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**NATIONAL JOINT COUNCIL
FOR LOCAL AUTHORITY
FIRE AND RESCUE SERVICES**

**To: Chief Fire Officers
Chief Executives/Clerks to Fire Authorities
Chairs of Fire Authorities
Directors of HR (Fire Authorities)**

Members of the National Joint Council

30 October 2018

CIRCULAR NJC/6/18

Dear Sir/Madam

**INDEPENDENT CHAIR OF THE NATIONAL JOINT COUNCIL AND MIDDLE
MANAGERS NEGOTIATING BODY:**

(A) NEW APPOINTMENT

(B) ANNUAL GENERAL REPORT

1. We write to inform you that following an open recruitment process the NJC recently appointed Professor Lynette Harris as the new Independent Chair of both the National Joint Council and the Middle Managers Negotiating Body. The three-year appointment took effect from 1 October 2018.
2. Professor Harris' experience includes:
 - Emeritus Professor of Human Resources Management, Nottingham Business School, Nottingham Trent University
 - ACAS - Arbitrator/Mediator for Trades Disputes (collective and individual), arbitrator for unfair dismissal claims and Independent Expert on Equal Pay
 - Central Arbitration Committee - Deputy Chair
 - Scottish Pay Board - Independent Chair
 - Ministry of Justice - Independent Member Pay Appeals Panel
 - West Midlands Police - External Adjudicator Disputes Procedure
 - United Nations Panel of Mediators - third party mediator for Staff /Management Committee
 - Parades Commission Northern Ireland – Mediator, Mediation Panel
 - Royal Mail - Independent third-party mediator, one of a small panel of mediators appointed as part of a legally binding collective agreement
 - Chair for National Quality Management Panel whose role is to approve the provision and delivery of the CIPD's professional standards by Universities and other providers.

3. Whilst writing, we would wish to take this opportunity to thank Professor Linda Dickens for her work as the previous Independent Chair of both the NJC and MMNB. We are pleased that she will however continue in her role as Independent Chair of the NJC-led Inclusive Fire Service Group.
4. A copy of Professor Dicken's final annual report (2017/18) is attached.

Yours faithfully

SIMON PANNELL

MATT WRACK

Joint Secretaries

**NATIONAL JOINT COUNCIL FOR LOCAL AUTHORITY
FIRE AND RESCUE SERVICES**

**ANNUAL REPORT OF THE INDEPENDENT CHAIR
2017 - 2018**

Professor Linda Dickens

Background

The National Joint Council for Local Authority Fire and Rescue Services (NJC), including the Middle Managers Negotiating Body (MMNB), is the body responsible for the supervision, from a national point of view, of all questions affecting the conditions of service of employees (other than those in Brigade Management roles) of fire and rescue services established under the Fire and Rescue Services Act 2004 (for England and Wales), Fire (Scotland) Act 2005 and the Fire and Rescue Services (Northern Ireland) Order 2006.

The NJC handles issues that affect all employees from firefighter to area manager. The MMNB has plenary powers to deal with issues which affect employees solely in the roles of station manager to area manager.

The principal purpose is to reach agreement on a national framework of pay and conditions for local application throughout the fire and rescue service in the United Kingdom. The NJC and MMNB are committed to the local democratic control of fire and rescue services to the community.

The parties to the negotiation are the Employers' Side comprising representatives of the Local Government Association, Welsh Local Government Association, Scottish Fire and Rescue Service Board and the Northern Ireland Fire and Rescue Service Board. The Employees' Side comprises representatives of the Fire Brigades Union and, for the MMNB, the Fire Brigades Union and the Fire Officers Association.

An Independent Chair oversees the work of the National Joint Council and the Middle Managers Negotiating Body and is supported by two Vice-Chairs. Vice-Chair appointments alternate between the Sides on an annual basis.

For this year Cllr Nick Chard serves as Vice Chair of the NJC and Alan McLean as Vice Chair of the Middle Managers Negotiating Body before his retirement. Since then the role has been held by Ian Murray.

The Independent Chair works closely with the Joint Secretariat, which is currently provided by the Local Government Association and the Fire Brigades Union.

The membership of the National Joint Council and the Middle Managers Negotiating Body during 2017/18 is attached to this report.

Introduction

In my fifth year as the Independent Chair of the NJC a considerable amount of work has been carried out by Members and Joint Secretaries. The main issues are outlined in this Annual Report, which covers the period from 1 October 2017 to 30 September 2018.

