

AGENDA ITEM:

REPORT TO:	MERSEYSIDE FIRE & RESCUE AUTHORITY
DATE:	3rd DECEMBER 2013
REPORT NO.	CFO/138/13
REPORTING OFFICER:	CHIEF FIRE OFFICER
CONTACT OFFICER:	DEPUTY CHIEF FIRE OFFICER
OFFICERS CONSULTED:	STRATEGIC MANAGEMENT GROUP
SUBJECT:	DCLG CONSULTATION ON FITNESS AND CAPABILITY – MFRA RESPONSE

APPENDIX A

**LETTER FROM BRANDON LEWIS -
CONSULTATION ON FITNESS AND
CAPABILITY**

APPENDIX B

**LETTER FROM CFRA – DRAFT
PRINCIPLES ON FITNESS AND
CAPABILITY**

APPENDIX C

MFRA CONSULTATION RESPONSE

Purpose of Report

1. To request that Members approve the Merseyside Fire and Rescue Authority (MFRA) response to the consultation initiated by the Fire Minister Brandon Lewis on the draft set of principles advanced in relation to Firefighter fitness and capability.

Recommendations

2. That Members approve the MFRA response to the consultation initiated by the Fire Minister Brandon Lewis on the draft set of principles advanced in relation to Firefighter fitness and capability.

Introduction & Background

3. On 17th May 2013 the Fire Brigades Union (FBU) advised the Fire Minister that a national trade dispute existed between the FBU and Ministers over the issue of reform of the Fire and Rescue Service pension scheme. The FBU also notified Fire and Rescue Authorities (including Merseyside) of their position at that time. A ballot for industrial action was called on 12 July 2013.
4. The ballot concluded on 29th August and returned a 76% yes vote in favour of strike action. Since that time 4 periods of strike action have been undertaken by the FBU.
5. On 1st November the Fire Minister Brandon Lewis wrote to all Fire and Rescue Authorities announcing a consultation on a draft set of principles relating to fitness and capability. A copy of this letter is attached at Appendix A. This letter was accompanied by an additional letter from the Chief Fire and Rescue Advisor which listed the draft principles (attached at Appendix B). It is the intention of the Minister to consult on this set of principles and then afford the principles the status of national guidance through reference within the Fire and Rescue National Framework.
6. Whilst many of the principles reflect what is accepted as good employment practice there are none the less a number of concerns for the Authority. The proposed MFRA response is attached at Appendix C and articulates all of those concerns (which were also raised by the Chair of the Authority at the meeting of the National Employers in London on 24th October called to discuss this issue).

Equality & Diversity Implications

7. There are some potential Equality and Diversity implications arising from the proposed principles particularly around redeployment and pay parity.

Staff Implications

8. There are direct and indirect staff implications associated with the proposed principles contained within this report with respect to firefighter fitness and capability, the details of which are contained within Appendix C.

Legal Implications

9. If anyone is dismissed due to capability or there are equal pay claims or claims of sex discrimination, this could lead to a challenge in the employment Tribunal which would bring a potential cost to the Authority whether a case is “won” or “lost”.

Financial Implications & Value for Money

10. The financial implications associated with the adoption of the principles remains unclear. The MFRA consultation response suggests that the government should pick up any additional costs as a new burden.

Risk Management, Health & Safety, and Environmental Implications

11. There are no Health, Safety or Welfare implications contained within this report.

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

12. There is no direct contribution to the Mission resulting from this report.

Glossary of Terms

FBU - Fire Brigades Union

CFRA - Chief Fire and Rescue Advisor

MFRA - Merseyside Fire and Rescue Authority