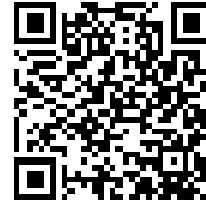


**To: All Members of the Consultation and Negotiation
Sub-Committee
(and any other Members who may wish to attend)**



**J. Henshaw
LLB (Hons)
Clerk to the Authority**

Tel: 0151 296 4000
Extn: 4112 Helen Peek

Your ref:

Our ref HP/NP

Date: 17 March 2014

Dear Sir/Madam,

You are invited to attend a meeting of the **CONSULTATION AND NEGOTIATION
SUB-COMMITTEE** to be held at **1.00 pm** on **TUESDAY, 25TH MARCH, 2014** in the
Temporary Conference Room at Merseyside Fire and Rescue Service Headquarters,
Bridle Road, Bootle.

Yours faithfully,



Clerk to the Authority

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MERSEYSIDE FIRE AND RESCUE AUTHORITY
CONSULTATION AND NEGOTIATION SUB-COMMITTEE

25 MARCH 2014

AGENDA

Members

Jimmy Mahon (Chair)
Les Byrom
Roy Gladden
Linda Maloney
Andrew Blackburn
Anthony Boyle

1. Preliminary Matters

Members are 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 Previous Meeting (Pages 1 - 4)

To consider the minutes of the previous meeting held on the 16th January 2014

3. Industrial Relations Update (Pages 5 - 10)

To consider report CFO/025/14 of the Deputy Chief Fire Officer concerning matters of negotiation and consultation currently being progressed with Representative Bodies since the last meeting of the Consultation & Negotiation Committee (CNC) on 16th January 2014.

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

16 JANUARY 2014

MINUTES

Present: Cllr Jimmy Mahon (Chair) Councillors Les Byrom,
Roy Gladden, Linda Maloney and Andrew Blackburn

Also Present:

Apologies of absence were received from:

1. Preliminary Matters

Members considered the identification of declarations of interest, any urgent additional items, and any business that may require the exclusion of the press and public.

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 to be considered as matters of urgency were determined by the Chair; and
- c) no items of business required the exclusion of the press and public during consideration thereof because of the possibility of the disclosure of exempt information.

2. Minutes of Previous Meeting

The Minutes of the last meeting of the Consultation & Negotiation Sub-Committee, held on 17th October 2013, were approved as a correct record and signed accordingly by the Chair.

3. Industrial Relations Update

Members considered Report CFO/003/14 of the Chief Fire Officer, concerning matters of negotiation and consultation currently being progressed with Representative Bodies.

The Chief Fire Officer provided Members with an update on Industrial Relation matters, which covered progress with regards to; new and amended Service Instructions, the move to the revised 12 hour duty system, Watch Based Self-Rostering; and 24 hour shifts.

With regards to the implementation of the new 12 hour duty system, Members were informed that generally, staff have been pragmatic and professional in respect of the changes; and are trying to make the new system work well.

In relation to negotiations regarding 24 hour shifts, Members were informed that Expressions of Interest were sought from staff to provide retained cover at 2 locations, with the intention being that those staff provide an element of retained cover in addition to working 24 hour shifts. The rationale for such a proposal was that the compression of normal work hours, frees up more duty days to provide retained cover. Members were informed that there wasn't sufficient interest received from staff to make this viable; and as such 24 hour shifts are not being progressed at this time, however dialogue continues between the Joint Secretaries in this regard; and may be re-visited in the future.

With regards to watch-based self-rostering, Members were informed that this will take some time for staff to explore, at locations where self-rostering is not already embedded.

Discussion took place around the presentation currently being delivered by the Chief Fire Officer to all District Councils, concerning the Authority's financial challenge and the resultant changes in service provision.

Particular thanks were conveyed on behalf of Mayor Joe Anderson – Liverpool City Council, to all Members of the Fire Authority, Officers and Fire Brigades Union representatives, for their continued hard work and constructive discussions, in an effort to try to mitigate the impact of the cuts.

