procure, where there are opportunities to buy more efficiently and how these may be taken forward.

Across the 46 fire and rescue authorities in England the picture is one of decentralised and disparate decision-making on an estimated spend of nearly **£600 million**. The top **21** spending authorities account for over **80%** of fire and rescue authorities spend, with London representing **22%** of total spend.

There is a clear case for collaborative procurement. The pilot work found savings of up to 200% and above are available. On the specific products that was studied in this research alone, there are possible savings of **£18 million** on a total spend of **£127 million**; and if this was applied across all spend (£600 million) the savings could be even greater.

These findings were arrived at by using the available spend data which fire and rescue authorities currently publish. One key issue is that this is spread across various websites, and is of very varying quality. So, one of the recommendations in this report is that fire and rescue authorities should start to use a single tool to track expenditure by supplier and category – this would make it much easier in the future for them to identify savings opportunities.

This data was built on with the help of a pilot group of 13 fire and rescue authorities representing over **50%** of national spend to identify and analyse how fire and rescue authorities bought, what prices were paid for which items under which terms. PA Consulting then validated these findings.

Key findings include:

- **Some authorities pay over 200% as much for their products as others.** One authority paid **£125** for a pair of firefighting trousers while another paid **£274**
- **Even where fire and rescue authorities buy from the same supplier there are significant variances**, for example the price for similar firefighting helmet from the same company varied by **25%**: between **£105** and **£131**
- Where **the same contract was used by a number of authorities to buy the goods there is still a significant range**, for example one authority paid **66%** more than another when buying a structural coat (**£220 - £366**)

From discussion with uniformed officers and leading procurement staff within the pilot group it was found that:

- **Procurement frameworks are common place and lack of coordination can often lead to duplication across fire and rescue authorities for similar items**

- **While procurement staff recognised the commercial levers needed to improve outcomes, their influence at a strategic level was limited**
They saw operational and financial benefits that would come from working across fire and rescue authorities more - from tendering, driving prices through increased competitive tension, a standardised set of specifications and taking a single approach to leasing or purchase – but didn't have the influence at a senior level to take these improvements forwards.
- **One size does not fit all.** There was all-round recognition that collaborative procurement needed to work differently for different goods and services – sometimes by geographic location, sometimes on volume, sometimes through better commissioning and sometimes through leverage on existing infrastructures
- **Procurement staff did not think they were ultimately recognised as a source of savings.** Investment in procurement staff has been cut back over the last three years and articulating the business case for commercial skills in the face of technical and operational pressures has become increasingly difficult
- **Co-ordinating procurement between 46 different bodies needs resource that is not currently there.** The increased coordination required for collaboration could not be resourced as there was no spare procurement capacity and the increased complexity and risk needed new skills
- **Management of common suppliers was not coordinated and it was usual to see varying prices from the same supplier.** There was little evidence of advance planning for equipment/services beyond individual fire and rescue authorities, leading to duplication or no activity in smaller authorities
- **Ultimately, there are some pockets of positive collaborative procurement within fire and rescue authorities – but it is limited at the moment, much more can be done**

It is likely that, standardisation of products will deliver even greater savings and with the greater volumes through collective procurement, this could add to the wider economies of scale. For example if more fire and rescue authorities bought the same vehicles then they would not only save on the vehicles themselves, but also on the parts, maintenance and training. Collaboration means the same procurement is not repeated time and time again in different services – saving time as well as money. All of these findings make the case for collaborative procurement stronger than ever. It sets out the strategic plans for fire and rescue authorities to deliver new, meaningful and sustainable savings.

The fire and rescue sector is not alone in this challenge. Local authorities and other public sector bodies are facing similar challenges – and they have useful procurement resources (tools, systems expertise etc) that fire and rescue authorities could benefit from. By working together with other partners beyond the fire and rescue sector, the benefits can be taken further and deeper.

Summary of specific recommendations:

It is recommended that fire and rescue authorities, supported by the Chief Fire Officers Association, should **seize the opportunity to deliver these significant potential savings by:**

- Agreeing a common classification of goods and services for 46 fire and rescue authorities and actively encourage the use of one common spend management tool
- Building capability within agreed equipment and services, moving from over-reliance on frameworks to leveraging committed spend that drives down costs
- Developing a dashboard indexing prices paid on specific products so that fire and rescue authorities can see what each other are spending and avoid paying more for the same product
- Providing internal sponsorship, governance and any partnership arrangements to expedite these projects and to make speedy and effective decision making
- Exploiting life time benefits through focussed central efforts in managing supplier relationship and contracts.
- Developing a strategy for buying non-fire common goods and services (energy to office supplies etc) together. There are questions to be answered in doing this. Where should individual fire and rescue authorities aggregate these demands? Should this be with local authorities, with the fire and rescue sector or with other sectors?
- Taking forward the high level plan in this report, and developing a national procurement pipeline plan that documents existing contract start and finish dates, schedules tendering exercises and future, large-scale procurement opportunities

The following figure illustrates the different range of prices for Personal Protective Equipment which shows the scale of the opportunity on offer.



The image is provided by Bristol Uniforms Ltd PPE, supplied by ICP. The prices shown are "for illustrative purposes and the prices relate to equipment supplied by many firms and contracts"

2. Background

There are 46 fire and rescue authorities in England that procure fire specific equipment based on their operational needs and local integrated risk management plans with some being part of wider County Council purchasing arrangements. In the past fire and rescue authorities have tended to procure on their own and while there are increasing examples of collaboration and partnering, they are at different stages of development. Further efficiencies/savings can be made through smarter procurement practices and by greater collaboration and transparency at a very early stage in the procurement process. There are also opportunities to join with other emergency service providers and/or other purchasers when procuring similar or generic equipment.

There is no mandate for fire and rescue authorities to procure nationally but with reducing budgets there is now increasing pressure on all authorities to make greater efficiencies. In 2010 the National Audit Office¹ considered that fire and rescue authorities *“spent between them about **£120 million each year** on specialist equipment, such as fire engines, protective clothing and breathing apparatus. Better procurement practice including standardised equipment specifications and more collaboration could significantly reduce these costs without affecting the service to the public.”*

Evidence from previous procurement research and existing transparency data has highlighted areas where there is scope for savings/efficiencies for fire and rescue authorities. This includes:

- Using common classification for procurement categories
- Using standard specifications except in exceptional circumstances
- Reducing the need for bespoke equipment
- Active management of major/common suppliers
- Build higher volume of orders to reduce supplier prices
- More coordinated and future procurement planning
- Putting information onto the procurement pipeline at a very early stage in the process
- Reducing the high number of low value invoices
- Reducing costs of processing transactions

¹ <http://www.nao.org.uk/report/reducing-the-cost-of-procuring-fire-and-rescue-service-vehicles-and-specialist-equipment/>

Responsibility for procurement and delivering a good service lies with the local fire and rescue authorities. Like all public services, fire and rescue authorities must meet the expectations of tax payers and the government for continued improvement and value for money.

To help the fire and rescue sector map out the current situation and future possibilities the department has undertaken a joint research report with the support and commitment from the Chief Fire Officers Association's National Procurement Group and a pilot group of fire and rescue authorities in England. Following a tender process an external organisation, PA Consulting, was appointed to undertake the research. The aim of this was to identify opportunities for, and obstacles to, collaborative procurement and produce a high level plan of where fire and rescue authorities could make the most savings through buying together or in different ways.

The department agreed to provide funding for this work since it was best placed to have the strategic oversight on procurement issues and to help demonstrate its support for fire and rescue authorities during budget reductions.

Through the Chief Fire Officers Association's National Procurement Group the following fire and rescue authorities volunteered to take part in this project: Cheshire; Devon and Somerset; Durham and Darlington; Essex; Greater Manchester; Kent; Lancashire; London; Merseyside; South Yorkshire; Tyne & Wear; West Midlands and Wiltshire.

The pilot group did not include any representatives from County fire and rescue authorities as they tend to be already part of wider County Council purchasing arrangements. However many of the findings and recommendations will still be applicable both to them and other public sector organisations.

3. Overview

A key feature of the current fire and rescue sector in England is its disparate nature. It exhibits considerable variations in size, structure and capacity. When coupled with local autonomy in 46 fire and rescue authorities (which operate from the local government remit), there is sizable scope for variations in approach and internal structures. The varying size of these authorities means that they utilise different levels of spending power and have procurement functions that differ in capacity and capability.

The localised nature of buying, in part, leads to fire and rescue authorities procuring equipment for the same purpose in a different manner, and often to different specifications, compared to other authorities. During this project, it was observed and reported that there is a high incidence of fire and rescue authorities developing different product and service requirements and buying bespoke goods as a result. Interoperability and British, International and European Standards create certain levels of standardisation in some areas, but in many other areas there appears to be little attempt or appetite to develop common specifications and fire and rescue authorities continue to 'do their own thing'. **This lack of standardisation clearly impedes collaborative procurement and may ultimately impede operational efficiency in collaboration.**

In addition to forgoing the benefits of economies of scale, the current environment means that there is, "widespread duplication of effort in the design, commissioning and evaluation of fire specific products."² **There are clearly benefits available from 'buying once'** in terms of time spent at each authority, which includes procurement as well as operational staff, who regularly undertake evaluations and repeat product testing that has already been undertaken in other authorities.

In compiling data for benchmarking – and through discussing spend management tools with fire and rescue authority representatives – it was clear that different services have different levels of maturity in their use of procurement systems. The availability and detail of spend data varies depending on the service. The requirement for usable data across fire and rescue authorities is driving efforts to employ a spend management approach, however currently there is little business intelligence with which to make decisions about collaboration, as well as to manage spend individually.

Collaboration and aggregation

The past decade has included a number of catalysts for change in the fire and rescue sector, including:

- Numerous external reviews and reports including National Fire Procurement Strategies (2005 to 2008 and 2009 to 2012)

² Facing the Future - 2013. Sir Ken Knight.

- The modernisation agenda (including the New Dimension Programme, FireLink, FiReControl and the Emergency Services Mobile Communications Programme)
- Reducing budgets, in particular since the 2010 Spending Review

The recent merger of both the Police Force and the Fire Service in Scotland – itself a response to a requirement to avoid duplication of activity – also provides a blueprint for organisations looking to share services or amalgamate.

A number of these impetuses have encouraged collaboration in terms of sharing resources, back office services, sharing lessons, experiences and even, in one case, wholesale amalgamation. Despite this there continue to be calls for greater collaboration in procurement both externally and internally from some fire and rescue authorities and central government.

The idea of greater collaboration in the fire and rescue sector is not new. The previous National Procurement Strategies (2005-08 and 2009-12) have referred to the benefits of greater collaboration. The National Audit Office has specifically suggested that in specialist fire equipment better value for money could be achieved through “standardised equipment specifications and more collaboration”³. Aggregation and collaboration has been recommended in various other independent reviews of the fire and rescue sector and interviews with partners clearly demonstrate that this is an agenda that has been discussed, encouraged and, to a limited extent, adopted over the past decade.

Some initiatives, such as the FiReControl Programme included a central mandate to foster greater collaboration and to share business functions. Others were specifically designed to encourage greater collaboration and aggregation in fire and rescue procurement. In 2006 Firebuy, a national procurement capability, was established and began to develop and manage frameworks to provide fire and rescue authorities with a route to market and to encourage greater procurement collaboration. Firebuy was subsequently closed and the live framework contracts novated to Wiltshire County Council in 2011 with The Consortium for Purchasing and Distribution Ltd managing these on the Council’s behalf.

Other projects have, in addition to aggregating demand, included attempts to standardise requirements. The Integrated Clothing Project attempted to establish a standard specification for clothing and Personal Protective Equipment and is still in use in a number of the fire and rescue authorities – but has failed to achieve the uptake that was originally estimated.

It would not be accurate to say that there is no current collaboration in fire and rescue authorities. This project has observed:

- Local incidences of collaborative procurement between different fire and rescue authorities

³ Reducing the cost of procuring Fire and Rescue Service vehicles and specialist equipment, 2010. NAO

- Collaboration with local authorities. Due to the proximity of fire and rescue authorities to their local authority – in both geographical and organisational terms – it is not surprising that many non-fire specific goods and services are being bought alongside other local public bodies. This analysis supports the view that the best point of aggregation for many non-fire specific goods will be with other larger local public bodies. However this approach is not employed universally and incidences of fire and rescue authorities buying generic products alone do exist
- Collaboration with other public organisations. London Fire and Emergency Planning Authority, for example, is part of the Greater London Authority and there is often an impetus for them to aggregate with bodies within that group, such as the Metropolitan Police and Transport for London

While examples of collaboration exist they are localised and tactical in nature, rather than strategic national approaches to collaboration.

These experiences, over the past decade, suggest that locally owned collaborative projects can be successful but will always lack the ‘whole fire and rescue sector’ approach required to leverage significant savings. Centrally-driven initiatives have had some success but none have proved to be – and some have not tried to be – the silver bullet that proves the case for collaborative procurement and gets the entire fire and rescue sector buying together.

The reasons for the limited impact include some specific issues with certain initiatives, such as long or inflexible contracts and single supplier arrangements. These specific and tangible problems can be addressed in future aggregation plans. Other reasons for limited success are, however, more difficult to address as they relate to reluctance on the part of various groups to engage with the agenda for reasons that are less specific and often political at a local level. Some examples were identified in discussions with various partners as part of this research:

- There may be some concern about the implications of collaboration for individual fire and rescue authorities including a lack of impetus from authority Members to push the collaboration agenda or, even, overt hostility to some standardisation of products. In some cases this might be driven by fears that it will be the ‘thin end of the wedge’ that ends in mergers between fire and rescue authorities
- There is suspicion about standardisation – which will often go hand in hand with aggregation – from firefighters, who associate it with downgrades to the equipment that they are using. It is possible that standardisation could involve assessments of whether equipment specifications need to be at existing levels - however examples of collaboration in other sectors have included specification upgrades for some participants. It was suggested that this assumption motivates some Chief Fire Officers/Chief Executives to oppose greater collaboration. Other interviews suggested Chief Fire Officers were reluctant because, as (almost exclusively) ex-firefighters themselves, they each have preferences for the equipment they buy and feel that standardisation will inhibit their control

- The supply market for certain goods and services sometimes deploys a 'divide and conquer' strategy. It is likely that, while some suppliers would welcome aggregation as it brings with it higher value contracts, in some areas suppliers consider that aggregation might bring heightened competitive pressure
- Centrally driven projects or collaboration (e.g. Firebuy) have not been popular. Initiatives that have been run centrally have not been owned by the fire and rescue sector and there has been a reluctance to engage where there is a perception that something is being imposed on the local services
- The need to consider local risk planning within context of national interoperability

In conducting this project, the team has been keen to understand the various forms and motivations behind opposition to collaboration as well as the reasons for successes and failures of previous efforts

While it is important to be aware of these factors it should be remembered that this project cannot – and has not attempted to – find solutions to the deeper issues that have limited the success of similar initiatives previously. The conclusion of the independent review [Facing the future](#), conducted by Sir Ken Knight, with regard to forgoing customisation of products and services in the fire and rescue sector was that “fire and rescue authorities are not yet prepared to take this step – but I hope that the future holds greater pragmatism.”²

This project has, above all, sought to find practical, workable recommendations that can be implemented within the current environment in the short term - and at the same time findings that contribute to the shift in perception necessary to overcome barriers to collaboration in the medium and long term.

4. Data validation and analysis

This sections sets out how the research was undertaken – specifically how the data was validated and analysed. It also reports on the whether SpendPro, the spend analysis tool being considered by the Chief Fire Officers Association, is fit for purpose and how its use can be supported and optimised. The rapid review of available market tools concludes that there is immediate value to be generated from wide use of this tool and identifies steps that need to be taken in order to encourage deployment and increase impact from its use.

Transparency data analysis

In order to conduct an analysis of spend data across the fire and rescue sector the department collated published spend data from each fire and rescue authority for the most recent completed financial year (2012/13). This included all transparency spend data for transactions above **£500**. This gave a good indication of the top suppliers and categories of spend across fire and rescue authorities in a typical year. There were, however, various limitations to the data, including:

- Although most fire and rescue authorities do publish their transparency data a few do not and some publish it amongst the local authority spend information, which makes isolating fire and rescue authority spend impossible. Overall around **78%** of the total data sets were used in the transparency data analysis
- No consistent data file format to enable data manipulation. In some cases the data was unusable
- Some data lines did not have sufficient descriptions or had no descriptions
- There are likely inconsistencies in whether the data is gross or net of VAT
- Inconsistencies in the inclusion of capital expenditure
- There were instances where spend lines were entered multiple times. Where this was obvious and material the lines were removed

Given that the transparency data provides a single year sample and contains various limitations it cannot be used to provide very specific conclusions on the total spend on certain products or with specific suppliers. It has been used to provide broad analysis and to identify possible areas of collaboration, which can then be tested with fire and rescue authority representatives.

The fire and rescue procurement aggregation project team analysed the data by undertaking the following steps:

- The supplier list was cleansed, removing duplications and applying consistent names to suppliers

- The ProClass category structure was applied and the fire and rescue category was used. However, the ProClass sub-categories were too broad in some instances, and so appropriate sub-categories were created to cater for the data. Priority was given to the largest areas of spend when categorising the data, which allowed over 90% of the data to be categorised
- Non-influencable and hard-to-influence spend was identified (e.g. tax)
- Contract data was added where it was available (from contract registers, Tenders Electronic Daily, The Consortium)

This approach allowed the fire and rescue procurement aggregation project to analyse spend across fire and rescue authorities, by category (and sub-category) and by supplier. The key conclusions were:

- London Fire and Emergency Planning Authority has a materially larger spend than any other fire and rescue authority (around **£90m**) and makes up approximately one fifth of the spend data available. This is followed by a group of larger fire and rescue authorities that together spend **£15m-£20m**, and then a tail of fire and rescue authorities which spend **<£15m** (Figure 1)
- The supplier profile is typical, with the vast majority of the spend being incurred with a relatively small number (500) of suppliers (Figure 2)
- Around half of the 50 largest suppliers (worth **>£200m**) are used by a number of fire and rescue authorities, suggesting that there may be opportunities to procure together from those suppliers
- Initial analysis of the transparency data, in addition to historical knowledge of the fire and rescue sector, suggested that there is scope in fire and rescue authorities to pursue collaborative savings