What do we do?

1. The National Joint Council provides:
 - a) the national negotiating machinery for the pay and conditions of service of uniformed fire service employees in the United Kingdom.
 - b) the services of the respective side Secretariats in assisting parties at local level to resolve areas of disagreement.
 - c) the services of the respective side Secretariats in assisting parties at local level in the interpretation of the national scheme of conditions of employment and the flexibilities contained therein.

Meeting dates in 2017-2018

2. The National Joint Council met on three occasions: 5 October 2017, 21 February and 13 June 2018. The Middle Managers Negotiating Body also met on those dates. A number of issues were considered and reports from the Independent Chair were approved. The Treasurer's Report for the year to 31 March 2018 was approved at the AGM meeting of 5 October 2017.
3. Additionally, a successful Awayday event was held for NJC and MMNB members in February 2018. It covered two issues and provided an excellent opportunity for discussion in a less formal environment. Firstly, Alex Little and David Ottiwell from *New Economy* gave a presentation based on its cost benefit analysis, commissioned by the NJC, of Emergency Medical Response by fire and rescue services. Secondly, members received an insight into different approaches to inspection with presentations from Laura Gibb, Portfolio Director, HMICFRS, Des Tidbury, Chief Fire and Rescue Adviser and Inspector for Wales and Kerry Citric, Fire Services Branch, Education and Public Services, Welsh Government and Martyn Emberson, Her Majesty's Chief Inspector of the Fire Service (Scotland). A panel Q&A session involving all four was then held.

Issues under consideration during 2017 - 2018

4. Issues under consideration by the National Joint Council and, as appropriate, the Middle Managers Negotiating Body, on which there were written and oral reports from the Joint Secretaries, included:

2017 and 2018 Pay

5. While negotiations on broadening the role continued, the NJC agreed an across the board uplift of 1.0% in November 2017 on basic salaries and continual professional development payments with effect from 1 July 17.
6. In respect of 2018, due to the complexity of related discussion with governments on funding, those negotiations are still continuing. At the time of writing this report a

suggestion from the Employers' Side to agree an across the board uplift of 2.0% on basic salaries and continual professional development payments with effect from 1 July 18 is under consideration by the Employees' Side.

Broadening the role negotiation in general

7. The NJC remains committed to working jointly on changes identified by each Side to ensure that there is a pay framework alongside terms and conditions in the fire and rescue service which reflect the responsibilities of, and current and future demands on, the service and the profession. It was agreed that it would include:
 - the increasing need to consider how the workforce's skills and commitment can best be utilised, including the type of activities undertaken, any additional functions that may be required and the implications of this for the nationally agreed rolemaps.
 - the potential to build upon, and expand, this piece of work to encompass a more wide-ranging and strategic look to the future taking into account matters of interest in England, Scotland, Wales and Northern Ireland.
8. The work has been informed by the deliberations of five workstream groups, each of which considered a broad category of fire service activity:
 - Environmental challenges
 - Emergency medical response
 - Multi agency emergency response
 - Youth and other social engagement work
 - Inspections and enforcement
9. The workstreams discussed a broad range of new potential activities which firefighters could carry out including detailed discussion on key areas such as co-responding and wider work to assist members of the local community, as well as deployment in incidents of marauding terrorist firearms attack (MTFA).
10. The negotiation on broadening the role continues to draw upon the outcomes of the workstreams.
11. A joint Scoping Group has been set up to develop the detail of any potential agreement. Discussion has been constructive and good progress made.
12. A substantial amount of time has also been spent in discussion with governments, meeting with Ministers and officials, to support the need for additional funding.

NJC Trials

13. As part of this work the NJC ran 38 trials within 36 services covering:
 - Slips, trips and falls assessments and offering preventative measures to reduce the risk of injury.
 - Winter warmth assessments including offering fire and flu advice to reduce the number of excess winter deaths.
 - Improving community response to cardiac arrest patients by offering Heartstart advice and allowing the British Heart Foundation the opportunity to use FRS premises to carry out courses for the general public.

