

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

<b>APPENDICES:</b>	<b>NONE</b>
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### **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 16<sup>th</sup> 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 16<sup>th</sup> 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 3<sup>rd</sup> 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 3<sup>rd</sup> 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 3<sup>rd</sup> 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 17<sup>th</sup> 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 15<sup>th</sup> 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.

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#### **Equality and Diversity Implications**

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

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#### **Staff Implications**

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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.

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#### **Legal Implications**

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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.

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#### **Financial Implications & Value for Money**

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

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#### **Risk Management, Health & Safety, and Environmental Implications**

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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.

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

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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*.

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## **BACKGROUND PAPERS**

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None

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## **GLOSSARY OF TERMS**

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<b>CNC</b>	Consultation & Negotiation Committee
<b>FBU</b>	Fire Brigades Union
<b>FOA</b>	Fire Officers Association
<b>APB</b>	Additional Pension Benefit
<b>LLAR</b>	Low Level of Activity & Risk