Figure 1 Annual spend by service

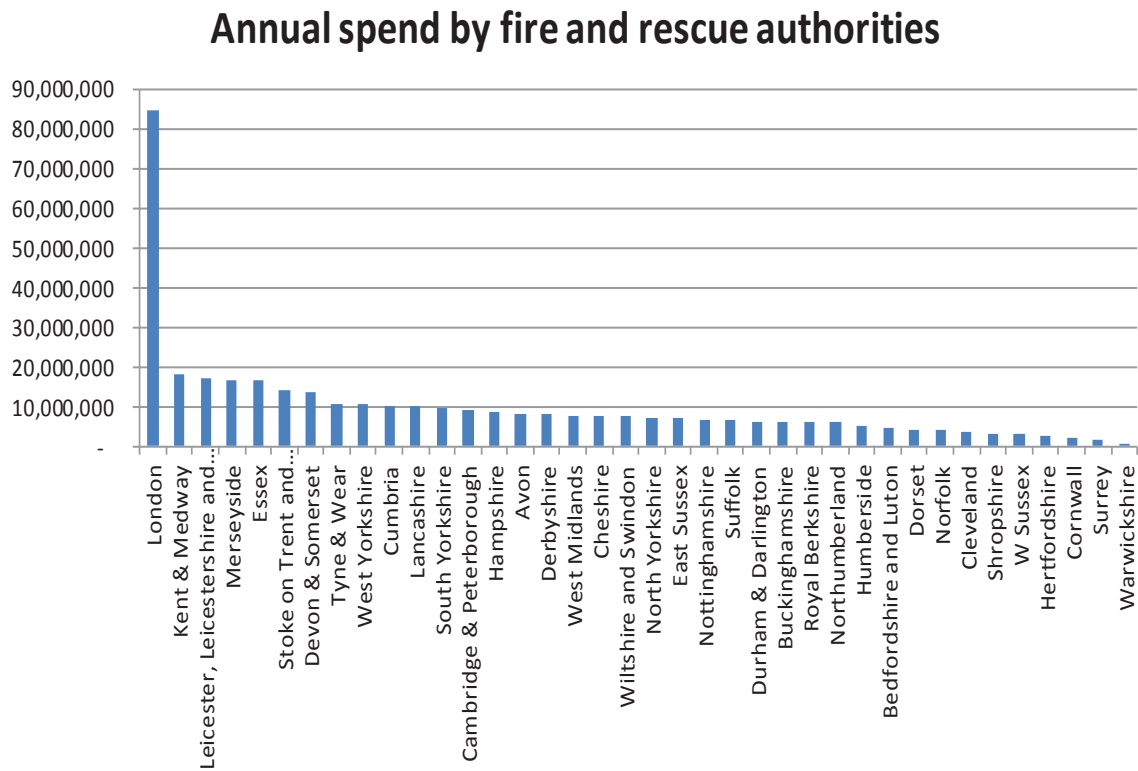
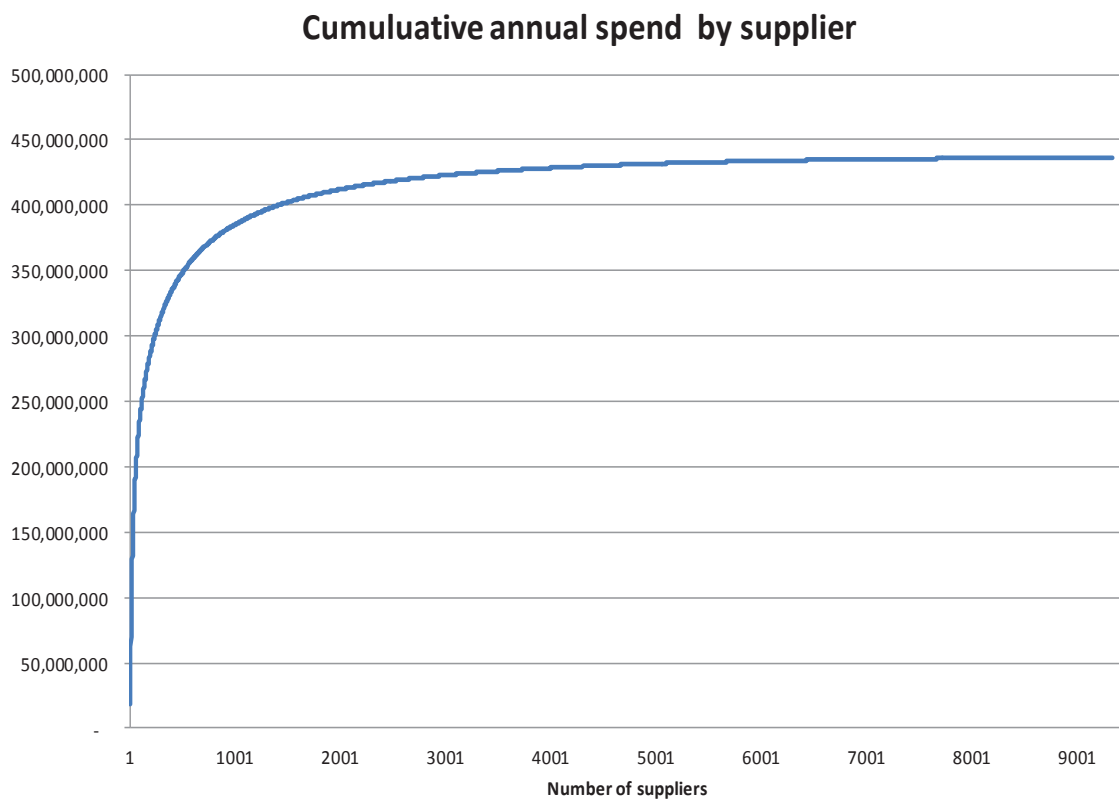


Figure 2 Cumulative spend by supplier



Assessment of SpendPro

Consistently it has been found that information on fire and rescue authority collective spend is unavailable, or lacks common definitions and systems to allow the identification of collaborative opportunities (this was evident during the consultation for the National Procurement Strategy for the Fire and Rescue Service 2009 -12, and within the strategy document itself). The absence of useable consistent spend data continues to stagnate efforts to identify collaborative opportunities – particularly in fire specific goods. The Chief Fire Officers Association has therefore been working to encourage the adoption of a common spend management tool within fire and rescue authorities that will standardise the categorisation of spend and allow cross-fire data to be analysed effectively.

SpendPro was selected after a review of the available market tools by the Chief Fire Officers Association's National Procurement Group. SpendPro is already in a number of local authorities – emanating from the Association of Greater Manchester Authorities – and NHS organisations.

The Chief Fire Officers Association's intention is to support and encourage deployment of SpendPro more widely across fire and rescue authorities to improve visibility and opportunities for spend analysis and savings, although decisions regarding commissioning SpendPro reside with the individual fire and rescue authorities themselves.

As part of the fire and rescue procurement aggregation project, an independent assessment of this position was made alongside recommendations to ensure that any implementation is successful. **Appendix A** provides a rapid assessment of SpendPro capabilities against fire and rescue authority requirements and compares the tool with alternative tools in the market.

The assessment found no compelling reason not to continue with the proposal to encourage the use of SpendPro in fire and rescue authorities. SpendPro will not in itself identify opportunities to aggregate or show instances where some fire and rescue authorities are paying more than others, and regular analysis will be required; however it will present a common approach to categorisation and analysis.

Next steps

Representatives of the Chief Fire Officers Association's National Procurement Group have taken the lead to work with Association of Greater Manchester Authorities to deploy SpendPro. In autumn 2013 fire and rescue authorities received templates outlining what would be required of them both in terms of initial effort to input data into the tool and on-going requirements to regularly load data. This includes an outline of the activities required to deploy the tool and an estimate of the time commitment required per fire and rescue authority for each task (totalling 5 working days of up front effort, which may vary depending on the authority and the systems involved).

Deploying SpendPro will require some initial outlay from the fire and rescue authorities to:

- Produce a data file mapping their GL codes to the ProClass structure
- Develop a process to extract data from the fire and rescue authorities systems, providing the information required in a specific format
- Identify any information that should be excluded from the regular data loads
- Extract a previous historical set of data (12 months) and – once this has been loaded into the tool – test the system and quality assure the information
- Finally extract and load live data, using the new processes established, for inputting into SpendPro

Following the initial outlay, the team that manage SpendPro in the Association of Greater Manchester Authorities Procurement Hub (the SpendPro team) recommend data is received on a monthly basis. However, data can be loaded quarterly if monthly uploads are too onerous. The data can be analysed collectively and at individual authority level and a dashboard of core reports produced, including a view across categories, geographies and common suppliers as well as bespoke reports as required.

During this project, the majority of fire and rescue authorities understood and agreed that having collective data across fire and rescue authorities would be beneficial. However, a consistent concern from fire and rescue authorities was the time commitment required of them both initially and on an on-going basis to load data into the tool. There is no single solution to this problem and it is true that deploying SpendPro will involve additional work for the fire and rescue authorities and potentially additional, initial cost (staff time, amendments to finance systems, SpendPro subscription). However, it is highly likely to deliver benefits that outweigh these costs and these benefits could be realised in the medium term if engaging the already stretched resources can be achieved in the short-term.

It is proposed that the Chief Fire Officers Association and, where appropriate, the SpendPro team, should:

- **Emphasise the importance of up front effort to ‘get it right the first time’**, which will limit the onerousness of the on-going task. For example getting the extraction report right initially will avoid regular manual adjustments and providing company numbers for as many suppliers as possible will enable the tool to intuitively identify suppliers in the future
- **Encourage fire and rescue authorities to employ an automated process for regularly uploading the information.** It is likely that in many instances additional reports will need to be written to export data from their finance systems in the required format. In some cases fire and rescue authorities share their financial management system with their local authority and changes cannot be made unilaterally. Given this there will be a temptation to manually manipulate data exports. This has the potential to introduce errors, will not reduce the regular requirement and increase the likelihood that fire and rescue authorities do not continue with data uploads

- **Seek a firm commitment from fire and rescue authorities as to whether they will deploy the tool.** This will act as a catalyst to bring out any issues that will prevent them from engaging. The SpendPro team has issued a FAQ document and offered help to authorities; however it is likely that some fire and rescue authorities will not deploy the tool out of misconceived preconceptions about the amount of resource it will require

Deploying a standard and simplified category schema

Classifying products and services into groups that can easily aid the identification of opportunities for both savings and collaboration is valuable both for individual fire and rescue authorities and the fire and rescue sector as a whole. A balance needs to be struck between providing in the schema appropriate categories to cater for a necessary detail and maintaining a manageable set list. The critical success factors for developing a schema include:

- Where possible the schema should align to existing standards that are proactively maintained
- The categories should ensure that as little of the spend as possible is categorised to 'catch all' and miscellaneous categories and minimise both overlap and ambiguity, which would result in users being unsure which category to use and potentially lead to difficulties understating spend
- Categories should largely face-off to the market that they relate to
- Additional analysis will always be required on category data; therefore the categories should be 'pitched' at a level that allows enough similar information to be entered within them. Attempts to introduce too much detail, in order to facilitate easier analysis are likely to result in too many categories, which goes hand-in-hand with increased incidence of mis-coding by users
- Categories should be set out at a level that generates cost benefit return – perhaps using as a starting position the areas identified for further analysis within this research. Where it is concluded that good practise and low prices are currently secured the benefit of collating this data now is less than for categories where savings can be realised. The data can be incrementally built on over time if that helps manage the initial impact to input data

The SpendPro tool employs the ProClass system of product and service classification, which has been developed within local government. ProClass is periodically updated as additional classifications are required or to reflect necessary changes. The management and maintenance of ProClass is undertaken by Coding International Ltd, who encourages users to propose and discuss changes to the classification via their website.

The most up to date version (C13.1) of ProClass includes an emergency services element and a fire and rescue category within it. This, however, only caters for five dedicated level two categories (plus an additional category for all items that do not fit into the five). The terms and conditions for the licence to use ProClass state that

uses may not “make alterations to, or moderations of, the whole or any part of ProClass.”⁴

The current fire and rescue sub-categories are:

- Breathing Equipment
- Foams (intended to include all firefighting materials)
- Specialist Equipment
- Specialist Services
- Specialist Vehicles
- Not Elsewhere Classified

It is likely that the breathing apparatus and foam categories are useful in terms of providing the right level of information for analysis purposes. The specialist equipment, services and vehicles act as ‘catch all’ categories and – though they would provide improved management information compared to the current situation – they are likely to amalgamate disparate goods and services.

Currently there are a number of fire and rescue authorities that use SpendPro. It is proposed that representatives from the Chief Fire Officers Association **review the spend data that has been coded to these categories during the last financial year**. In doing so they should consider the total spend and types of goods and services bought, in order to address whether breaking them down into further sub-categories is required.

Following this assessment, if it is decided that the schema needs to be augmented to provide additional granularity then additional sub-categories should be proposed to Coding International and entered into their website forum.

In advance of agreeing any changes to the schema – or if agreement is not given –it is technically possible for the SpendPro team to add additional sub-categories to the functionality in the tool. Given the previously mentioned stipulation that users should not make amendments to the coding without knowing whether this contravenes ProClass terms and conditions **it is recommended that further investigation and discussions take place on this matter with Coding International.**

⁴ ProClass terms and conditions

5. Business case

This section sets out the case for change, supporting the need for greater consistency in collating and analysing fire and rescue spend data and identify some key fire and rescue sector benchmarks that illustrate the scale of savings potential. It concludes by identifying an initial set of products that should be considered for spend aggregation planning.

Methodology

Following the initial transparency data analysis and discussions with various interested partners a long list of potential opportunity areas was identified.

These opportunities were tested with a pilot group⁵ at a series of workshops designed to identify the product and service areas that should be assessed in more detail through price benchmarking. The pilot group provided hugely valuable steers to the project and demonstrated high levels of capability. It should be remembered, however, that this group – which consisted of individuals that volunteered to contribute to the project and shares a significant crossover in membership with the Chief Fire Officers Association’s National Procurement Group – is likely to be made up of the fire and rescue authorities (and individuals) that have the willingness, capacity and capability to contribute.

The focus of the fire and rescue procurement aggregation project was on fire and rescue specific items. However, given the significant spend in some non-fire specific areas it was agreed that some data gathering activity would be spent on more generic items.

Following the steer from the pilot group, where a number of opportunities were introduced and some were removed, the fire and rescue procurement aggregation project team worked with one fire and rescue authority to prepare a list of more specific products and services that would provide a benchmarked price between fire and rescue authorities and/or more detail on how they bought the product and service.

A data gathering template was issued to the pilot group that requested information by product or service for financial year 2012/13 on:

- Total spend
- Number of units bought per annum
- Unit price (where appropriate)

⁵ The Pilot Group consisted of the following Fire and Rescue Authorities: Cheshire; Devon and Somerset, Durham and Darlington; Essex; Greater Manchester; Kent; Lancashire; London (limited data); Merseyside; South Yorkshire; Tyne and Wear; West Midlands and Wiltshire

- Suppliers
- The sourcing approach (e.g. whether it was via a framework, locally sourced etc)
- Contract details and dates
- Any other pertinent notes about the product or service

Some products and services were included to identify a benchmark on a very specific specification, some provided a sample of products that would allow the fire and rescue procurement aggregation project to identify possible savings that could be applied to the total spend in that area and some were included to understand more about how the product / service was bought. **Appendix B** shows the individual products and services that made up the data gathering template. It also shows the product / service grouping that the list was divided into.

Fire and rescue authority data returns

Given the localised nature of the service, the lack of whole fire and rescue authority spend data, the frequency of bespoke equipment specifications, and capacity constraints in the fire and rescue sector, it was known that to compile data in all areas would not be possible. The project approach was to specify goods and services in a manner that was broad enough to allow most fire and rescue authorities to contribute and then use supplementary questions to clarify any details once the an initial review of the returns had taken place.

The fire and rescue procurement aggregation project team and the department worked with the pilot group to offer support in completing the data gathering exercise, including reviewing specifications and supplier documents, prioritising the template, granting additional time to allow some fire and rescue authorities to contribute and removing products where initial analysis of the returns suggested that they would not be progressed to aggregation planning.

The majority of the pilot group were able to return the template, however – as was expected – not all of the products and services are used by all fire and rescue authorities and therefore there is varied coverage of returns between the different line items. The amount and quality of information returned varied between authorities and there are two key factors that caused this:

- Capacity constraints on the part of fire and rescue authorities meant that they were unable to provide information on some of the products and services. This was caused by the demands of their business-as-usual activity, large scale procurements that coincided with this project and industrial action, which drew necessary resources away from the project. Despite efforts to support the fire and rescue authorities some were unable to prioritise the time of procurement (and other) colleagues necessary to complete the task totally, or, in some cases, at all
- A paucity of spend data in some areas made extracting it challenging. In some instances the fire and rescue authorities were able to provide total

annual spend for some items, which is of some value, but struggled to provide numbers of units bought, making benchmarking problematic

Despite these limitations the data gathering exercise provided useful information that allowed the project to benchmark various products – with a particular focus on fire specific equipment – and gather data about how other products and services are bought. This reinforces the need for comparative spend data in the future.

Calculation of spend and savings

Following the return of data the fire and rescue procurement aggregation project team:

- Reviewed any differences in the way that data was supplied, cleansed the information and made it consistent (e.g. removing all VAT)
- Identified significant outliers that appeared anomalous and removed them
- Calculated the estimated size of national size of spend on the particular product, service or group items. This was done by using one, or more, of:
 - The transparency data, which was particularly important where the benchmarking represented a sample of a wider group (for example Personal Protective Equipment)
 - An extrapolation from the spend provided by the pilot group. In this case the amount spent on an item was prorated, using the number of firefighters in the authority compared to the total number of firefighters in England, to provide a national picture
 - Volumes on existing frameworks, in particular the ex-Firebuy frameworks, where the total amount spend (by authority) on specific goods and services was supplied
- Calculated a potential saving opportunity percentage by one, or more, of the following:
 - Charting the range of unit costs paid per item and calculating the reduction if all fire and rescue authorities paid the minimum price. It is likely that – through pursuing collaborative projects – it is possible to achieve lower prices than the minimum found but, for prudence, the minimum current unit price was used
 - Reviewing percentage discounts offered on existing frameworks, e.g. the Firebuy framework for foam offers discounts based on bulk orders
 - Using previous experience of collaborative procurements for similar products and services to arrive at an estimated percentage

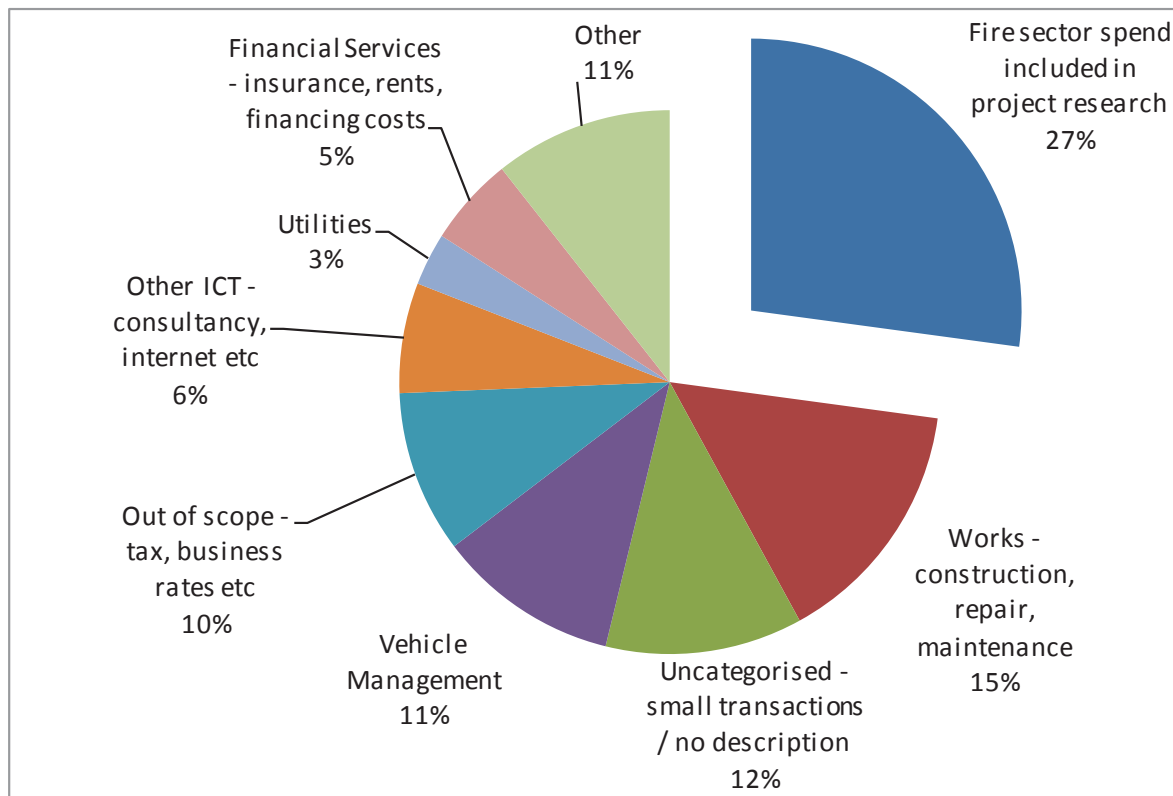
Benchmarking and saving opportunities

The fire and rescue authority spend for 2012/13 available in the transparency data was **£483m** of a total non-pay spend of **£587m**. This **£104m** (22%) difference is largely because of the fact that some fire and rescue authorities did not publish their spend data at all and other authorities omitted to publish some months. In order to reflect this omitted data in the analysis the project pro-rated all numbers to extrapolate a national picture based on the assumption that missing information would broadly follow the same pattern (in categories, suppliers, etc) as the information that was available. This is a reasonable assumption for the purposes of identifying an estimated a total national picture.