Members Resolved that:

- a) The progress being made to maintain effective and constructive industrial relations with representative bodies, be noted.
- b) The progress being made to deliver the Authority's Integrated Risk Management Plan, be noted.
- c) The thanks of Members and the Chief Fire Officer, be recorded to all individuals involved in the positive discussions regarding industrial relations matters.

Close

Date of next meeting Tuesday, 25 March 2014

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| MERSEYSIDE FIRE AND RESCUE AUTHORITY | | | |
| MEETING OF THE: | CONSULTATION AND NEGOTIATION COMMITTEE | | |
| DATE: | INSERT DATE 25TH MARCH 2014 | REPORT NO: | CFO/025/14 |
| PRESENTING OFFICER | DCFO GARRIGAN | | |
| RESPONSIBLE OFFICER: | NICK MERNOCK DIRECTOR OF PEOPLE AND ORGANISATIONAL DEVELOPMENT | REPORT AUTHOR: | MIKE CUMMINS CONSULTATION MANAGER |
| OFFICERS CONSULTED: | SMG | | |
| TITLE OF REPORT: | INDUSTRIAL RELATIONS UPDATE | | |

| | |
|--------------------|-------------|
| APPENDICES: | NONE |
|--------------------|-------------|

Purpose of Report

1. To inform Members of the matters of negotiation and consultation currently being progressed with Representative Bodies since the last meeting of the Consultation & Negotiation Committee (CNC) on 16th January 2014.

Recommendation

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

Introduction and Background

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

Service Instructions

4. Since the last meeting of the Consultation and Negotiation Committee (CNC) on 16th January 2014 the Joint Secretaries have successfully concluded consultation on a total of 28 new and amended Service Instructions. At the time of writing this report a total of 7 Service Instructions remain in extended consultation as follows:
 - a) Alcohol & Substance Misuse

- b) Functional Testing
- c) Other Duties
- d) Stay Safe at Firearms Incidents
- e) Positive Pressure Fans
- f) Tool Kits
- g) First Aid Kits

Revised Duty System & Work Routine

5. At the last meeting of the CNC members were informed that Collective Agreements had been reached with the Fire Brigades Union (FBU) and the Fire Officers Association (FOA) regarding the introduction of a new duty system with shifts of 12-hours duration replacing the previous 9/15 model. This agreement also provided for new start/finish times for the day and night shift of 0830hrs and 2030hrs were also introduced at this time. With the agreement of representative bodies the new duty system was introduced on 3rd January 2014, a year in advance of the date recommended by the Resolution Advisory Panel (RAP).
6. Following consultation with the FBU and the FOA a new work routine was also introduced based on the 12/12 duty system. This work routine underpins the requirement placed on the new duty system that it delivers greater productivity, whilst reflecting the RAP recommendations regarding a 4-hour stand down period during the night shift.
7. The Service agreed with representative bodies that the new work routine would be subject to a 6- 9 month review.
8. Following the introduction of the new work routine the Service has continued to work closely with staff and representative bodies to ensure that any obvious teething problems are raised and addressed without compromising productivity. Consequently some changes have been made to the initial work routine and its application.

Work Life Balance Arrangements

9. The collective agreement that provided for the introduction of the revised 12/12 duty system on 3rd January 2014 contractually ended all previous work/life balance agreements between the Authority and individual staff members. This had been an issue of concern for the FBU during the negotiations over proposed revisions to the duty system although Professor Brown had recognised in his RAP recommendation that historically the Authority had considered work life balance arrangements on a case by case approach which had resulted in the resolution 90% of requests.
10. Following the introduction of the revised the duty system the Authority reviewed the 8 work life balance agreements that had been in place up to 3rd January 2014. In all 8 cases the individuals concerned were seeking new work life balance agreements to address their specific issues.

11. Revised agreements were put in place that resolved the issues to the satisfaction of 6 of the applicants. Of the 2 remaining individuals seeking new work life balance agreements, one is currently on sick leave and this application will be progressed upon their return to work. In the case of the remaining individual an agreement has not as yet been reached although this case is still in progress pending an outcome.