- Offering assistance to health partners by supporting bariatric people in terms of lifting those that have fallen.
 - Training of staff in Dementia Awareness. Offering advice and referral opportunities to members of the community that it is felt would benefit from assistance.
 - Offering alcohol harm and reduction advice as well as signposting individuals that it is felt would benefit from help in this area.
 - Offering smoking cessation advice as well as signposting individuals it is felt would benefit from help in this area.
 - Providing advice and promoting local activities to residents in order to reduce loneliness and isolation.
14. Following the conclusion of the trials, the NJC commissioned *New Economy* to undertake a cost benefit analysis, building upon the previous work done by the University of Hertfordshire. The report, published in November 17, was well-received during the joint political lobbying events around funding aspirations which took place in Westminster and Cardiff. At the time of writing, the position in Scotland is positive and an event was not required. The report has however also informed discussion with relevant UK Government Ministers.
 15. A joint Scoping Group was set up, and is making good progress in discussions regarding the detail within any agreement on broadening of the role of firefighters.

Inclusive Fire Service Group

16. The NJC has a continuing commitment to improvement of equality, diversity and cultural issues in the fire service.
17. The membership of this NJC-led group, which I chair, involves a number of other interested parties within the fire service including the National Fire Chiefs Council, Fire and Rescue Services Association and Fire Officers Association. It has also engaged with wider special interest groups.
18. The group identified a number of practical strategies designed to lead to improvements at local level. The strategies published in Summer 2017 were very well received. Responses from FRAs stating current and future actions were analysed and an overview report was provided to all interested parties. The group will now move to more of a monitoring role, recognising that it may be appropriate to amend or refresh some of the strategies as time passes. It is important to allow time for the strategies to become embedded in order to be able to measure outcomes therefore the expectation is that a survey will be issued in the Autumn of 2018.
19. This group has continued to contribute to the review of the Fire and Rescue Service Equality Framework.
20. The group has also worked with the Home Office as it develops its National Awareness Campaign.

Cars and taxation

21. Employees of fire and rescue services who are lease-car users have been informed by fire and rescue services of changes to the tax arrangements that will affect them. The fire sector appeared to have been unsighted on this issue. The NJC intends to write to HMRC in this regard.

Part-Time Workers (Prevention of Less Favourable Treatment) Regulations: progress regarding implementation of the Employment Tribunal settlement agreement

22. Settlement payments have all been actioned and where linked to Employment Tribunal cases such cases withdrawn.
23. In cases where an individual could not be found or has not responded to any communication, Tribunal is in the process of being advised that the union has withdrawn its support. Once that has concluded, the respective FRA will apply for the affected employment tribunal case/s to be struck out.
24. This long-running legal case has evidenced the ability of the National Joint Council to secure agreement and effectively administer the outcome including in a legal context.

General Joint Secretariat Activity

25. Issues under negotiation within the NJC are in the main progressed through the Joint Secretariat acting within the remit of its respective Sides.
26. On occasion lead members from each Side of the NJC/MMNB may meet outside of the usual round of larger meetings.
27. The Joint Secretariat normally meets formally every four to six weeks to exchange information and to progress negotiations. These meetings are also an opportunity for either side to identify potential local industrial relations flashpoints and subsequently to raise those concerns with the local management or union side as appropriate.
28. The Joint Secretariat leads discussion in National Joint Council working parties which informs negotiations and respective Side positions, as appropriate.
29. The Joint Secretariat also leads discussion in the sub-Committee on changes to rolemaps and national occupational standards and the joint Scoping Group in connection with the negotiation on broadening the role.
30. When jointly requested to do so, the Joint Secretariat also works with parties at local level who wish to explore their current industrial relations relationship with a view to seeking improvement.
31. The Joint Secretariat has handled a considerable number of requests from local parties seeking interpretation or clarification of Scheme of Conditions of Service issues or early informal assistance where a matter is likely to prove difficult to resolve at local level.
32. The Joint Secretariat has this year supported a service in resolving a broad range of harmonisation issues. It was also involved in early conciliation with another service

to help resolve a Trade Dispute and at the time of drafting this report constructive discussions are continuing.

33. In addition to the above, the Joint Secretariat has a formal conciliation role when requested by both parties at local level to assist in resolution of local disagreements.

Joint Secretariat - Local Conciliation

34. In circumstances where discussion has been exhausted without agreement on an issue, or issues, at local level the Joint Secretariat when requested by both parties to do so can provide a confidential conciliation process in order to assist the parties in identifying a mutually agreeable outcome.
35. The Joint Secretariat has a very good record of assisting the parties to either reach agreement at the time of conciliation or to develop the basis of an agreement which leads to a resolution following further discussion shortly afterwards at local level.
36. Over the past year conciliations covering 14 issues have been undertaken.