As discussed the project focussed on fire and rescue specific products and services but did cover some non-fire categories where they were deemed to represent opportunities. The following table and chart show the proportion of the annual spend that was covered in the benchmarking exercise.

Category	£ms	Category content
Category Spend included	159.3	The product / service groups that were included in the benchmarking
Works - Construction, Repair & Maintenance	87.4	Includes new building works, construction, refurbishments, structural maintenance etc
Uncategorised	69.2	Very small transactions and lines with insufficient descriptions to categorise
Vehicle Management	63.8	Parts, workshop costs, specialist vehicle repairs
Out of scope	56.8	Tax, business rates, pensions and other non-influencable spend
Other ICT	38.5	ICT consultancy, maintenance and support, internet provider costs, fixed line telecoms
Utilities	18.4	Water rates, gas, electricity
Financial Services	31.2	Insurance costs, financing costs, rents
Other	62.6	Other smaller categories including stationery, sports equipment, HR costs, furniture
Total	£587.0	

Figure 3 Proportion of annual fire and rescue authority spend included in the fire and rescue procurement aggregation project

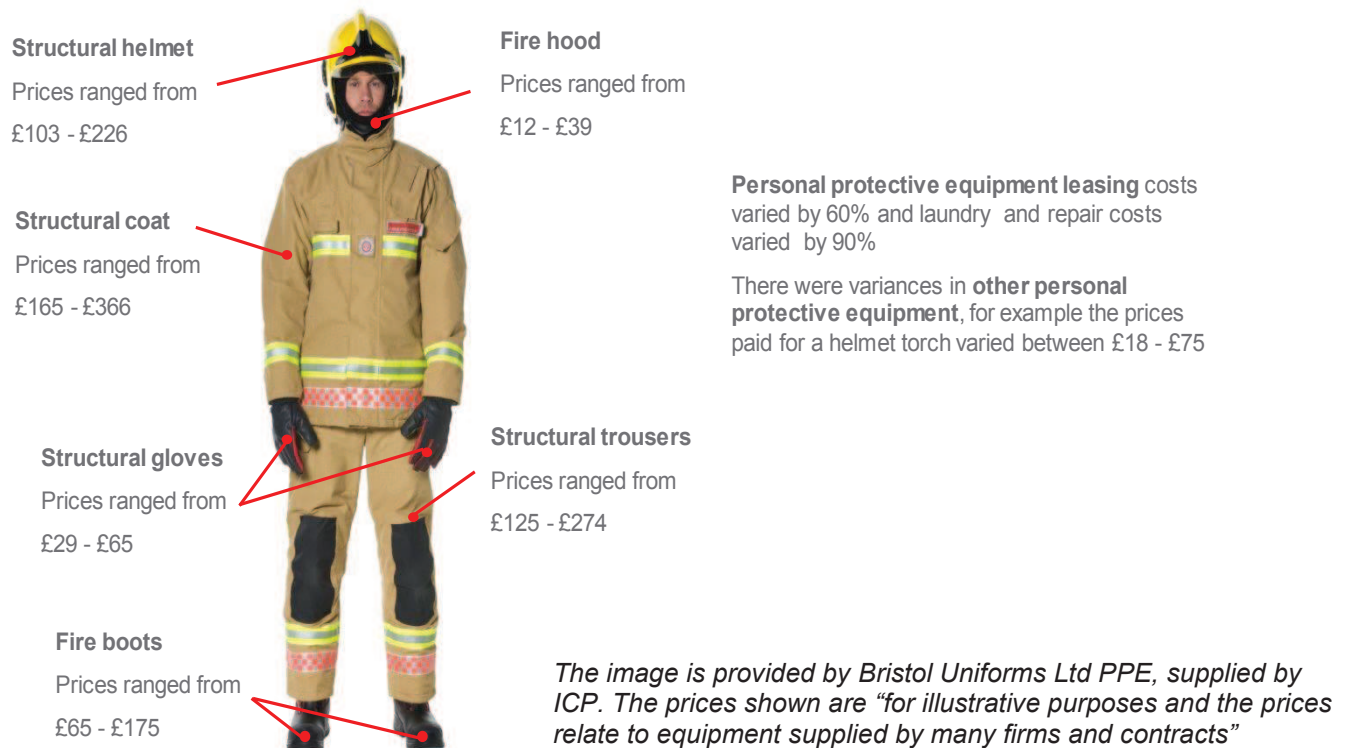


Benchmarking

The benchmarking exercise demonstrated that fire and rescue authorities regularly pay different prices for similar products. Obtaining good benchmarks in disparate fire and rescue authorities which have regular incidences of bespoke specifications alongside different ways of procuring and financing is challenging. There are some products, however, that offer a good comparisons particularly where safety standards or interoperability means that fire and rescue authorities are unlikely to be buying wildly different products. Personal protective equipment provides a good example of products that must require a minimum level of quality. Figure 4 illustrates ranges in prices paid for different equipment.

While the project found ranges in prices paid for equipment that was the same brand and probably identical it is likely that there are subtle differences between items of equipment in these ranges. It is reasonable to consider whether fire and rescue authorities have achieved a worse deal or whether they are choosing a higher specification. Both of these reasons should be open to challenge as they represent opportunities to save public money.

Figure 4 – Personal protective equipment price ranges



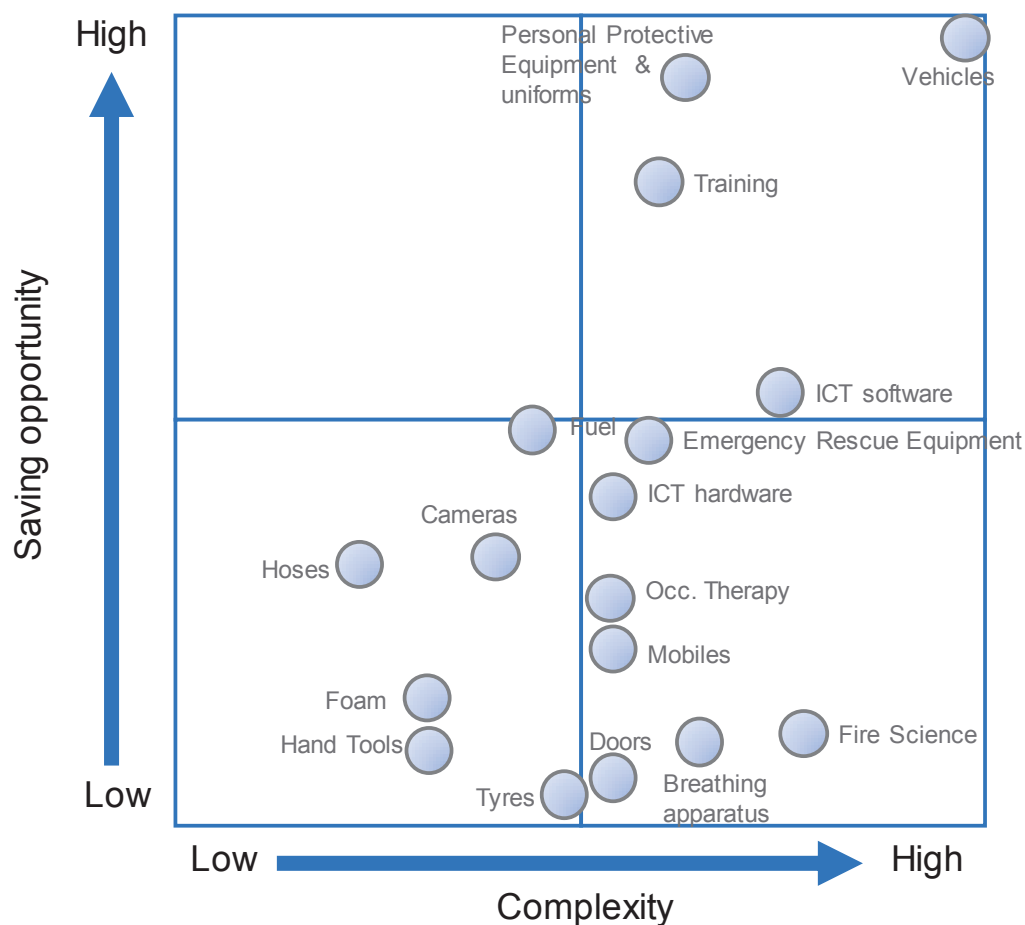
Savings opportunities

As outlined above, one of the methods to calculate savings opportunities is to normalise the cost per unit to the lowest available price, which assumes that, through a combination of specification standardisation and gaining economies of scale, all the fire and rescue authorities can achieve the best price. Whilst this is an entirely reasonable assumption it must be remembered that the full benefits of economies of scale are only realised if the market has confidence in the amount of business that they will receive. Past experience in the fire and rescue sector and elsewhere demonstrates that frameworks - because they do not represent guaranteed volumes of work - regularly do not offer the best prices available.

Appendix C outlines the estimated annual spend per product group and a percentage saving opportunities using the methods previously outlined. Saving opportunities do not include the ancillary benefit of reducing the time required for procurement and operational staff through buying once, rather than repeating similar procurements across the fire and rescue sector.

During the workshops the project investigated the complexity of achieving savings in each product group, outlined in **Appendix D**, and the probable approach to making savings in each group, outlined in the project content section in **Appendix E**. The size of opportunities has been mapped against their relative complexity to identify the projects that represent a reasonable return on investment. Where a reasonable estimate of the saving percentage cannot be made or where the saving is particularly low, groups have not been mapped to the following diagram.

Figure 5 – Summary of complexity vs savings opportunity



Recommended products to take to aggregation planning

Following the above assessments of the savings, content and complexity of each product / service group they have been distributed into one of the following groups:

- Products / services that warrant an aggregation project, particularly focussed in the fire and rescue sector and on larger local and national collaborations
- Products / services where aggregation presents opportunities, however the point of aggregation is likely to not be fire and rescue specific, therefore on-going effort to sign-post fire and rescue authorities to other public bodies is recommended. Some local authorities are already disaggregating their spend, meaning it will be even more important that fire and rescue authorities are able to identify appropriate points of aggregation
- Products / services where efforts to build a market and collectively negotiate with a small number of suppliers should be made
- Products / services where aggregation opportunities exist at a local level and/or where further discussions within specific geographies, with fire and rescue authorities not represented in the fire and rescue procurement aggregation project, are recommended

- Products and services that do not, at this stage, appear to present opportunities for further work

Groups to take to aggregation planning	Groups for sign-posting	Market making and collective negotiation	Groups presenting local aggregation opportunities	Groups not progressed to aggregation planning
Personal Protective Equipment and clothing	ICT Hardware ICT Mobiles Tyres	Fire science Training ICT Software	Occupational therapy Fire station doors Hand tools	Breathing apparatus Healthcare consumables Compressors
Vehicle purchase and leasing	Fuel Cleaning			
Emergency rescue equipment	External audit			
Hoses	Grounds maintenance			
Foam	Temporary staff			
Thermal imaging cameras				

6. Aggregation planning

Within this section the ways of working and protocols are outlined that will enable fire and rescue authorities to: realise savings; develop a proposed aggregation plan for the products that have been progressed from the business case stage of this report; and provide high level category strategies for the particular product and service groups that have been proposed previously.

Ways of working

This section outlines the:

- Critical success factors for collaborative projects and the key challenges facing fire and rescue projects.
- The proposed protocols for collaborative projects.
- A summary of the approach.

Critical success factors and key challenges for fire and rescue authority projects

In addressing how projects will be successfully delivered consideration must be given to what principles lead to cost savings in collaborative projects (in the fire and rescue sector and elsewhere) and what factors ensure that such projects will get to market.

As discussed previously there are incidences of successful collaborative projects both within fire and rescue authorities and with other public bodies and there are examples where projects have not delivered significant savings and – more fundamentally – where they have fallen apart before getting to market. During the fire and rescue aggregation project discussions were held with central government partners, fire and rescue authority representatives and suppliers to identify the key factors that have contributed to successful outcomes and conversely those that did not. In addition, the fire and rescue procurement aggregation project has drawn on previous experience of successful collaborative projects. This assessment suggests that:

- Locally driven projects are more effective than central initiatives and past attempts to impose mandated collaboration have not won ‘hearts and minds’. It is possible that sufficient government commitment and will to impose collaboration would drive through the agenda; however, this would require a significant appetite on the part of central government to support as well as mandate these projects. Without this level of commitment the appropriate course of action is to ensure projects have local fire and rescue authority backing

- Collaboration between fire and rescue authorities with similarities, including size, requirements, demographics and back office functions has worked well. Where they share similar characteristics there is less need for compromise to ensure the project is a success
- Collaboration that is built on existing relationships between the procurement staff and other interested partners is more effective. This has sometimes meant that collaboration between fire and rescue authorities which are geographically and or statistically close has been more fruitful
- Getting commitment from all relevant partners to source together is paramount. In the past some fire and rescue authorities have, after the procurement process, opted out of contracts that they were initially committed to. This opens them up to commercial risk and undermines suppliers' confidence in further collaborative contracts
- Providing indicative volumes provides the supply market with a level of confidence about the amount of business they can expect. However, **providing guaranteed minimum volumes delivered the best possible prices**. Individual fire and rescue authorities would not be likely to accept the risk that comes with guaranteeing volumes but collectively this risk can be significantly mitigated
- Transparency and early awareness of forthcoming procurements help both fire and rescue authorities and suppliers to plan and manage capacity. Fire and rescue authorities should post opportunities onto the procurement pipeline (www.contractsfinder.businesslink.gov.uk/) at a very early stage in the process

Proposed protocols

In addressing the critical success factors the fire and rescue procurement aggregation project has identified particular areas that will benefit fire and rescue authorities in taking this work forward. These are:

Build on current momentum of the pilot group to form a coalition of the willing to scope, shape and drive the benefits of delivery for their authorities.

It is proposed that all initial projects secure a manageable group of fire and rescue authorities who are able to work together in the first instance. This will, where possible, gear off fire and rescue authorities with existing relationships (previous collaboration) or similarities (similar locality, size and back office processes).

The projects will be initiated on the basis that it is 'big enough' – rather than waiting to secure interest from additional fire and rescue authorities. Experience of collaborative projects suggests that once a project has clear timescales and momentum other organisations will express an interest in becoming involved.

Secure up front commitment from Chief Fire Officers/Chief Executives

A vital protocol that fire and rescue authorities will need to sign up to, at a senior level (likely to be Chief Fire Officer/Chief Executive) will be that they will make best endeavours to contribute equally even where benefits may be accrued unequally as fire and rescue authorities overall will benefit.

This requires a spirit of compromise where necessary in order to get a solution that is right for the group recognising that different members of the group will accrue different benefit levels at varying points in time. The department and the Chief Fire Officers Association both have a role in facilitating such principles, working with fire and rescue authorities whose representatives are considered not to be honouring this commitment.

Proactively market the benefits of collaborative projects to key partners

Projects that are not as complex in terms of collaboration should be commissioned first so that early success can be marketed to key partners. Taking this incremental build approach will secure engagement and confidence through benefits delivery provided that it continues to secure the deeper and greater benefits over time

It is proposed that a significant amount of the work to coordinate the projects is spent on marketing. The benefits of the project will be clearly communicated within fire and rescue authorities and with other partners. Savings and, importantly, an assessment of the quality of the product / service will be combined to provide a brief piece of collateral on the benefits of each project. This should be a standard structure and is likely to include:

- Savings achieved (both in terms of % and in £000s)
- Fire and rescue authorities involved
- An assessment of how the collaborative project has reduced the burden on procurement staff, as they are no longer repeating the same tasks
- Quotes from technical staff about the quality of the products / services they are buying and how compromising to achieve common specification(s) have not adversely affected their solution

Secure agreement up front to commit technical and operational expertise to contribute to evaluations and coordination of a pipeline of future collaborative opportunities

Individual fire and rescue authorities may be asked to specialise in specific categories if they have staff with particular expertise. This approach is intended to share the load but care should be taken to market the benefit of this to other fire and rescue authorities, both during and after the procurement. This approach allows authorities to both share knowledge and disseminate lessons learned from deploying projects similar projects in more than one fire and rescue authority.

Dedicated resources are required to drive through the projects and realise the savings. Capacity constraints mean that unless projects are driven by dedicated resources they are likely to lose momentum.

In addition, collaborative procurements in any sector benefit from coordination from individual(s) who are not part of one of the buying authorities. This allows them to perform the role of 'honest broker' during periods in a project where compromise is required (e.g. standardisation of requirements, joint evaluation of products).

This will require funding. Experience from this project suggests that a fire and rescue sector funded model will be difficult to get off the ground in an environment of shrinking budgets. It may also act as a barrier for fire and rescue authorities to get involved. In funding the fire and rescue aggregation project, the department has demonstrated its support for fire and rescue authorities during budget reductions and it has recognised it was best placed to have the strategic oversight on procurement issues. In this context, the department may be best placed to facilitate, with the fire and rescue sector, a solution to funding this critical resourcing issue.

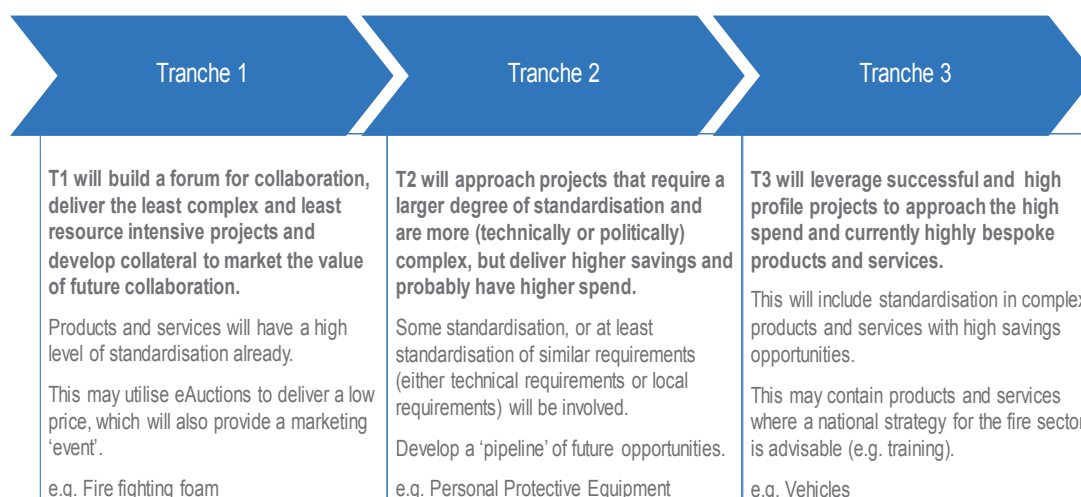
It is recommended that, were possible, the central coordinating resources are found through seconding existing fire and rescue authority procurement staff, and funding is used to backfill their role in their authority. A seconded member of staff will be able to build from their knowledge of the fire and rescue sector and their relationships in other authorities. They are also more likely to be seen as part of the fire and rescue sector, rather than a central government representative.

It remains to be seen whether there will be appetite within fire and rescue authorities for these roles. If there is not then resources should be sought via fixed term contracts or on the contractor market. It is possible that a dedicated resource that will undertake marketing may need to come from outside as these skills will not be as prevalent in fire and rescue authorities.