LLAR pension arrangements

12. The revised contractual arrangements agreed with representative bodies for LLAR staff members were reported to CNC at its meeting of 17th October 2013. The changes have supported a process of contract harmonisation across the Service requested by representative bodies. This was particularly relevant following the reversion of 3 LLAR stations to the Wholetime duty system. A further consideration related to the high levels of sickness at LLAR stations which impose an avoidable cost to the Authority.
13. Following these changes new guidance was issued by DCLG indicating that the LLAR allowance should be treated as an Additional Pension Benefit (APB) and not as pensionable under final salary arrangements. This might detriment LLAR staff
14. Legal advice is being sought in relation to how LLAR remuneration should be treated for pension purposes. This matter is under consideration and will be the subject of a future report to the Authority once the options available to the Authority are established and the contracts revised accordingly.

Conduct & Performance Policy

15. An 8-week consultation period with representative bodies commenced 15th February 2014 over a revised overarching Conduct & Performance Policy supported by a range of underpinning policies and procedures including a Capability Procedure and a Firefighter Health and Fitness Policy. Preliminary consultation meetings have been held with the FBU, FOA and Unison. At the time of writing a fourth meeting has been scheduled with representatives of Unite. All representative bodies have been provided with the full portfolio of document associated with the Conduct & Performance Policy. The full suite of documents includes an *Absence Attendance Service Instruction, Capability Procedure Service Instruction, Medical Discharge Procedure, Conduct (Discipline) Service Instruction, Capability Management Guidance, Discipline Guidance Notes and Divergence of Medical Opinion Procedure*.
16. The driver for change relates to the requirement for the Authority to address a deficiency in its ability to deal appropriately with matters of capability. Under the existing policy framework matters of capability could only be dealt with procedurally through the disciplinary procedures. This is not considered to be appropriate and can be unnecessarily punitive for members of staff when the issues to be dealt with relate to capability and not conduct.

17. The FBU has indicated that it will respond by providing the Authority with proposed amendments to the draft documents where they believe this is appropriate. Unison has undertaken to respond within the consultation period following completion of an internal consultation process at the local level and following receipt of advice from their regional officers. The FOA has expressed broad support subject to assurances from the Authority that any fitness standard adopted by the Authority should align to any future national guidance. The most up to date consultation status report is attached as Appendix A. FOA are content to conclude formal consultation subject to confirmation from the Authority non-attendance at medicals will not automatically result in a stoppage of pay but that each case will be considered on its merits. Unite has confirmed that they are content to conclude formal consultation and Unison have undertaken to provide a written response to the draft documents prior to the conclusion of the formal consultation.

Other matters of negotiation and consultation

18. Negotiation and consultation (as appropriate) is ongoing with representative bodies in relation to a number of issues including a revised duty system for the Incident Management Team, detached duty arrangements and working arrangements for 'other duties' staff. These matters will be subject to future reports to the CNC.

Equality and Diversity Implications

19. There are no equality and diversity implications raised in this report.

Staff Implications

20. The Conduct and Performance Policy and the associated underpinning policy and procedural documents will impact upon all staff by clarifying the required standards for conduct and performance.
21. Any revision to the historical treatment of remuneration for pension purposes for LLAR staff may impact on individual pension contributions.

Legal Implications

22. Legal advice with regard to the historical and future treatment of allowances for pension purposes will be fully addressed in a future report to the Authority.

Financial Implications & Value for Money

23. Treatment of allowances for pension purposes may have financial implications for the Authority.

Risk Management, Health & Safety, and Environmental Implications

24. Effective industrial relations contribute to a safer working environment and a more harmonious and healthy workplace.

25. There are no environmental implications relating to this report.

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

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

BACKGROUND PAPERS

None

GLOSSARY OF TERMS

| | |
|-------------|--------------------------------------|
| CNC | Consultation & Negotiation Committee |
| FBU | Fire Brigades Union |
| FOA | Fire Officers Association |
| APB | Additional Pension Benefit |
| LLAR | Low Level of Activity & Risk |

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