Approach

Taking the above into account it is proposed that projects are commissioned by the fire and rescue sector in tranches, starting with lower value less complex areas, in order to prove the concept and begin marketing the benefits. Alongside coordinating projects the central resources will engage in signposting activity to encourage fire and rescue authorities to benefit from economies of scale where the point of aggregation is not with other fire and rescue authorities, coordinate joint efforts to develop markets where there are too few players and work within fire and rescue authorities to develop a pipeline of future procurements within the fire and rescue sector. The following diagram summarises the approach.

Figure 6 – Approach to commissioning projects



Alongside specific projects it is proposed that activity is under-taken to sign-post fire and rescue authorities towards opportunities to aggregate outside of the fire sector and actively manage markets.



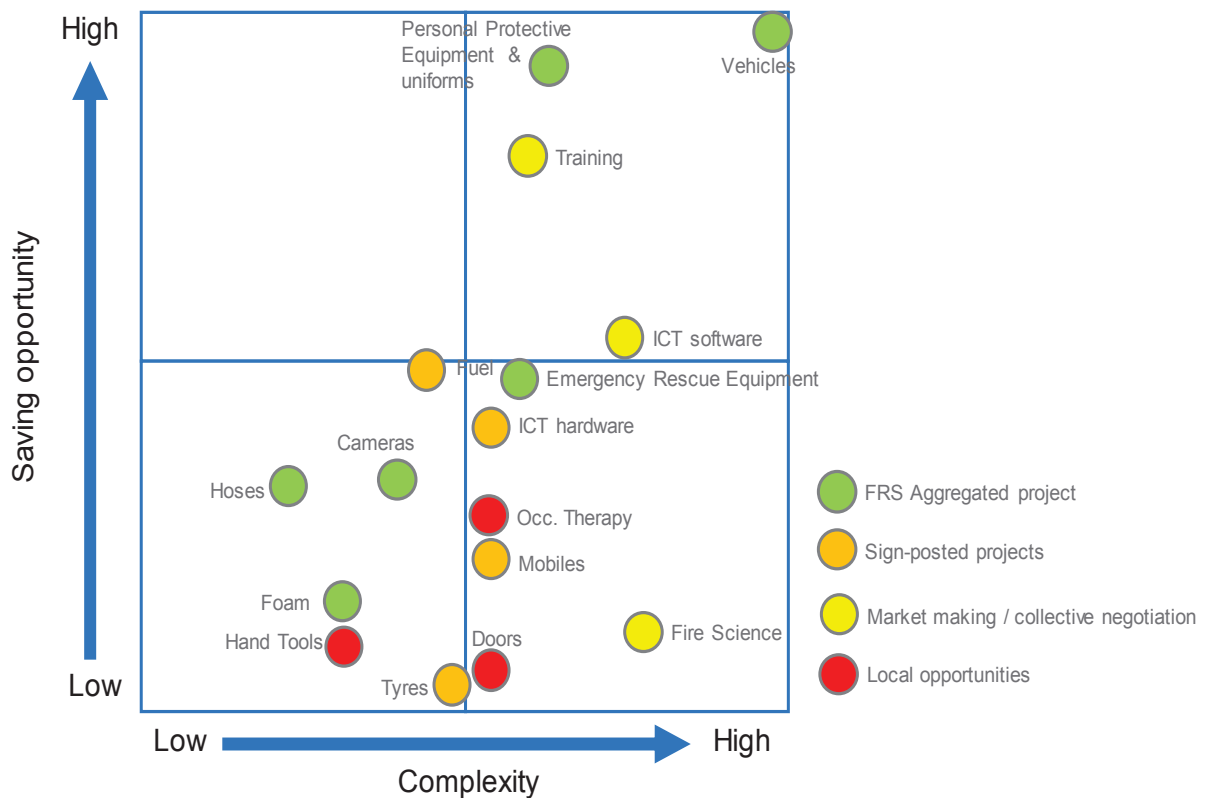
Aggregation plans

It is recommended that an 'Aggregation Coordination Project' is commissioned by the fire and rescue sector that initiates the following workstreams:

- Fire and rescue aggregated projects, which may or may not include other emergency services and government organisations
- Sign-posting opportunities, to help fire and rescue authorities that do not currently aggregate demand for non-fire specific goods and services and possibly also point them towards opportunities to join collaborative contracts that already exist
- Market making and collective negotiation, where there are dominant players in a market
- Local opportunities or those where data needs to be collected with fire and rescue authorities outside the pilot group to confirm the viability of a project

Figure 7 shows the project groups categorised into the four workstreams

Figure 7 – Project groups by workstream



Project management and resourcing

It is recommended that two full time resources are employed to coordinate and encourage collaboration in fire and rescue authorities. One resource, which would lead the project, should ideally be filled by a seconded fire and rescue procurement resource. If this is not possible then it is proposed that a fixed term contractor is employed. The second post will support some of the procurement activities and also lead on marketing successful collaborative projects in the fire and rescue sector.

These roles are likely to be required for at least a three year period, during which time they will:

- Build on improved spend management in fire and rescue authorities and create a self-sustaining pipeline of savings opportunities
- Promote best practice in procurement and foster a competitive market in the fire and rescue sector
- Coordinate a series of collaborative projects that deliver savings to the fire and rescue authorities

The following table shows an estimate of the cost of this team:

Role	Position filled by	Cost p.a.	Three year cost
Aggregation coordination project manager	Seconded fire and rescue authority procurement resource	£60,000*	£180,000
Marketing and procurement support	As above or fixed term contract	£50,000	£150,000
Travel		£10,000	£30,000
Total		£120,000	£360,000

* Estimated cost to backfill a procurement resource. This cost will vary depending on which fire and rescue authority the secondment is made from.

The illustration in the table above does not include any resources required to run procurements (e.g. preparing the requirements specification, tender documentation, fire and rescue authorities incurred costs in evaluations, costs associated with an eAuction platform).

Managing the aggregation coordination project will consist of:

- Building relationships with fire and rescue authority procurement managers
- Engaging with relevant framework managers to identify whether higher volumes will result in better prices in specific products and services
- Developing a national forward plan that shows the renewal of contracts and the expected renewal of large items of equipment. It is known that some fire and rescue authorities have documented individual 'pipelines' and some do not
- Working with government colleagues to ensure forthcoming fire and rescue authority contracts are posted on Contracts Finder
- Working with the SpendPro team to review the quarterly analysis and identify other opportunities
- Collecting targeted information from non-pilot group fire and rescue authorities on areas where sign-posting may be required
- Collecting targeted information from non-pilot group fire and rescue authorities on the product / service groups where market-making and collective negotiation is required
- Marketing the success of collaborative efforts with Chief Fire Officers/ Chief Executives, fire and rescue operational and technical staff, local councillors and relevant other government organisations

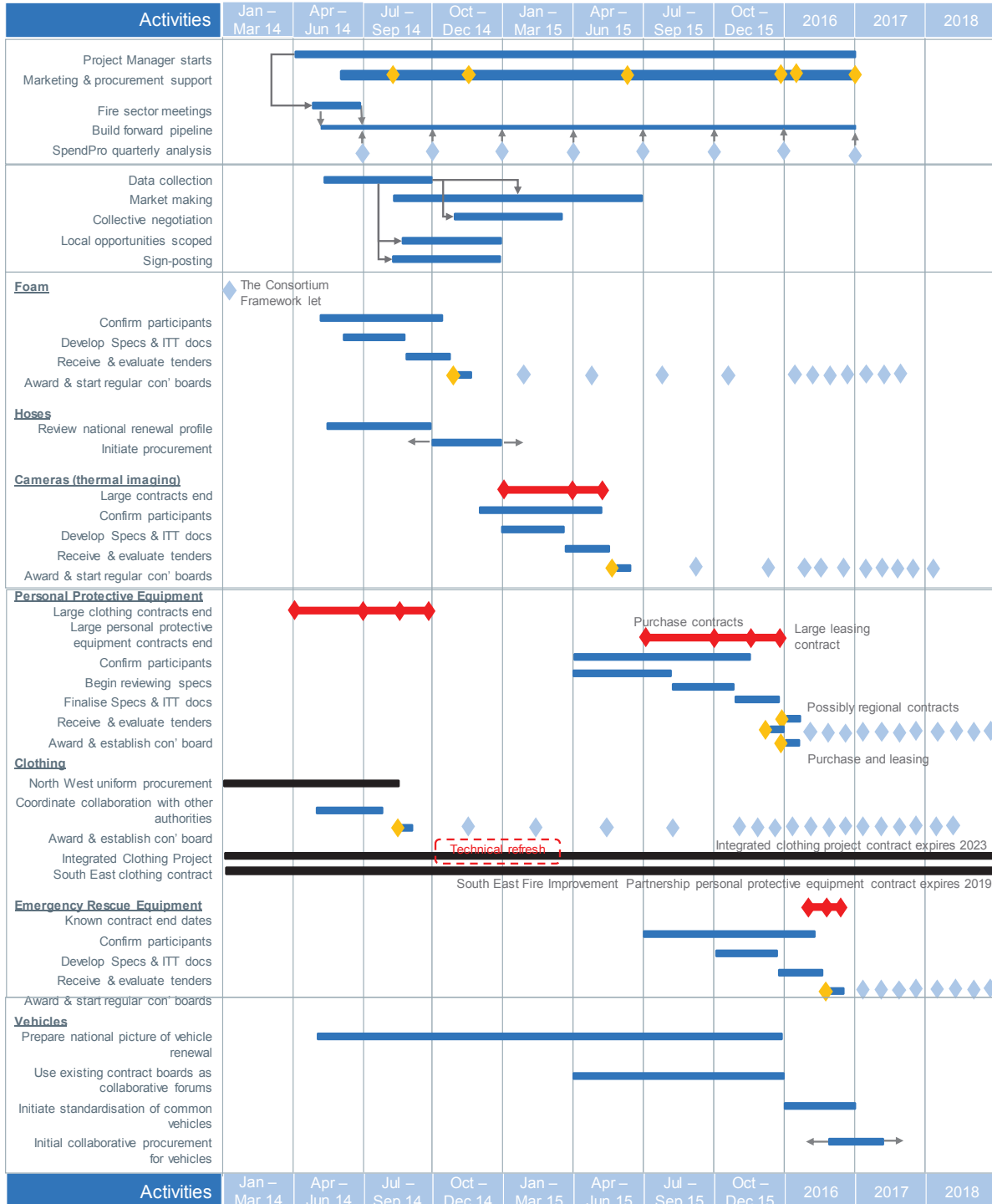
- Coordinating collaborative projects

Figure 8 outlines the proposed aggregation plan which, utilising suggested approaches, will seek to build on less challenging product / service groups first.

The plan has been created to map against the expiry dates for existing fire and rescue contracts and frameworks in order to foster standardisation between fire and rescue authorities. Attempts have been made to collect contractual information on the whole fire and rescue sector, however the majority of the information has been obtained from the pilot group. It will therefore be important for the aggregation coordination project to prepare a more complete picture of the national estate in discussions with fire and rescue authorities.

Figure 8 – Aggregation plan

- Aggregation Co-ordination Project activity
- Existing Collaborative contract
- ↔ End dates of existing contracts
- ◆ Contract award
- ◆ Contract Board



Individual aggregation plan details are provided by product / service group in the following pages.

While best endeavours have been made to consider all relevant matters prior to recommending a procurement aggregation project it is strongly advised that legal advice is taken prior to commissioning projects, particularly in relation to running mini-competitions on existing frameworks. High level category strategies are detailed in **Appendix F**.

The following sections outline the savings that could be achieved in the product groups that have been taken forward. They make assumptions about the number of fire and rescue authorities that might be involved in a contract, and its likely length, to estimate the savings across the life of the contract.

Clothing and Personal Protective Equipment

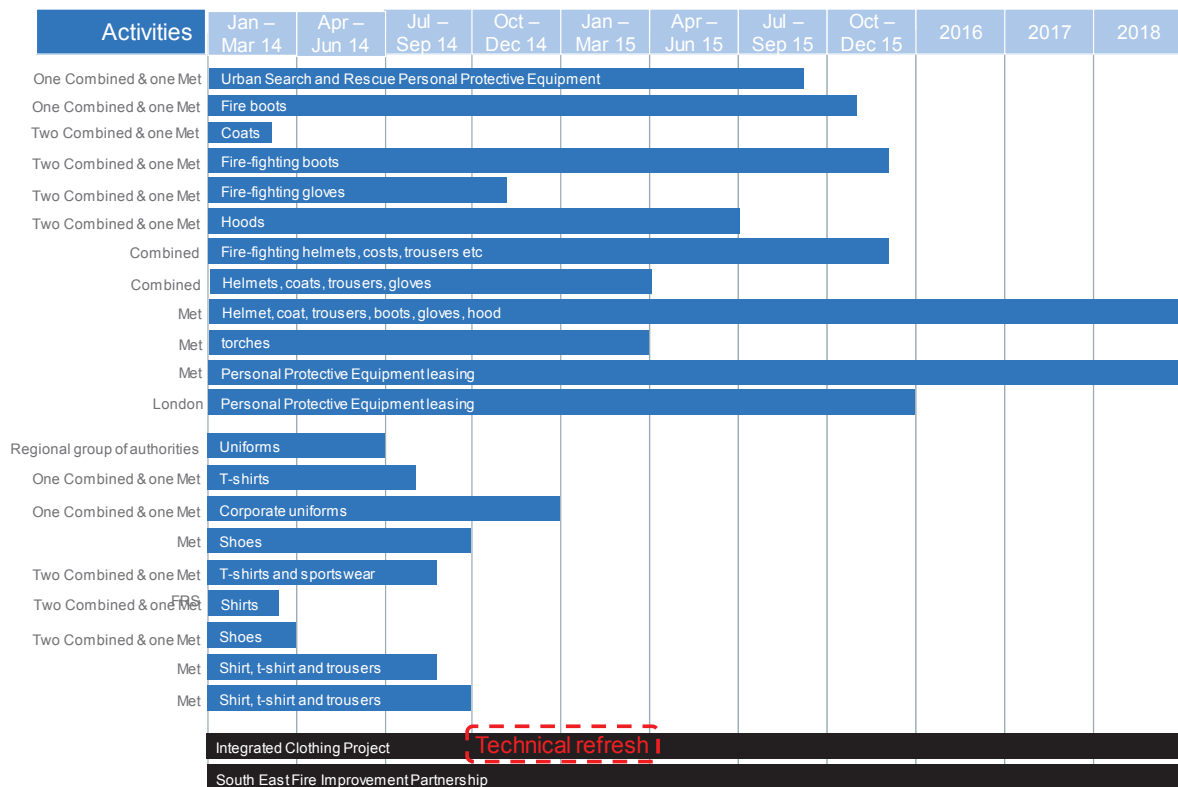
Product group	Estimated contract value	Procurement route	Proposed contract start	Proposed term	Estimated savings
Clothing and Personal Protective Equipment	c.£50.00m in more than one aggregated contract*	OJEU	Clothing – Aug 2014 Personal Protective Equipment purchase – mid 2015 Personal Protective Equipment leasing – end 2015	3 (+1) years	c.£12.27m

* Assumes two thirds of fire and rescue authorities can be moved onto local or national aggregated collaborative contract.

There are numerous existing contracts for the provision of clothing and Personal Protective Equipment. The aggregation plan is designed to align with the expiry of these contracts, however wider efforts to identify participation from non-pilot group may result in opportunities to run a Personal Protective Equipment collaborative project earlier. The North West fire and rescue authorities are currently preparing to renew their collaborative clothing contract (Summer 2015 with Greater Manchester Fire and Rescue Authority leading), which will be available for other fire and rescue authorities. The timescales for known Personal Protective Equipment and clothing contracts are shown in Figure 9.

Clothing and Personal Protective Equipment may involve a number of individual collaborative contracts focussed around fire and rescue authorities with similar requirements.

Figure 9 – Clothing and Personal Protective Equipment



* Assumes two thirds of fire and rescue authorities can be moved onto geographical or national aggregated collaborative contract.

Clothing and Personal Protective Equipment will involve a number of individual collaborative contracts. This is due to the necessity to let the contracts in a way that reflects the market (analysis suggests that manufacturing suppliers are able to offer the best prices) and not group together products that require suppliers to source them from alternative firms.

Aggregation plans for clothing and Personal Protective Equipment will also involve the aggregation coordination project working alongside other government organisations to investigate opportunities to gain further collaborative benefits. This will include the Ministry of Defence and current efforts to get better value for money in the police⁶.

⁶ <http://www.parliament.uk/business/committees/committees-a-z/commons-select/public-accounts-committee/news/police-procurement-report/>

Vehicles

Product group	Estimated contract value	Procurement route	Proposed contract start	Proposed term	Estimated savings
Vehicles	c. £50.00m per annum. Contract values depend on renewal cycles	OJEU	Dependent on fire and rescue authority renewal dates	One off	>£7.00m

Many fire and rescue authorities run mini competitions on existing frameworks and – where this does not meet their requirements – they will issue an OJEU.

The vehicle aggregation plan involves creating a fuller picture of the timescales for fire and rescue authorities renewing their vehicles and seeking to build on existing collaborative experience to develop a standard specification around fire and rescue authorities with similar risk management strategies.

Timetables for renewal will have to take into account the fact that many fire and rescue authorities are reviewing the type of vehicles that they use. In response to the change risk profile, many authorities are considering fewer, smaller vehicles that are able to respond to emergencies more quickly. Given the high spend on vehicles and also on related other categories, such as vehicle management (which costs >£50m per annum nationally) and fuel, changes to the nature of fleets will have a significant cost avoidance impact.

This is the most complex product group and at this stage it is not possible to accurately schedule a timescale initiating this workstream – it will need to be driven by renewal dates. The value of this workstream is also not just in savings against a previous contract, it is likely that fire and rescue authorities will go to market for a different solution and a significant benefit will be derived from ensuring that there are appropriate levels of standardisation in the specifications that are developed. Chief Fire Officers Association’s Transport Officers Group will have a large part to play in this workstream.

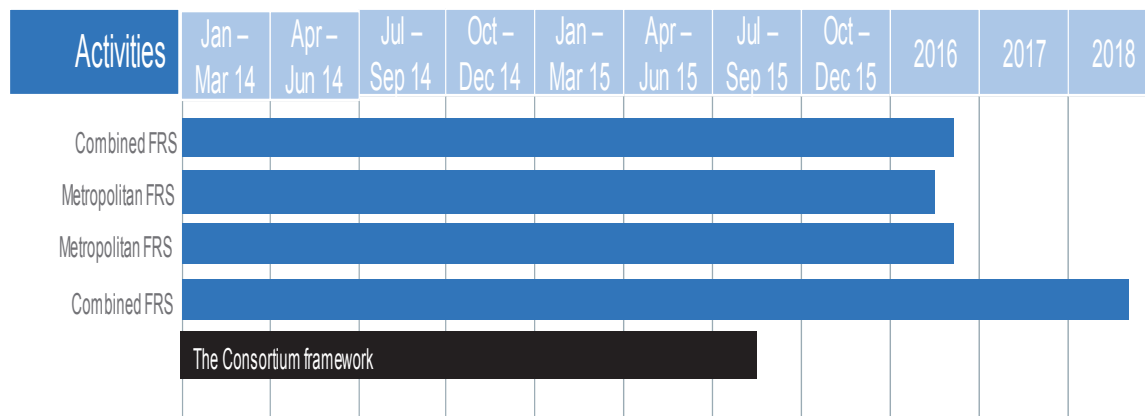
Emergency rescue equipment

Product group	Estimated contract value	Procurement route	Proposed contract start	Proposed term	Estimated savings
Emergency Rescue Equipment	£3.42m*	Mini-competition on Framework	Mid 2016	3 years	£0.51m

* Assumes a third of the fire and rescue authorities can be consolidated into an aggregated contract

The project has identified a number of fire and rescue authorities that have contracts to renew their emergency rescue equipment. Figure 10 shows existing contracts in this area. Aggregation planning has been designed around the end dates of known fire and rescue contracts; to foster standardisation between services as contracts and equipment is renewed.

Figure 10 – Emergency rescue equipment



Hoses

Product group	Estimated contract value	Procurement route	Proposed contract start	Proposed term	Estimated savings
Hoses	£0.82m*	OJEU	Dependent on wider fire and rescue sector demand	3 years	£0.33m

* Assumes around half of the fire and rescue authorities will use the contract. It is possible that higher participation could be achieved.

Analysis suggests that most fire and rescue authorities procure hoses on an ad hoc basis and they almost exclusively buy individually.

As part of the pipeline workstream the aggregation coordination project will outline a demand profile for replacing hoses and manage a collaborative procurement. The nature of this pipeline will inform the start date of any contract.

This procurement may require a longer timescale because of the current absence of a suitable framework. However, it is likely that this is an area where significant price reductions can be achieved. In order to further contribute to savings and offer an opportunity to market further collaborative projects to fire and rescue authorities it is

recommended that the aggregation coordination project uses an eAuction to buy these products.

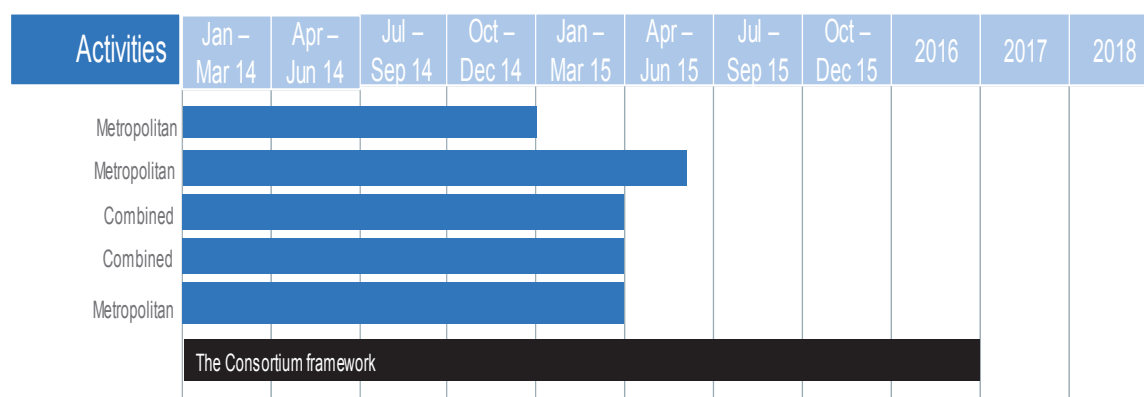
Cameras (thermal imaging)

Product group	Estimated contract value	Procurement route	Proposed contract start	Proposed term	Estimated savings
Cameras	£1.73m*	Framework	May 2015	2 years	£0.26m

* Assumes around half of the fire and rescue authorities will use the contract, incorporating large authorities in the Midlands, North East and North West.

A number of fire and rescue authorities in the pilot group currently have contracts for thermal imaging cameras and related services. It is proposed that, in order to encourage standardisation between fire and rescue authorities, an aggregation plan dovetails with the expiry of these contracts. The timescales for known thermal imaging camera contracts are shown in Figure 11.

Figure 11 – Thermal imaging camera contract dates



It is possible that in developing the pipeline the aggregation coordination project will identify enough fire and rescue authorities with a more immediate need, to justify an earlier procurement for cameras.

This procurement will include standardisation of the products where possible. This aggregation project may expand to include other similar products such as Urban Search and Rescue cameras and services such as thermal imaging camera maintenance, leasing.

Foam

Product Group	Estimated contract value	Procurement route	Proposed contract start	Proposed term	Estimated savings
Foam	£1.00m*	Framework (The	Oct 2014	3 years	£0.15m

Consortium)

* contract value is based on the assumption that one third of fire and rescue authorities commit to use the contract

Analysis suggests that fire and rescue authorities do not renew their foam stocks frequently and many are not currently under contract for this product. It is likely that some authorities call off against the framework without running a min-competition.

A mini-competition to supply a collective group of fire and rescue authorities for a three year period is likely to yield material percentage savings. In addition, the project will attempt to provide guaranteed minimum volumes. The individual risk of not having sufficient demand to require the minimum order is mitigated by buying collaboratively (i.e. a minimum volume of c.80% of the typical collective annual volume can be provided). This will contribute further to savings.

The aggregation coordination project could investigate the benefits of running this as an eAuction; however it may be advisable to pursue this method once the first collaborative project has been delivered successfully.

7. Conclusions

There is a clear rationale for collaborative procurement and the case for change is compelling. Fire and rescue authorities no longer have the luxury of being able to buy alone - they need to work together to deliver the best value for money, as well as share resources, knowledge and best practice.

Available spend data is spread across various websites and is of very varying quality. Fire and rescue authorities should adopt a common spend management tool to track spending by supplier and category which will make it much easier in the future for them to identify savings opportunities.

There is a high incidence of fire and rescue authorities developing different product and service requirements and buying bespoke goods as a result - with, what appears to be, little attempt or appetite to develop common specifications. This lack of standardisation clearly impedes collaborative procurement and may ultimately impact on operational efficiency.

Initial collaborative projects should build on current momentum of the pilot group to form a coalition of the willing. A manageable group of fire and rescue authorities able to work together, on the basis that it is 'big enough', is more likely to deliver successful outcomes than waiting to secure interest from additional fire and rescue authorities.

Dedicated resources are required to drive through collaborative projects or they are likely to lose momentum. Collaborative procurements in any sector benefit from coordination from individual(s) who are not part of one of the buying authorities because they perform the role of 'honest broker' during periods in a project where compromise is required such as standardisation of requirements, joint evaluation of products. This will require resourcing as experience suggests that a fire and rescue sector funded model will be difficult to get off the ground in an environment of shrinking budgets.

It is up to fire and rescue authorities to take forward the findings and recommendations from this report though the department will continue to work with them and provide strategic assistance and challenge in conjunction with the Chief Fire Officers Association.

Appendix A: SpendPro assessment

This Appendix provides a summary of the assessment of SpendPro against fire and rescue authority requirements and compares the tool with alternative tools in the market.

Spend management tool functionality

There is no industry standard definition of spend management system functionality, but suppliers' propriety systems and terms can be mapped to four common modules – spend analysis, sourcing, contract management and supply base management. The scope and activity of each module is summarised in the following table.

Module	Description
Spend analysis	Cleanse and analyse organisation-wide view of spending to identify opportunities to reduce cost, prioritise improvement and assess compliance.
Sourcing including eAuctions	Establish sources of supply and negotiate pricing, terms and conditions through Request For Information, Request For Proposals and reverse auctions
Contract management	Control and track compliance with contracts including purchase orders, price, payment terms, scope of services, variations, disputes, service levels, risk, term/expiry/renewal
Supply base management	Manage supplier performance by creating a repository of all relevant supplier information including supplier audits, performance reports, end customer surveys, tender activity, signed documents, financial performance data, media coverage

The review has not looked at any Purchase-to-Pay, marketplace or catalogue requirements or solutions.

Overview of spend management marketplace

The marketplace for spend management tools is quite extensive. Using the loosest definition it is possible to identify at least 30 individual suppliers across the globe, with varying levels of product maturity and complexity. This is characterised by a small number of dominant suppliers, followed by a long tail of small suppliers with their own bespoke developed systems. It is possible to group the market as:

- Large multi-national enterprise solution provider e.g. SAP, IBM
- Specialist E2E sourcing solution provider e.g. Ariba, BravoSolution, Emptoris,
- Niche operators with specific sourcing solutions e.g. SpendPro, Spikes Cavell

Only a sample of the market has been looked at, on the basis that it provides sufficient representation to understand SpendPro's position in the market. Furthermore, a number of alternatives are unlikely to be viable (for example those with no UK support)

Key: ✓ = Limited capability		✓✓ = Good capability				✓✓✓ = Strong capability			
Supplier	Summary of supplier and product	Functionality				Market penetration	Cost	Key Strengths	Key Weaknesses
		Spend analysis	Sourcing	Contract Mgmt	Supply Mgmt				
Ariba	Established product with full spend management functionality. Acquired by SAP in 2012	✓✓	✓✓ ✓	✓✓	✓ ✓	Global presence and support, top 3 position	£££	Strong technology platform, focused on sourcing	Limited support for public sector
Bravo Solution	Established product with full spend management functionality. US and Europe focus Government Procurement Service's preferred spend analysis provider	✓✓ ✓	✓✓ ✓	✓	✓ ✓	Large client base, widely used in UK public sector All modules in use widely	££ (GPS offer free 3 month trial)	Large business services support, auction capability	Limited contract mgmt capability
Due North	Small UK-based supplier Available through Gcloud	✓	✓✓	✓	✓	Limited to UK public sector	£	Sourcing and auction capability	No internal, integrated spend analysis
Emptoris	Established product with full spend management functionality. Acquired by IBM in 2012. GPS's preferred sourcing tool Available through GCloud	✓✓ ✓	✓✓	✓✓	✓ ✓	Global presence and support, top 5 position, sourcing module most used	£££	Focused on large, global spend profiles, part of integrated package of best of breed solutions	Complex interface, usability. Current investment to improve interface and performance
SAP (excluding Ariba)	Global enterprise software company, with mature product. Expected to be integrated with Ariba capabilities	✓✓	✓✓	✓	✓	Global presence, mostly used for sourcing and contract mgmt	£££	Focused on large, global spend profiles.	Complex system, requires customisation to get maximum benefit of functionality

Science Warehouse	Originated out of Leeds University. Offers P2P and ERP support. Available through GCloud	✓✓			Primarily UK Education sector	£	Flexible reporting tool	Do not offer coding as part of service
Spend Insight	Partnered with London and Reading Universities Available through GCloud	✓✓			£120 billion analysed to date (NHS London)	£	Provides coding & opportunity analysis functionality	Limited experience outside health sector
SpendPro	Small UK-based supplier, based on Qlikview technology Available through Association of Greater Manchester Authorities.	✓✓	✓		Used in 40+ public authorities	£ £1000 p.a. / party	'What-if' analysis, easy UI, flexible dashboard and reporting capability	Capability primarily concerned with spend analysis – though there is an aspiration to increase contract management
Spikes Cavell	Small UK-based supplier, very established in public sector Available through GCloud	✓ ✓			Extensively used in UK public sector in the past	£	Offer aggregation service Provides opportunity analysis functionality	Supplier-led coding process
Value Works	Small UK supplier, providing analysis, consulting and outsource services Available through GCloud	✓✓ ✓✓			UK private and public sector client base (over 600 clients)	£ ("money back guarantee")	Cost savings focus Consultancy and outsourcing value add services	Limited e-sourcing, contract mgmt and SBM capability
Zycus	Established product with full spend management functionality. SaaS based service.	✓✓ ✓✓ ✓	✓✓	✓✓	Global client base, significant growth in last 3 years	£££	Strong technical support, early market leader in spend analysis	SBM and contract mgmt are relatively new products and in limited use

Shortlisting of products to compare with SpendPro

The aim of this report is to assess the SpendPro system against similar alternatives available in the market. As demonstrated above, the scope of SpendPro's functionality is centred on spend analysis and therefore shortlisting has focused on spend analysis functionality only and, reflecting limited funding, comparable costs to SpendPro (£1,000 subscription fee per year). It is recognised that there is a risk that the choice of a product without full E2E procurement functionality may restrict deeper collaboration over time, this is deemed low risk. Coded data can be easily transferred to an alternative product if needed and there would be limited loss of investment.

The following products have been shortlisted for more detailed comparison of their spend analysis capabilities:

- Bravo Solution
- Spend Insights
- SpendPro
- Spikes Cavell
- Valueworks

Assessment of shortlisted providers

The following table provides a summary of the core capabilities and services offered by spend analysis suppliers. Each shortlisted product will be assessed against these capabilities with supporting commentary.

Capabilities	Description
Spend visibility	Providing management information and dashboard reporting Coding against defined spend category structure (e.g. UNSPSC, Proclass)
Category strategy development	Supporting development and prioritisation of procurement function, category planning, supplier performance management and supply base management
Opportunity analysis	Identifying, structuring and analysing requirements Analysing supply mix to identify consolidation opportunities (supplier and product consolidation) Identifying spend areas benefiting from increased supply competition

Pricing variance	Identifying different prices for similar products Identifying changes and trends in prices Monitoring actual prices against contract reference prices (including payment recovery)
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Compliance tracking	Monitoring spend through preferred suppliers (by cost centre) Monitoring supplier additions
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Payment solutions	Monitoring order, invoice and payment flows to help optimise P2P solutions e.g. order and invoice consolidation
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Risk	Identifying supply risks including continuity, fraud etc Monitoring profile of orders (multiple, duplicates, late) including changes/trends
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Spend analysis requires the cleansing and coding of the raw data to organise it into an agreed structure and, potentially, supplement it with reference data such as preferred supplier flags and contract pricing. Each provider will draw on its own existing supplier coding database and apply to raw spend data to 'automatically' code spend for known suppliers.

The following considerations are relevant when assessing the tool's coding capability:

- Coding is at supplier level as a minimum, but ideally at transaction level
- Flexibility on coding structure (UNSPSC, ProClass etc)
- Expect to have parent and child relationships within the data(suppliers, transactions)
- Auditable trail of any cleansing or assumptions applied
- Ability to integrate with broader supplier data (e.g. contract data, supplier quality scores)
- Ability to interface with Finance system for dynamic or regular updating

Due to the constraints of the fire and rescue procurement aggregation project, with the exception of SpendPro, the assessment has been carried out on the basis of desk-based assessment of publicly available information and has not included individual product demonstrations to validate this information.

Supplier	Bravo Solution	SpendPro	Spend Insight	Spikes Cavell	Value Works
Spend visibility	✓✓✓ (Enterprise platform, SAP integration capability)	✓✓ (Qilkview based)	✓✓ (Excel based back end, item level coding, web front end presentation)	✓✓ (Supplier level coding, modular online tools)	✓✓ (Cloud based)
Category strategy development	✓	✓	✓	✓ (Social care solution)	✓✓
Opportunity analysis	✓✓✓	✓✓	✓✓	✓✓	✓✓
Pricing variance	✓✓	✓✓	✓✓	✓✓	✓✓
Compliance tracking	✓✓	✓✓	✓✓	✓✓	✓✓
Payment solutions	✓✓	✓	✓	✓	✓✓
Risk	✓✓	✓	✓	✓	✓

Spend management tool recommendation

In assessing the market tools, two concerns have been primary:

The detail and quality of fire and rescue authority raw data is expected to be limited (e.g. item level detail)

The short to medium-term need for fire and rescue authority joint working is understood to be relatively simple spend analysis and therefore wider e-procurement capabilities of tools are low priority

Of the short-listed products:

- Spend Insight, Spikes Cavell and Value Works are broadly comparable with SpendPro. Each product has slightly different strengths and weaknesses but in terms of comparing the products these are marginal differences.

- BravoSolution's offering is materially different due its broader capabilities and more technologically advanced spend visibility and opportunity analysis capabilities. The 3 month free trial is attractive in providing an option to try out the tool at no cost or risk to the fire and rescue authorities. However, after the 3 month trial, fire and rescue authorities would need to enter a paid subscription to continue to use the Bravo tool. Given limited resources in fire and rescue authorities this may present a barrier to creating a lasting spend management solution.

The fact that SpendPro is already in use in fire and rescue authorities and has the Chief Fire Officers Association's backing is therefore a major factor in recommending a preferred tool. This momentum should not be underestimated and an alternative product should only be used if there were very compelling reasons to do so. The assessment of this review is that compelling reasons do not exist to change.

Work on fire and rescue authority collaboration is at an exploratory stage. Should decisions on the preferred tool be re-examined and result in selection of a different tool for the longer-term based on the necessity of a broader e-procurement capability, the cost and time invested in deploying SpendPro would be limited as coded data would be readily transferrable to the new tool.

It is recommended that using SpendPro as the preferred tool is an appropriate strategy to enable collaboration opportunities to be identified.

Appendix B: Data gathering template products

The following table shows the individual products and services that made up the data gathering template. It also shows the product / service grouping that the list was divided into.

Description	Product / service	Product / service group
Purchase of a fire fighting structural helmet	Protective	Clothing and Personal Protective Equipment
Purchase of a male fire fighter's structural coat	Protective	
Purchase of a pair of male fire fighter's structural trousers	Protective	
Purchase of a pair of leather fire boots (or closest equivalent products)	Protective	
Purchase of a pair of fire fighting structural gloves	Protective	
Purchase of a fire fighting hood	Protective	
Personal Protective Equipment leasing costs	Protective	
Purchase of a station-wear shirt	Uniform	
Purchase of a station-wear t-shirt made from wicking fabric	Uniform	
Purchase of a station-wear pair of trousers	Uniform	
Purchase of a station-wear lace up pair of shoes (non-safety)	Uniform	
Purchase of a station regulation outer jacket and inner fleece	Uniform	
Purchase of a standard helmet mounted torch	Torch	
Purchase of a standard tunic mounted torch	Torch	
Servicing for all lifesavers either specification - 275N life jacket or specification - 150N life jacket	Water rescue equipment	
AFF- Aqueous film forming foam fluorine free and fluorine foam	Foam	Foam
Breathing apparatus back plate	Breathing Apparatus	Breathing Apparatus
Breathing apparatus harness	Breathing Apparatus	
Breathing apparatus face mask	Breathing Apparatus	
Breathing apparatus pressure reducer	Breathing Apparatus	
Breathing apparatus pneumatic assembly	Breathing Apparatus	
Breathing apparatus pressure sensor/movement sensor	Breathing Apparatus	
Breathing apparatus twin cylinder	Breathing Apparatus	
Breathing apparatus telemetry	Breathing Apparatus	
Costs incurred on in-house maintenance of breathing apparatus.	Breathing Apparatus maintenance	
Costs incurred on external maintenance of breathing apparatus.	Breathing Apparatus maintenance	
Regulatory cylinder testing	Breathing Apparatus cylinder testing	
Purchase of a standard compressor.	Compressor systems	Compressor systems
Hooligan tool / bar	Hooligan tool	Hand tools
Door breaking in tool	Door breaking in tool	
Reciprocating saw	Reciprocating saw	
Bolt cropper c.36 inch	Bolt cropper	
Purchase of an hydraulic cutter	Hydraulic cutter	Emergency rescue equipment
Purchase of an hydraulic spreader	Hydraulic spreader	
Purchase of an hydraulic ram	Hydraulic ram	
Purchase of an hydraulic power pack	Hydraulic power pack	

Purchase of a battery operated cutter	Battery operated cutter	
Purchase of a battery operated spreader	Battery operated spreader	
Purchase of a battery operated ram	Battery operated ram	
Purchase of a battery operated power pack	Battery operated power pack	
Purchase of flat-form 35 tonne lifting bags	Lifting bags	
Purchase of certified standard lay flat delivery hose (c.23 metre length and 70mm diameter)	Hose	Hoses
Purchase of hose for high pressure pumps - 1000 metre of hose, 150mm diameter	Hose	
Required annual hose testing	Hose testing	
Purchase of a thermal image camera	Thermal imaging camera	Cameras
Thermal imaging camera servicing costs	Camera servicing	
Purchase of the chassis component of a fire engine (type B pumping appliance)	Type B pumping appliance chassis	Vehicles
Purchase of the fire-engineering component of a fire engine (type B pumping appliance)	Type B pumping appliance fire engineering	
Purchase of the body build component of a fire engine (type B pumping appliance)	Type B pumping appliance body build	
Leasing price for a fire engine (type B pumping appliance).	Vehicle leasing	
Purchase of a combined aerial rescue pump (CARP)	Fire fighting equipment	
Purchase of a n Incident Command Unit	Incident Command Unit	
Purchase of a litre of fuel for fire fleet	Fuel	Fuel
Purchase of tyres for a B type pumping appliance	Tyres	Tyres
Building cleaning services costs	Office cleaning	Office cleaning
Security guarding for fire buildings / sites.	Manned guarding	Manned guarding
External auditors' costs (final accounts)	External Audit	External Audit
Forensic fire investigation and Fire Science Services	Fire science investigations / forensics	Fire science
Counselling services for fire fighting staff	Counselling	Occupational therapy
Physical therapy for fire fighting staff	Physical therapy	
Staff under temporary or agency contracts	Temporary staff	Temporary staff
Driver training for fire officers	Driver training	Training
First Aid training for fire officers	First aid training	
Grounds maintenance for fire building premises	Grounds maintenance	Grounds maintenance
Fire station door install and maintenance	Fire station door install and maintenance	Fire station door install and maintenance
Mobile handsets and associated services	Mobile phones	ICT: mobiles
Purchase of a standard desktop	Standard desktops	ICT: hardware
Purchase of a standard laptop	Standard Laptop	
Purchase of ambulance dressings	First aid equipment	Healthcare consumables
Purchase of an oxygen cylinder for use in medical emergencies	Medical Oxygen	
Purchase of medical collar	First aid equipment	
MS Office professional 2010 package	MS Office software	ICT: Software
Information on software: workforce / duty planning	Duty planning software	
Information on software: command and control	Command and control software	
Information on software: risk management	Risk management software	
Information on software: equipment management	Equipment management software	
Information on software: fleet management	Fleet management software	

Appendix C: Benchmarking and saving opportunities

This table outlines the estimated annual spend per product group and a percentage saving opportunities using the methods outlined. Saving opportunities do not include the ancillary benefit of reducing the time required for procurement and operational staff through buying once, rather than repeating similar procurements across the fire and rescue sector.

Grouping	Annual spend £m	Savings opportunity (%)	Saving opportunity £m	Benchmarking and data gathering
Personal Protective Equipment, uniforms and torches	18.413	25%	4.603	Benchmarking demonstrated significant ranges in the prices paid for Personal Protective Equipment from the same supplier and via the same sourcing route. Aggregating demand around fire and rescue authorities that have the same requirements can deliver savings, for example the price of a structural helmet from the same supplier varied by 25%. Personal Protective Equipment leasing costs also varied significantly between fire and rescue authorities. Analysis of clothing suggests that there will be significant saving opportunities from both aggregating and standardising uniforms.
Vehicle Purchase	28.480	15%	4.272	There are various different specifications for firefighting vehicles. Varied specifications make it dangerous to calculate savings based on the lowest benchmark. A more prudent figure of 15% has been applied; however it is likely that this saving could be higher if widespread standardisation according to shared requirements is achieved. Additional savings may also be possible within the vehicle management category through standardisation.
Vehicle Leasing	23.799	15%	3.570	Vehicle leasing shares the same specification variance issues with vehicle purchase. In addition there are additional services – such as maintenance – included in contracts, making comparisons even more complex. It is reasonable to assume that a similar reduction can be achieved on vehicle leasing.

Training	24.010	10%	2.401	<p>Benchmarked training costs showed significant variations in the prices paid for courses. Analysis of the category shows that the two largest suppliers control over half of the spend (£13.4m). The next largest five private training suppliers received between £0.1m and £0.3m and the remaining >1,000 suppliers are all under £1,000.</p> <p>One of these suppliers – the Fire Service College – has recently moved into private ownership and is working with the Chief Fire Officers' Association to develop the training that it provides.</p> <p>The dominance of two suppliers for many fire and rescue courses suggests an approach where fire and rescue authorities share information to analyse costs and take action to build as competitive a market as possible.</p>
ICT Software	10.483	5%	0.524	<p>The data gathering exercise demonstrated that there are a number of instances where fire and rescue authorities use the same software supplier for the same business functions, including duty management, fleet management, risk management and command and control. There is an opportunity for central (national) negotiation with suppliers that control a significant part of the fire specific software market. Collaborative contract management, involving a user group of fire and rescue authority staff, can result in better deals at contract renewal.</p>
Emergency Rescue Equipment	3.423	15%	0.513	<p>Benchmarked prices demonstrated significant variances in the unit prices paid. The same emergency rescue product from the same supplier varied by 22%. Aggregation around authorities with similar requirements will deliver savings. In addition, prices obtained from an existing framework agreement include between 10-15% price reductions when ordering larger volumes.</p>
ICT Hardware	4.573	10%	0.457	<p>Benchmarking demonstrated reasonable variances in the prices paid for hardware, though inherent variances in the specifications do exist. There is an opportunity to aggregate demand within fire and rescue authorities but higher savings may be available by aggregating with other public bodies with higher demand (e.g. local authorities). Collaborative hardware procurement projects</p>

have yielded >30% savings.

Thermal Imaging Cameras	1.726	15%	0.259	The benchmarking demonstrated a range of prices paid for similar thermal imaging (41%) and, even when comparing prices for fire and rescue authorities that use the same brand of thermal imaging camera there is an 8% variance. In addition, prices obtained from an existing framework agreement include a c.8% price reduction when ordering over 100 units, compared to ordering beneath 10. It is likely that at least 15% can be saved through aggregating significant volumes. There are also additional savings available through the maintenance of thermal imaging cameras.
Hoses	0.545	40%	0.218	Benchmarking has demonstrated significant variances in the prices paid for specific specifications of hose, including material variances (49%) where fire and rescue authorities are using the same supplier.
Foam	1.000	15%	0.150	The data gathering and benchmarking process showed that most fire and rescue authorities bought at the published prices on the same framework, which has now expired. Opportunities existed to get economies of scale and cheaper unit prices on that framework but there appears to be little aggregation between fire and rescue authorities. The annual spend has been calculated using the projections published in papers for the renewal of a national foam framework.
Occupational Therapy	3.247	5%	0.162	Benchmarking demonstrates variations in the prices paid for occupational therapy, though this is a necessarily locally delivered service and therefore geographic differences in wages will contribute to the differences. Opportunities do exist to aggregate with local fire and rescue authorities. Benchmarking shows fire and rescue authorities can pay up to 40-60% more than neighbouring authorities.
Mobile Phone	2.820	5%	0.141	Benchmarking demonstrates variances in the prices paid by different fire and rescue authorities and that various approaches to procuring the contract have been used (national frameworks, a requisite number of quotes). Examples of collaborative procurements for mobile telecoms have yielded >30% previously.

				There is an opportunity for fire and rescue authorities to aggregate with other public bodies which have larger demand (e.g. local authorities).
Hand tools	0.365	30%	0.109	Benchmarking demonstrates significant price variations (>200%) in the sample of tools that were benchmarked. These items were exclusively bought through local quotations as individually they don't represent large items of spend. Calculating the total annual spend on hand tools is problematic as the transactions will often fall beneath the threshold for inclusion in the transparency data. Further discussions with more fire and rescue authorities will be required before a decision can be made to progress with this group.
Fire station doors	0.632	15%	0.095	Benchmarking demonstrates variations in the prices paid for maintenance of fire station doors. This is a locally delivered service and therefore geographic differences in wages will contribute to the differences. Opportunities do exist to aggregate with local fire and rescue authorities on a local basis. Further locally specific discussions will need to take place in order to make a decision to commission projects in this area.
Breathing apparatus	1.448	5%	0.072	The number of items that make up a single breathing apparatus set makes benchmarking complex, though it is likely that there are reasonable variances in the prices paid by fire and rescue authorities. Benchmarks for externally provided breathing apparatus maintenance show significant variances between fire and rescue authorities. The current information available suggests that this does not represent a large enough opportunity to warrant a project – however this conclusion should be reconsidered as more data is available either through additional returns not yet received (in the short term) or through the SpendPro analysis (in the medium term).
Fire Science	1.256	5%	0.063	The data gathering and benchmarking exercise showed that some fire and rescue authorities have in-house fire investigation staff however one supplier dominates the externally supplied service. The nature and location of the investigation will drive the price, however there is an opportunity to collectively negotiate, build a wider market and share information between authorities.

Tyres	0.555	5%	0.028	The data gathering and benchmarking process showed that most fire and rescue authorities were using national frameworks and some were conducting mini-competitions to source suppliers. There are incidences of fire and rescue authorities using local quotes and receiving worse deals, however the opportunity is limited. Any aggregation in this group should be done alongside other public sector organisations that have large fleets.
Healthcare consumables	0.104	10%	0.010	The benchmarking process identified large variances in the prices paid for certain types of product: however size of the annual spend is not considered large enough to justify further work.
Compressors	0.079	10%	0.008	The benchmarking process identified some large variances in the prices paid for compressors, however these products are rarely bought and the annual spend is not considered large enough to justify further work.
Sub total	126.958		17.655	
Fuel	14.074			Benchmarking demonstrates variances in the unit prices paid for fuel. The fire and rescue community use various different frameworks. There is an opportunity to aggregate demand both within the fire and rescue sector and elsewhere.
Cleaning	8.415			The data gathering process identified a mixed approach between in-house and some externally provided cleaning services. Most fire and rescue authorities that buy cleaning do so alongside their local authority, but it appears not all do. This group will form part of on-going efforts to sign-post fire and rescue authorities that buy alone toward aggregation with other local public bodies.
Temp staff	1.367			The data gathering process identified a mix of individually sourced contracts, aggregation with local authorities and aggregation with other fire and rescue authorities. Temporary staff will form part of on-going efforts to sign-post fire and rescue authorities toward aggregation opportunities.

Manned guarding	0.698		The benchmarking process demonstrated variances in the price paid between fire and rescue authorities; however local wage differences will introduce natural variations. In the data provided there does not appear to be a material opportunity guarding – though additional data from some larger services may suggest otherwise. If pursued this is likely to be an area where sign-posting fire and rescue authorities to aggregation opportunities is the right approach.
External audit	1.740		The data gathering process showed fire and rescue authorities aggregate this service alongside their local authority.
Grounds maintenance	5.785		The data gathering process showed fire and rescue authorities aggregate this service alongside their local authority though there are some that buy alone. This group will form part of on-going efforts to sign-post fire and rescue authorities that buy alone toward aggregation with other local public bodies.
Total	159.037	17.655	

Appendix D: Complexities of aggregation

As outlined, the focus of this project has been on certain areas of aggregation given the complexities that exist in aggregating specific groups of products and services. Through discussions with the pilot group and interviews with suppliers the difficulty in aggregating demand between fire and rescue authorities was assessed. This complexity was assessed in terms of:

- Whether the product or service was standard across fire and rescue authorities as a whole or whether there are legitimate reasons for high degrees of local differences. This includes an assessment of whether the product or service needs to be delivered in a specific geography, and therefore may be more complex to aggregate with other fire and rescue authorities across the country
- Whether the likely partner reaction to aggregation would be favourable and whether Chief Fire Officers/Chief Executives, operational colleagues and other interested partners will guard individual fire and rescue authorities' procurement.
- Whether the supply market is healthy, with a reasonable number of players and a cost of changing that is not prohibitively high
- A score was attributed to each product/service group for the above categories and the total score was used to define the complexity involved. The following table summarises the overall complexity for the groups of products and services

Product / service group	Complexity	Notes
Hand tools	Very low	Standard products with a healthy supply market and little partner opposition.
Hoses	Very low	Interoperability means products are standard. There seems to be a reasonable supply market.
Fuel	Very low	Standard product in a healthy market.
Foam	Very low	Product must comply to set standards and is not particularly political. There are a number of suppliers in the market.
Healthcare consumables	Very low	High degree of standardisation, little partner opposition is likely and there are many players.
Compressors	Low	Products are not entirely standard, but not bespoke. There is likely to be little partner opposition. The supply market has a number of players.
Thermal imaging cameras	Low	Similar product specifications and a healthy supply market. There may be some opposition from operational colleagues to move from preferred

		equipment (and preferred brands).
Tyres	Low	Standard products in a healthy supply market. The requirement to fit at fire and rescue authorities locations (which is available on existing frameworks e.g. GPS) adds complexity to aggregating demand.
External audit	Low	Differences in fire and rescue authorities mean inherently different resources are required – even if the approach is standard. There is a healthy supply market and interested partners are unlikely to guard against aggregation.
Training	Medium	Training is dominated by two suppliers who control over half of the (c. £20m p.a.) market and control much of the fire specific training (e.g. Urban Search and Rescue equipment).
Fire station doors	Medium	The supply market appears reasonably healthy. This is an area that necessitates local provision and so large scale collaboration is complex.
Grounds maintenance	Medium	The supply market is healthy and there is likely to be little partner opposition. The nature of the service is local which makes aggregating with large numbers of fire and rescue authorities more complex.
Cleaning	Medium	The supply market is healthy and there is likely to be little partner opposition. The nature of the service is local which makes aggregating with large numbers of fire and rescue authorities more complex.
Occupational therapy	Medium	Much of the supply market is made up of smaller local providers or local NHS and Primary Care Trust providers, making large scale aggregation complex.
Temporary staff	Medium	The supply market is healthy and there is likely to be little partner opposition. The nature of the service is local which makes aggregating with large numbers of fire and rescue authorities more complex.
ICT Hardware	Medium	Fire and rescue authorities representatives suggested that agreeing a standard specification will be complex and different security protocols may also introduce issues. There is some generic equipment available and moves to adopt the Public Service Network may standardise security arrangements The supply market is healthy.
ICT Mobiles	Medium	Fire and rescue authorities reported a reasonable cost of changing, but the supply market is healthy and specifications are alike.
Clothing and Personal Protective	Medium	The existence of safety standards helps in terms of standardisation; however this is an area which has been challenged in the past.

Equipment

		<p>Clothing and Personal Protective Equipment is an area of high interest for Chief Fire Officers/ Chief Executives and other partners, who are expected to have strong preferences. There is a myriad of differences in uniforms.</p>
Security	Medium	<p>Security services are bought in various different ways (e.g. through Fully Managed contracts, Private Finance Initiative, alongside other organisations, in-house vs external) and must be delivered locally, making joint fire and rescue authority collaboration complex.</p>
Emergency rescue equipment	Medium	<p>Operational staff are likely to have strong views and preferences about equipment and standardisation. Though there are a reasonable number of suppliers the fire and rescue authorities that contributed to the benchmarking seem to favour one particular firm. Fire and rescue authorities have reported a reasonable cost of changing when moving to new equipment (e.g. cost of new training and in-house maintenance requirements).</p>
Breathing apparatus	High	<p>In-house maintenance, training and parts mean that there may be a reasonable cost to change suppliers. Operational colleagues often favour certain suppliers and one firm supplied almost all of the pilot group respondents.</p>
ICT Software	High	<p>Whilst many fire and rescue authorities use the same software, bespoke elements are often added. Pilot group representatives reported that for fire specific systems, e.g. availability, competencies and fire control, the market is dominated with a small number of players and fire and rescue authorities have very limited leverage.</p>
Fire science (investigations)	High	<p>The service is bespoke, depending on the particular investigation. The supply market seems to be heavily dominated by one supplier.</p>
Firefighting vehicles	High	<p>There is a high degree of bespoke fire fighting vehicles between fire and rescue authorities and some are changing the nature of their fleet (fewer and smaller vehicles). There is also a multiplicity of ways that they are bought (outright purchase, Private Finance Initiative, lease, contracts inc / ex maintenance) which makes collaboration and aggregation highly complex. There is a high cost of changing as there are implications for training and maintenance in particular. Fleet managers, Chief Fire Officers/ Chief Executives and operational staff are likely to guard their local specifications.</p>

Appendix E: Project content

Previous experience of collaborative procurement projects suggests that, in most markets, they deliver better value for money through aggregating demand and achieving economies of scale. There are, however, additional benefits from collaboration, including sharing resources and 'buying once'. It is also true that in some markets economies of scale will not achieve large savings (for example in some oligopolistic or monopolistic markets larger volume has a limited impact on price). Therefore the fire and rescue procurement aggregation project worked with the pilot group to consider what a project in each group might involve out of the following competitive levers:

- Aggregating demand, to consolidate spend under fewer contracts, generating more leverage and lower prices and avoid duplication of effort
- Re-competing contracts, to avoid the 'complacency' that many buyers labour under and increase the potential supply market
- Analysing cost, to break down the price and determine individual costs (production, assembly, shipping) in order to compare, challenge and avoid costs and to understand what other organisations pay
- Changing and standardising specifications, to challenge any 'gold plated' and unnecessarily bespoke specifications
- Changing the relationship, to move from spot buying to partnership, develop the market and avoid monopoly provision

The following table outlines the likely content of collaborative commissioned in the groups identified. The ticks indicate the extent to which each lever will affect the price, with more ticks representing a greater impact. For example, a product with five ticks under 'aggregate' suggests that grouping together fire and rescue authority volumes will have a strong impact on savings, whereas no ticks indicates that it is a product where economies of scale have little influence over pricing.

Product / service group	Aggregate	Re-compete	Cost analysis	Change spec'	Change relationship	Notes
Fire fighting vehicles	✓✓✓		✓✓✓	✓✓✓✓		Significant opportunity to rationalise the specifications of vehicles according to need. Aggregation to deliver savings (many buy alone) and cost analysis to identify the particular aspects of the vehicles that are high cost allows costs to be avoided.
Fire Science		✓	✓✓✓		✓✓✓✓✓	Some fire and rescue authorities have internal investigation staff and the externally provided service is dominated by few large players. Project would largely involve encouraging a more competitive market.
Breathing Apparatus	✓✓✓✓	✓	✓✓✓	✓✓✓	✓✓	Project would involve aggregating demand around similar requirements and standardising the specifications. Analysing the relative costs of the Breathing Apparatus and telemetry will identify where the cost is.
ICT: Software	✓✓✓		✓✓	✓✓✓	✓✓	Fire and rescue authorities report that their leverage is limited with the software suppliers and individually they buy similar software with bespoke elements. Project activity would involve standardising specifications in fire and rescue authorities with similar requirements, negotiate collectively and share cost data.
Clothing and Personal Protective Equipment	✓✓✓✓	✓	✓	✓✓✓		Project would involve aggregating demand for similar requirements and seeking to standardise specifications.
Security	✓✓✓	✓				Locally delivered service. Fire and rescue authorities can benefit from aggregating demand and re-competing.

Emergency Rescue Equipment	✓✓✓	✓	✓	✓✓	Project would involve aggregating demand for similar requirements and seeking to standardise specifications.
Training	✓✓	✓✓		✓✓✓✓✓	External training market is dominated by two large suppliers. In order to reduce cost activity would require fostering a more diverse market.
Fire station doors	✓✓✓	✓✓	✓		Project would involve locally aggregated demand and re-competing contracts.
Grounds maintenance	✓✓✓	✓			Locally delivered service. Fire and rescue authorities can benefit from aggregating demand and re-competing.
Cleaning	✓✓✓	✓			Locally delivered service. Fire and rescue authorities can benefit from aggregating demand and re-competing.
Occupational Therapy	✓✓✓	✓✓			Project would involve locally aggregated demand and re-competing contracts.
Temporary Staff	✓	✓	✓✓✓		Locally delivered service. Fire and rescue authorities can benefit from analysing temp staff costs to identify if there are areas they are consistently incurring temporary staff costs.
Thermal Imaging cameras	✓✓✓	✓		✓✓✓	Project would involve aggregating demand for similar requirements and seeking to standardise specifications.
Tyres	✓✓✓	✓✓			Aggregation of demand and competing contracts (rather than buying at framework prices) to deliver savings.
External audit	✓✓	✓✓			Project would involve aggregating with local public bodies and re-competing contracts to avoid buyer complacency in line with existing and future audit arrangements.
Compressors	✓✓✓✓			✓✓✓	Project would aggregate demand and avoid fire and rescue authorities buying alone.

					It would also standardise around those authorities with similar requirements.
Healthcare consumables	✓✓✓	✓✓	✓		Project would primarily involve aggregation with organisations with a higher core demand for these products.
Foam	✓✓✓✓	✓✓	✓	✓	Project would aggregate demand and re-compete (rather than just buy at framework prices)
Hand tools	✓✓✓	✓			Primarily involves aggregating demand for low value items.
Hoses	✓✓✓✓	✓	✓	✓	Project would avoid 'buying alone' and deliver a larger volume of work to market.
Fuel	✓✓✓	✓✓			Project will include aggregation of demand to deliver savings and re-competing contracts.
ICT: Hardware	✓✓✓	✓✓	✓	✓✓	Aggregated demand in this category has delivered strong savings in other sectors. Some level of standardisation will be required – this is likely to be standardisation to a high / the highest specification, which erodes some savings (but delivers a workable project between fire and rescue authorities).
ICT: Mobiles	✓✓✓	✓✓	✓	✓✓	Aggregated demand in this category has delivered strong savings.

Appendix F: High level category strategies

This appendix outlines high level category strategies for the product groups that have been progressed from the business case section (including training).

Category: EXAMPLE					
Category description Provides a brief description of the products and services in the group. Also, where relevant, identifies related products or services that would be affected by a project to aggregate demand in this area (for example, work on standardising and aggregating demand for vehicles will have implications for costs incurred on vehicle parts).					
Total annual spend: Provides the estimated annual spend across England					
Top suppliers FY 12/13	Spend £m	% of total	Top fire and rescue authorities FY 12/13	Spend £m	% of total
List of suppliers....			List of fire and rescue authorities...		
List of suppliers....			List of fire and rescue authorities...		
Current fire and rescue authority sourcing approach					
Describes the way that fire and rescue authorities currently buy goods in this group (for example, do they contract alone, is there collaboration, do they use existing frameworks currently).					
Future sourcing approach			Suggested actions to reduce cost		
Describes a possible future approach to sourcing, including any particular future trends in the category.			Graphically shows the focus of a project to reduce cost in this category. For example, the following graph suggests that the focus will be on aggregating demand between fire and rescue authorities.		
Savings					
Shows the % saving opportunity.					
Risks and barriers					
Identifies key risks and barriers to realising savings in this category.					

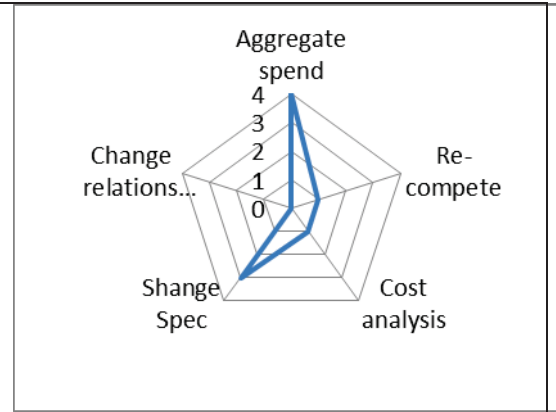
Category: Clothing and Personal Protective Equipment					
Category description					
<p>Category includes clothing used by firefighters when not fighting fire, including station wear, sportswear and ceremonial dress. Also included is support staff station wear.</p> <p>Personal Protective Equipment includes all protective equipment worn by firefighters when fighting a fire, including fire retardant clothing, protective helmets, boots, gloves etc. Personal Protective Equipment also includes additional items of equipment worn by staff, including torches and life jackets.</p> <p>The category includes both the purchase and lease of these items.</p> <p>Suppliers include UK and international manufacturers.</p> <p>Related products and services include laundry, repair and maintenance.</p>					
Total annual spend: £18.4m					
Top suppliers FY 12/13	Spend £m	% of total	Top fire and rescue authorities	Spend £m	% of total
Bristol Uniforms Limited	7.948	43%	London	2.410	15%
Cosalt	2.246	12%	Avon	1.582	10%
Ballyclare Ltd	1.350	7%	West Yorkshire	1.100	7%
Lion Apparel System Ltd	1.334	7%	Essex	0.954	6%
Hunter Apparel Sol's Ltd	0.886	5%	West Midlands	0.619	4%
FlamePro (UK) Limited	0.740	4%	Shropshire	0.608	4%
Sprue Safety Prod's Ltd	0.332	2%	Kent & Medway	0.570	4%
W M Sugden & Sons Ltd	0.292	2%	Merseyside	0.555	4%
Nps (Shoes) Ltd	0.241	1%	Hampshire	0.516	3%
Southcombe Bros Ltd	0.216	1%	South Yorkshire	0.510	3%
Current fire and rescue authority sourcing approach					
<p>Many fire and rescue authorities call off against existing frameworks (e.g. YPO).</p> <p>There are examples of collective groups of fire and rescue authorities collaborating to establish a contract to supply localities, for example the Integrated Clothing Project, the South East, the North West clothing and Personal Protective Equipment contracts.</p>					
Future sourcing approach			Suggested actions to reduce cost		

More standardisation – particularly in uniforms.

Less or no instances of fire and rescue authorities letting contracts alone.

More fire and rescue authorities benefiting from collective commitment to volumes, rather than just indicative volumes provided when setting up framework.

Collective laundry contracts and/or repair.



Benchmarking analysis

Key conclusions from Personal Protective Equipment:

- There are large variances in the prices paid for items of Personal Protective Equipment between fire and rescue authorities. Some services pay over twice as much for their products as others, for example one service paid **£125** for some firefighting trousers while another paid **£274**. Even where fire and rescue authorities buy from the same supplier there are material variances, for example the price for a firefighting helmet from the same company varied between **£105** and **£131**.
- Where fire and rescue authorities are using the same framework contract to buy the goods there is still a significant range, for example one authority paid **66%** more than another when buying a structural coat (**£366 - £220**).
- Where fire and rescue authorities lease their Personal Protective Equipment, rather than buying it, there are still variations. Some authorities pay **60%** more per firefighter to lease Personal Protective Equipment than others.
- Local contracts, where a group of fire and rescue authorities collaborate to buy, resulted in the lowest prices in four out of six of the items.

Key conclusions from clothing:

- Fire and rescue authorities that bought directly from manufacturers received better deals.
- There are large variations in the prices paid for the same type of clothing. The difference between the most expensive and the cheapest t-shirt is **85%** (**£5.14 - £9.53**).
- The price range for shirts that are bought from the same supplier is **327%** (**£4.45 – £19.99**). This significant variance in the price of shirts is due to two factors:
 - The lower price was achieved through a local collaborative contract, and;
 - There are regularly differences in the specification of clothing. Some fire and rescue authorities demanding higher specifications than others should also be open to challenge in order to generate savings.



Savings

25%

Risks and barriers

The existence of safety standards helps in terms of standardisation, however there this is an areas where standardisation has been challenging in the past.

Clothing and Personal Protective Equipment is an area of high interest for Chief Fire Officers/Chief Executives and other partners, who are expected to have strong preferences.

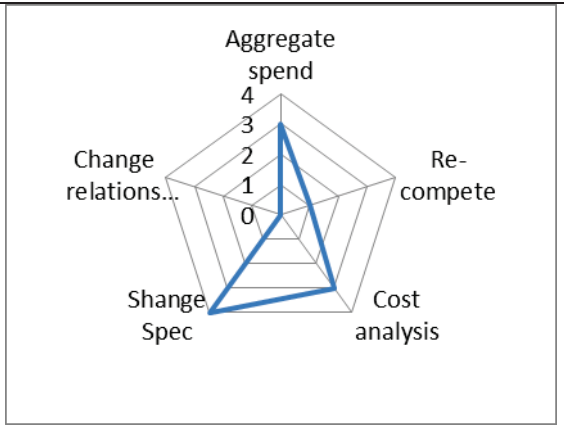
There is a myriad of differences in uniforms. fire and rescue authorities have reported a reasonable cost of changing when moving to new Personal Protective Equipment (e.g. cost of new training and in-house maintenance requirements).

Category: Vehicles					
<p>Category description Category includes type B pumping appliances (fire engines) as well as non-fire fighting vehicles (Incident Command Units). The category includes both the purchase and lease of these items. Vehicle suppliers include some UK based manufacturers and international firms.</p> <p>Choices about the type of vehicles purchased or leased have a significant impact on other areas of fire and rescue authority spend. Vehicle management (which includes in-house and external maintenance, parts, workshop costs, repairs etc) costs >£50m per annum.</p> <p>Related products include training and fuel consumption.</p> <p>Total annual spend: £52.3m (purchase £28.5m and lease £23.8m)</p>					
Top suppliers (purchase) FY 12/13	Spend £m	% of total	Top fire and rescue authorities (lease and purchase)	Spend £m	% of total
John Dennis Coach Builders	4.024	14%	London	2.122	5%
Emergency One (UK) Limited	3.347	12%	Devon & Somerset	1.240	3%
WH Bence Coachworks	2.428	9%	West Yorkshire	0.961	2%
Browns Coachworks Ltd	2.195	8%	Leicestershire & Rutland	0.852	2%
Scania (Great Britain) Ltd	1.700	6%	North Yorkshire	0.768	2%
Angloco Limited	1.630	6%	Wiltshire and Swindon	0.765	2%
Volkswagen Group Ltd	0.606	2%	Essex	0.595	1%
Skoda Auto UK Limited	0.538	2%	Cheshire	0.483	1%
Pickup Systems Limited	0.396	1%	Norfolk	0.339	1%
Sector Treasury Services Ltd	0.365	1%	Bedfordshire and Luton	0.328	1%
Current fire and rescue authority sourcing approach					
<p>Participants will run a dedicated competition for one off replacements. Periodic renewals are often via a mini-competition an existing framework (e.g. The Consortium Special Vehicles framework).</p> <p>There is a multiplicity of ways that fire vehicles are bought, including outright purchase, Private Finance Initiative, lease, contracts, contracts that include or exclude maintenance and repair.</p>					
Future sourcing approach			Suggested actions to reduce cost		

Standardised specifications between fire and rescue authorities with similar risks (e.g. urban metropolitan services).

Some fire and rescue authorities are changing the nature of their vehicles fleet. Factors such as better building regulations, more smoke alarms and more emphasis on prevention from the services has resulted in less fire overall.

As a result some fire and rescue authorities are considering whether a smaller, quicker to respond and cheaper to run fleet is more appropriate. Given the impact that the choice of vehicles (number, type) has on various other costs it is likely that avoiding cost will be as or more, effective than standardisation and aggregation.



Benchmarking analysis

There is little or no standardisation in this equipment, some of which is logical (urban areas require different vehicles to rural areas), however forces that face similar environments and risks have not developed a universal standard, despite numerous and similar external recommendations that tighter specifications, especially for complicated long-lasting items such as fire engines, would reduce a large range of associated costs.

The project benchmarked the cost of the chassis of an engine, the fire engineering (which is the equipment that the services choose to have incorporated to their vehicle) and the body build of the engine.

Key conclusions from firefighting vehicles:
 The overall variance in total price of an engine was **24% (£172k - £213k)**
 The variance in the prices paid with the same supplier ranged from:
64% in the case of the chassis cost
203% for fire engineering
38% for the body build.
 This reflects the significant differences in the fire engine specifications in England.

Savings

15%

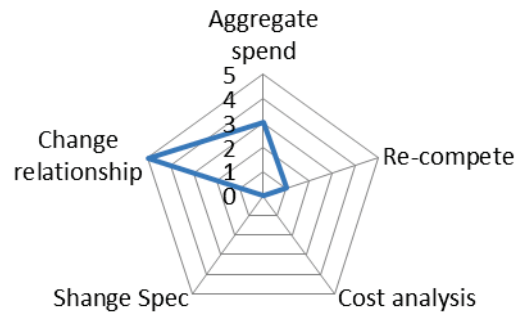
Risks and barriers

There is a high degree of bespoke fire fighting vehicles between fire and rescue authorities. There is also a high cost of changing as there are implications for training and maintenance in particular. Fleet managers, Chief Fire Officers/Chief Executives and operational staff are likely to guard their local specifications.

Category: Training					
Category description Includes fire specific training (e.g. Urban Search and Rescue training) and more general training courses for both fire fighters and support staff, though the majority of spend is on firefighter training.					
Total annual spend: £24.0m					
Top suppliers FY 12/13	Spend £m	% of total	Top fire and rescue authorities FY 12/13	Spend £m	% of total
Babcock	8.919	37%	London	8.091	41%
Fire Service College	4.453	19%	Cambridge & Peterborough	0.686	3%
Outreach Organisation Ltd	0.276	1%	Kent & Medway	0.621	3%
DGFM – FMSSC	0.242	1%	Hampshire	0.597	3%
Rescue 3 (UK) Limited	0.190	1%	Merseyside	0.530	3%
TQ education & training Ltd	0.176	1%	Devon & Somerset	0.501	3%
T-Three Pub' Sector Con' Ltd	0.148	1%	Bedfordshire and Luton	0.465	2%
			West Midlands	0.452	2%
			Cheshire	0.439	2%
			Leicestershire & Rutland	0.406	2%
Current fire and rescue authority sourcing approach					
Two operators dominate the training market. Babcock, who supply a significant amount of their training services to London Fire and Emergency Planning Authority, and the Fire Service College. These suppliers make up over half the market followed by a long tail of much smaller and niche training suppliers.					
Previously many fire and rescue authorities would regularly approach the Fire Service College singularly. It was also common for fire and rescue authorities to second operational staff to the Fire Service College to deliver training.					
Since the privatisation of the Fire Service College in March 2013 the fire and rescue authorities will need to competitively let any training or there is a risk of potential challenge. This may represent a procedural change on some fire and rescue authorities and may also introduce additional work.					
Future sourcing approach			Suggested actions to reduce cost		

The market is dominated by two large suppliers. The fire and rescue authorities will need to ensure that the market is competitive by analysing the costs of various training courses and – if necessary – looking at how they encourage new suppliers into the market.

Some fire and rescue authorities deliver training themselves (e.g. Gloucestershire are the 8th largest training provider) and others are looking to develop training as a revenue generating part of their organisations.



Benchmarking analysis

Benchmarked training costs showed significant variations in the prices paid for courses.

The analysis showed that competitive pressure has been able to reduce training supplier quotes prices by half.

Savings

10%

Category: Foam					
<p>Category description</p> <p>Includes various types of foams and concentrates used to extinguish fires. There are various different types of this substance and various different container sizes; however a combination of established standards and the specific nature of the definition of the substances make for a clear specification between fire and rescue authorities.</p>					
Total annual spend: £1m					
Top suppliers FY 12/13	Spend £m	% of total	Top fire and rescue authorities FY 12/13	Spend £m	% of total
Angloco Limited	NA	NA	Devon & Somerset	0.068	12%
Auxquimia S A	NA	NA	Northamptonshire	0.057	10%
RD Foam Distribution Ld	NA	NA	London	0.045	8%
Angus Fire Armour Ltd	NA	NA	West Midlands	0.041	7%
Airwave Solutions Ltd	NA	NA	Kent	0.017	3%
Fast Engineering Ltd	NA	NA	Warwickshire	0.017	3%
			Leicestershire	0.017	3%
			Staffordshire	0.012	2%
			Merseyside	0.012	2%
			Avon	0.011	2%
Current fire and rescue authority sourcing approach					
The majority of the fire and rescue authorities currently buy from The Consortium framework. Some run mini-competitions and it is likely that many buy at the framework prices.					
Future sourcing approach			Suggested actions to reduce cost		
<p>Collaborative procurement with committed volumes.</p> <p>More foam sharing arrangements between fire and rescue authorities to avoid the cost altogether.</p>					
Savings					
15%					
Risks and barriers					
The primary risk to collaborative procurement, with committed volumes, is that this represents a relatively low spend area for most fire and rescue authorities individually and is rarely bought as they only hold large stocks of foam for limited amount of time. Engagement with authorities to understand their plans for renewing stocks is important.					

Category: Thermal Imaging Cameras

Category description
Includes both the purchase and lease of thermal imaging cameras.

Related products and services include camera maintenance and repair.

Additional products – such as Urban Search and Rescue cameras – could also be sourced alongside thermal imaging cameras.

Total annual spend: **£1.7m**

Top suppliers FY 12/13	Spend £m	% of total	Top fire and rescue authorities using The Con Frame Purchase only	Spend £m	% of total
Draeger	NA	NA	Lancashire	NA	NA
Bullard GmbH	NA	NA	Merseyside	NA	NA
North Fire	NA	NA	Greater Manchester	NA	NA
Argus	NA	NA	Derbyshire	NA	NA
Scott Safety	NA	NA	Cheshire	NA	NA
Vimplex	NA	NA	Devon & Somerset	NA	NA
ISG Thermal Systems Ltd	NA	NA	North Yorkshire	NA	NA

Current fire and rescue authority sourcing approach

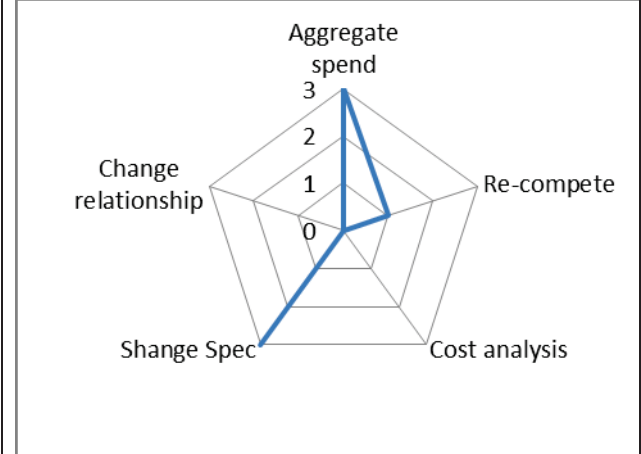
Currently fire and rescue authorities use frameworks (e.g. The Consortium) and there are some instances of collaboration (e.g. join North West deal).

There is a mixture between fire and rescue authorities that purchase the product outright and those that believe that there is greater flexibility in leasing the equipment alongside service contracts.

Future sourcing approach | **Suggested actions to reduce cost**

Aggregated demand for both purchase and lease contracts.

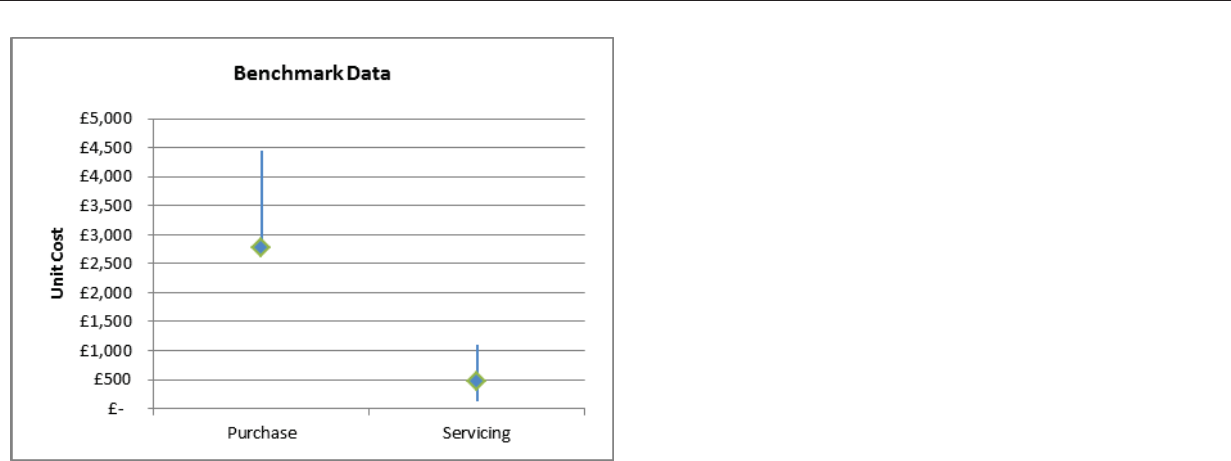
This is a product with a relatively high degree of market innovation and therefore letting contracts for longer periods of time has some risk – though higher savings will be generated.



Benchmarking analysis

Key conclusions from thermal imaging cameras:
The range of prices paid for different brands of thermal imaging cameras was **41% (£3,150 - £4,000)**.

When comparing prices for fire and rescue authorities that use the same brand of thermal imaging camera – likely to be an identical item – there is still an **8%** variance. Prices obtained from an existing framework agreement include a c.**8%** price reduction when ordering over **100 units**, compared to ordering beneath **10**. It is likely that at least **10%** can be saved through aggregating significant volumes.



Savings

15%

Risks and barriers

The product specifications are relatively similar; however there may be some opposition from operational colleagues to move from preferred equipment and preferred brands.

Category: Emergency Rescue Equipment

Category description
 Emergency rescue equipment includes hydraulic and battery operated cutting equipment, spreaders, rams, vehicle lifting and stabilising equipment.

There are implications in the type of emergency rescue equipment bought for the repair and maintenance of the equipment itself and training fire fighters to use it.

Total annual spend: **£3.4m**

Top suppliers FY 12/13	Spend £m	% of total	Top fire and rescue authorities FY 12/13	Spend £m	% of total
Top of Form	NA	NA	Surrey	NA	NA
Clan Plant & Tools Ltd					
Holmatro UK Ltd	NA	NA	Staffordshire	NA	NA
Leader Group UK Ltd	NA	NA	Cumbria	NA	NA
MFC Survival Ltd	NA	NA	Norfolk	NA	NA
Parkland Engineering Ltd	NA	NA	Avon	NA	NA
Vimpex Ltd	NA	NA	West Yorkshire	NA	NA
Weber Ltd	NA	NA	North Yorkshire	NA	NA
			Gloucestershire	NA	NA
			Devon & Somerset	NA	NA
			Royal Berkshire	NA	NA

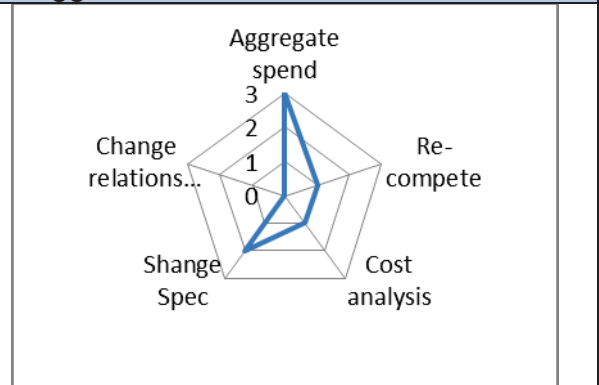
Current fire and rescue authority sourcing approach

Items of equipment are periodically renewed via frameworks.

Future sourcing approach | **Suggested actions to reduce cost**

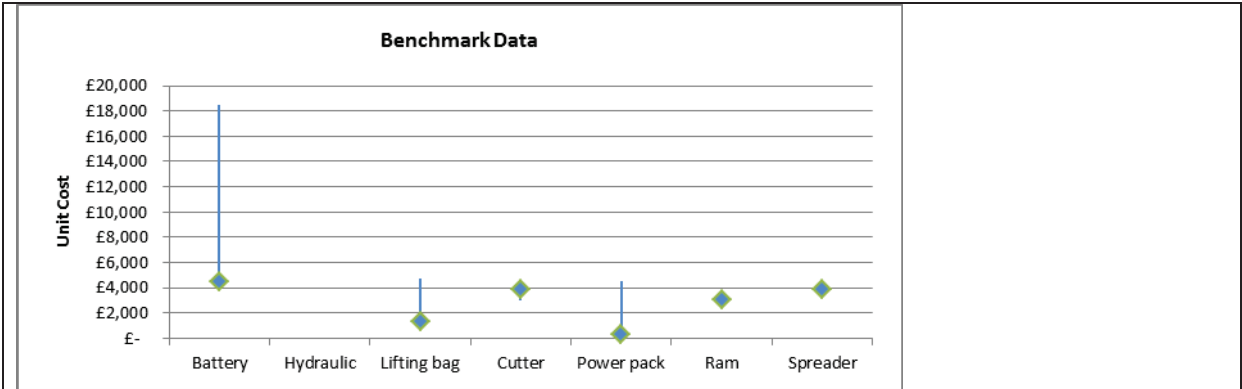
Aggregated demand between fire and rescue authorities.

Standardisation where possible.



Benchmarking analysis

Key conclusions from emergency rescue equipment:
 There are variations in the prices paid for the same types of equipment, for example one fire and rescue authority paid **£3,174** for a hydraulic spreader and another paid **£4,407**.
 The range above does refer to different brand of hydraulic spreader. However, fire and rescue authorities that bought the same brand of hydraulic spreader – likely to be an identical product – the range was still **22% (£3,174 - £3,881)**.
 Prices obtained from an existing framework agreement include between **10-15%** price reductions when ordering larger volumes.



Savings

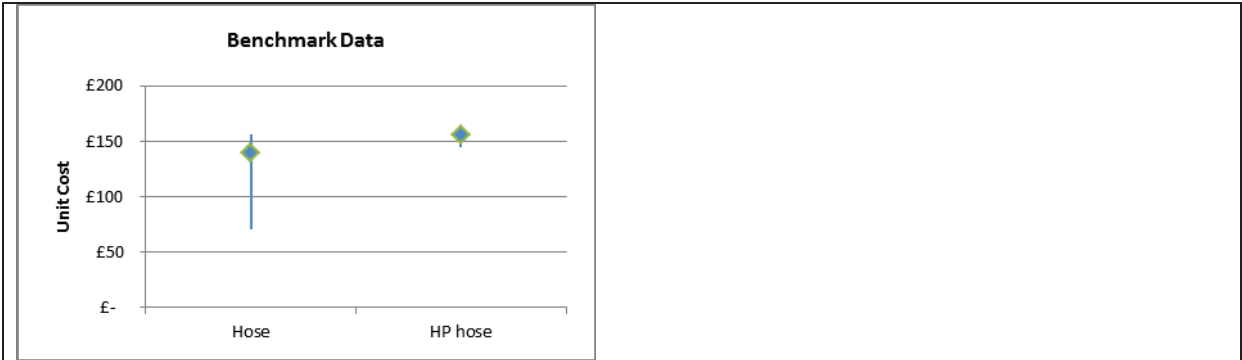
15%

Risks and barriers

Operational staff are likely to have strong views and preferences about equipment and standardisation.

Parts and training also add to the cost of changing supplier.

Category: Hoses					
<p>Category description</p> <p>Includes various types and sizes of hose, including static hoses for buildings and portable hoses. The requirement for interoperability between fire and rescue authorities means that they need to couple hoses together and there are broadly similar specifications of hose between fire and rescue authorities and suppliers.</p> <p>Related other products / services includes hose testing, which needs to be carried out on an annual basis. Much of this is done in-house but there is some external provision.</p>					
Total annual spend: £0.5m					
Top suppliers FY 12/13	Spend £m	% of total	Top fire and rescue authorities FY 12/13	Spend £m	% of total
CMT	NA	NA		NA	NA
Angus Fire	NA	NA		NA	NA
Kidde Products	NA	NA		NA	NA
Premier Hose Technologies	NA	NA		NA	NA
Fire Hosetech	NA	NA		NA	NA
Jacksons	NA	NA		NA	NA
Parkland Engineering	NA	NA		NA	NA
Hose overseas	NA	NA		NA	NA
Current fire and rescue authority sourcing approach					
<p>These products often have a relatively long life and are periodically renewed. fire and rescue authorities often buy alone and – given the relatively low spend individually – local contracts, sourced after obtaining the requisite number of quotes, is commonplace.</p>					
Future sourcing approach			Suggested actions to reduce cost		
<p>Aggregated spend and re-competed – reasonable length – contracts to apply additional competitive pressure.</p>					
Benchmarking analysis					
<p>Key conclusions from hoses:</p> <p>The variance in prices paid for a 'standard' hose is 121% (£71 – 156).</p> <p>Even where fire and rescue authorities had bought from the same supplier there was still a 49% variance (£105 - £156).</p>					



Savings

40%

Risks and barriers

Since these products have a long life and are individually relatively low value the main risk is engaging the fire and rescue authorities and getting a good idea of their plans to renew the products.

MERSEYSIDE FIRE AND RESCUE AUTHORITY			
MEETING OF THE:	ANNUAL GENERAL MEETING		
DATE:	26 TH JUNE, 2014	REPORT NO:	CFO/078/14
PRESENTING OFFICER	NICK MERNOCK, NYREE COLLINSON DEPUTY CHIEF EXECUTIVE		
RESPONSIBLE OFFICER:	NICK MERNOCK	REPORT AUTHOR:	DIRECTOR OF POD
OFFICERS CONSULTED:			
TITLE OF REPORT:	DISCRETIONS – STATEMENT OF POLICY LOCAL GOVERNMENT PENSION SCHEME		

APPENDICES:	A B	CURRENT POLICY ON DISCRETIONS AREAS IN WHICH DISCRETION IS REQUIRED TO BE EXERCISED
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Purpose of Report

1. To bring to the attention of Members, the following information regarding the Local Government Pension Scheme.

Recommendation

2. That Members
 - a) note the contents of this report.
 - b) approve the proposed responses to the discretionary actions
 - c) endorse their submission to Merseyside Pension Fund

Introduction and Background

3. With effect from 1st April 2014 the Local Government Pension Scheme Regulations 2013 and the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 came into force.
4. Under these Regulations, as with previous Regulations, Scheme employers are required to prepare, maintain and keep under review a statement of policy concerning a number of discretions made available to them throughout the Regulations. Scheme employers have many decisions to take with regard to numerous discretions and requirements made of them as outlined in the statutory legislation and it is important that each Scheme employer takes full responsibility for ensuring that their obligations are fulfilled appropriately and in accordance with the statutory instruments laid by Parliament.

5. Some statements of policy in respect of certain Scheme Regulations are compulsory as in the main they can carry significant cost implications for a Scheme employer and this is the minimum policy requirement made of Scheme employers. However, it is generally recognised that there is considerable value in Scheme employers making statements of policy in respect of other Scheme Regulations where discretion is available to them for ease of administration and consistency of approach even though it is not compulsory to do so. All employers participating in the LGPS must prepare and publish discretionary Policies under the provisions of the LGPS 2014 Regulations.
6. Employer Policy Statements should be clear, unambiguous, having regard for overriding equality legislation - making them less open to challenge or appeal, and not “fettered” i.e. limiting or rigid in their application.

Authority Implications

7. There are five compulsory employer discretions from April 2014 and two existing Policies for members, who left prior to April, which are required by law to be included in the Authority’s Policy Statement.
8. This requirement is in Regulation 60(1) of the LGPS (Administration) Regulations 2013 and Regulation 66(1) of the LGPS (Administration) Regulations 2008.
9. The Authority Policy previously has been produced to allow the Authority to take each case on its own merits. This allows for the full implications of each case to be considered and a decision made in accordance with the circumstance of that particular case, and a full consideration of the financial implications. In doing so the Authority seeks to avoid making unnecessary precedents which it could do if it had specific prescribed outcome
10. The current Policy on discretions is attached as Appendix A, and confirms the approach detailed above. If members are minded to approve the proposed new discretions these will be incorporated into a revised Policy
11. Appendix B provides members with the detail of the 2014 Regulations areas in which discretion is required for inclusion in the revised policy and the proposed resolutions to each one is set out in the table.
12. It is also a legal requirement under Regulation 60(5) that the Authority has regard to the extent to which the Policy on exercising these discretions might lead to a serious loss of confidence in the public service. Therefore in adopting an each case on its own merits approach the Authority retains the ability to be prudent in how it adopts and implements the regulations, and removes itself from potential criticism based around the media documented criticism of ‘ large pay offs’

13. If members are minded to approve the proposed responses then through the Director of People and Organisational Development these will be reported to the Merseyside Pension Fund.

Equality and Diversity Implications

14. These discretions are applied only on the merits of each case, so are applied equally to all employees

Staff Implications

15. The proposed actions in Appendix B ensures the continued fair application of Authority pension related discretions to all employees

Legal Implications

16. The proposed responses to the Pension discretions is consistent with previous discretionary activity, and ensures the Authority complies with its legal obligations

Financial Implications & Value for Money

17. The proposed responses will ensure the Financial decisions in relation to the release of an individual's pension are taken appropriately , and in full cognisance of the financial parameters facing the Authority

Risk Management, Health & Safety, and Environmental Implications

18. None

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

19. The proposed action, ensures that each employee is treated fairly , and within a transparent process in relation to Pensions

BACKGROUND PAPERS

GLOSSARY OF TERMS

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"An Excellent Authority"

Merseyside Pension Fund,
PO Box 120,
7th Floor,
Castle Chambers,
43 Castle Street,
LIVERPOOL L69 2NW

Dave Wright
Exec. Director of Law & HR
Fire Service Headquarters
Bridle Road,
Bootle,
Merseyside
L30 4YD

Telephone: 0151 296 4108

Fax: 0151 296 4120

Web Site:
www.merseyfire.gov.uk

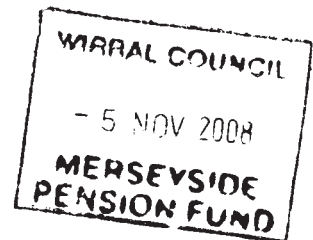
Your ref:

Our ref: DW/NDC

Date: 4th November, 2008

Dear Sirs

LOCAL GOVERNMENT PENSION SCHEME
POLICY AS TO EXERCISE OF PENSION DISCRETIONS



I write to notify you of the Authority's policy in respect of its pension discretions as required under the Local Government Pension Regulations.

In this respect I confirm that the Authority has adopted the policy as set out in the attached Appendix.

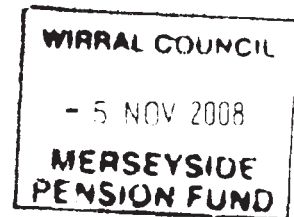
Yours sincerely,

DAVE WRIGHT
EXEC. DIRECTOR OF LAW & HR

POLICY STATEMENT – MERSEYFIRE FIRE & RESCUE AUTHORITY

LOCAL GOVERNMENT PENSION SCHEME
EXERCISE OF PENSION DISCRETIONS

1. The Authority has discretions under the Local Government Pension Scheme in relation to :-
 - (a) the power of the employer to increase total membership of active members;
 - (b) the power of the employer to award additional pension;
 - (c) flexible retirement;
 - (d) early payment of pensions;
 - (e) the power of the employer to increase the time limit of active members to pay voluntary contributions;
 - (f) membership aggregation;
 - (g) forfeiture of pension rights;
 - (h) transfer of pension rights;
 - (i) Members' contribution rates.
2. The Authority's policy in relation to the exercise of any of the above discretions is that it will treat each case on its merits and will not be bound by usual practice.
3. This policy shall apply with effect from 1st December, 2008 and shall be reviewed by 1st December, 2013.



Appendix B

2014 Regulations	Proposed Policy
<p><u>Regulation 16(2)(e) & 16(4)(d)</u> Funding of Additional Pension</p> <p>An employer may fund wholly, or in part, a member's additional pension contract (APC). The payment can be made by regular contributions or a lump sum.</p> <p>The cost of this would fall on the employer. Please note that where an APC is used to cover a period of unpaid leave, employers have to automatically pay 2/3 of the cost with the member paying the balance.</p>	<p>The Authority's policy on this discretion is to treat each case on its merits.</p>
<p><u>Schedule 2 Para 2</u> To apply the 85 Year Rule before age 60</p> <p>Whether, in respect of benefits from pre 1/4/2014 membership to "switch on" the 85 year rule for a member voluntary drawing benefits on or after age 55 and before age 60.</p> <p>Whether to waive on compassionate ground, the actuarial reduction applied to benefits from pre 1/4/2014 membership where the employer has "switched on" the 85 year rule for a member voluntary drawing benefits on or after the age 55 and before age 60.</p>	<p>To consider each application on its merits subject to the financial implications for the employer</p>
<p><u>Regulation 30(6)</u> Flexible Retirement</p> <p>Employers may give consent for a member, aged 55 or more, who reduces their grade or hours of work (or both) to receive all or part of their LGPS benefits immediately, even though they haven't left their employment.</p> <p>Any cost for the early payment would fall on the employer.</p>	<p>To consider each application on its merits subject to the financial implications for the employer.</p>

<p><u>Regulation 30(8)</u> Waiving of Actuarial Reduction If the benefits payable on retirement before normal pension age would normally be reduced for early payment, an employer may agree to waive all or part of the reduction.</p> <p>The cost of doing so would fall on the employer.</p>	<p>To consider each application on its merits subject to the financial implications for the employer.</p>
<p><u>Regulation 31</u> Awarding Additional Pension Employers may increase a member's benefits by awarding additional pension up to a maximum of £6,500 p.a. from April 2014.</p> <p>The cost of this would fall on the employer.</p>	<p>To consider each application on its merits subject to the financial implications for the employer.</p>
<p>NON-COMPULSORY EMPLOYER DISCRETIONS</p>	
<p><u>Regulation 9(3)</u> Members Contribution Rates Employers have to allocate members into the appropriate contribution band for 2014/15 and every financial year thereafter.</p> <p>If a member's pay moves into a different band during a financial year, the employer has discretion to implement the new band immediately but may prefer to wait until the next annual review.</p> <p>It is important to ensure the members banding is based on actual earnings contributions as well as the member. The cost of doing so would fall on the employer.</p>	<p>To make changes to employee contribution rates throughout the year from the effective date of any change in employment or material change to the rate of pensionable pay received</p>
<p><u>Regulation 17(1)</u> Shared Cost Additional Voluntary Contributions An employer may contribute towards a</p>	<p>To consider using this discretion where a sufficient benefit to the employer can be justified</p>

<p>Shared Cost AVC Scheme, i.e. an AVC Scheme into which the employer pays contributions as well as the member. The cost of doing so would fall on the employer.</p>	
<p><u>Regulation 22(8)(b)</u> Membership Aggregation To allow a member who has not elected within 12 months of rejoining to keep their deferred record separate from their active account.</p>	<p>Each case will be examined at the appropriate time</p>
<p><u>Regulation 74(1)</u> Appointment of a Nominated Person for Member Disagreements There is a three-stage dispute procedure made by their employer. The first stage is handled by the employer. You may appoint internally or externally. Employers must appoint a Nominated Person.</p> <p>In every notification of any decision made under the Regulations the employer must inform the person concerned of the job title and address of the person appointed under regulation 74 (1) to whom any application may be made for appeal.</p>	<p>The nominated person for MFRA is:- Kieran Timmins Deputy Chief Executive Merseyside Fire and Rescue Authority Fire Service HQ Bridle Road Bootle L30 4YD</p> <p>Tel: 0151 296 4202 Fax: 0151 296 4224</p> <p>kierantimmins@merseyfire.gov.uk</p>
<p><u>Regulations 91, 92 and 93</u> Forfeiture of Pension Rights If a member leaves as a result of a conviction for an offence in connection with their LGPS employment or as a result of their own criminal, negligent or fraudulent act in connection with that employment, the employer has the discretion to direct all or part of their LGPS pension rights to mitigate the loss incurred as a result.</p>	<p>Each case will be examined at the appropriate time</p>
<p><u>Regulation 100(6)</u></p>	<p>Each case will be examined at the appropriate time.</p>

<p>Transfer of Pension Rights</p> <p>A member who has previous pension rights in a different pension scheme may transfer them into the LGPS provided they opt to do so within twelve months of joining.</p> <p>Employers have discretion to extend the twelve months' time limit. This does not include rights in the LGPS, which are dealt with under Membership Aggregation, see Regulation 22(8).</p>	<p>To consider each application on its own merits based on the financial implications for the employer</p>
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By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

This report is Restricted

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