Resolution Advisory Panel (RAP)

37. The Scheme of Conditions of Service Negotiation Procedure contains a number of options that local parties can explore to facilitate resolution to local issues where negotiation at local level has been exhausted. One of those options is the NJC's Resolution Advisory Panel whose remit is to endeavour to facilitate an agreement between the parties but where that is not possible the Independent Chair will make a recommendation based upon the positions presented and discussed during the course of the meeting and which he believes can form the basis of an agreement. The current Independent Chair of the RAP is Professor William Brown.
38. The NJC's Resolution Advisory Panel, which is comprised of an Independent Chair and the Joint Secretaries, was not required to meet during 2017/18, at the time of writing.

Technical Advisory Panel (TAP)

39. The NJC also operates a Technical Advisory Panel which can consider whether or not a new duty system proposed at local level reflects the principles contained in Section 4 of the Scheme of Conditions of Service (Grey Book) where it has not been possible to reach an agreement on its introduction. As with RAP, the Technical Advisory Panel endeavours to facilitate an agreement between the parties, but where that is not possible the Independent Chair can, in addition to commenting on the extent of compliance with the principles, recommend a proposal that he believes may form the basis of an agreement. The current Independent Chair of the TAP is Mr Steve Hodder.
40. The NJC's Technical Advisory Panel, which is comprised of an Independent Chair and the Joint Secretaries, was not required to meet during 2017/18, at the time of writing.

Circulars

41. A number of circulars have been issued since the last report of the Independent Chair:

NJC/10/17	NJC update
NJC/11/17	Independent Chair's Report 16/17
NJC/12/17	New Economy Report
NJC/13/17	Pay and broadening the role update
NJC/14/17	Revised pay rates
NJC/15/17	Revised Continual Professional Development rates
NJC/1/18	Inclusive Fire Service Group report
NJC/2/18	NJC Workforce Survey
NJC/3/18	IFSG – National Awareness Campaign

General and Conclusion

42. There are several aspects to the role of Independent Chair. This year it has involved:
- chairing of NJC and MMNB meetings
 - consideration, with the Joint Secretaries, of items due for discussion through the NJC and/or MMNB at those meetings
 - ensuring the NJC and MMNB are each aware of the work of the other and that an opportunity for comment is provided.
 - raising issues relating to how the formal business of NJC/MMNB meetings is handled with Joint Secretaries as appropriate
 - chairing an Awayday
 - provision of this annual report

Additionally I have acted as Independent Chair of the Inclusive Fire Service Group.

43. As noted in my earlier reports, the NJC and MMNB meetings which I chair constitute a formal and more visible part of considerable and varied activity undertaken by the Joint Secretaries, the various parties, working groups and joint working parties.
44. My report indicates the valuable 'behind the scenes' work undertaken by the NJC Joint Secretaries in assisting services during this reporting year. I also wish to note the considerable effort being expended in relation to broadening the role of the firefighter, pay negotiation and seeking to secure funding from governments.
45. I have discussed with the Joint Secretaries ways of improving some practical matters relating to NJC/MMNB meetings and relayed to them concerns raised with me which relate to the employees' side.
46. A development during my period of office designed to allow wider engagement and broader discussion than is practical at the formal meetings has been the holding of occasional 'awaydays'. This year's event focused on two important issues, namely cost benefit analysis of EMR by fire and rescue services and inspection regimes. Valuable feedback was received from those attending, including how even greater 'cross-party'

engagement might be facilitated at future events.

47. This is my final report as Independent Chair. The NJC deserves be congratulated on its work during the five years I have held this post, not least given the often difficult and uncertain economic and broader political context. I wish to express thanks to all those who have been involved during my time. It has been a privilege for me to be involved with the fire and rescue services in this way.

Professor Linda Dickens MBE
Independent Chair

MEMBERSHIP OF THE NATIONAL JOINT COUNCIL
1 OCTOBER 2017 TO 30 SEPTEMBER 2018

Employers' Side	Employees' Side
<i>Local Government Association</i>	<i>Fire Brigades Union</i>
Cllr K Aspden	
Cllr N Chard	Mr M Wrack
Cllr J Edwards	Mr A McLean (until 31 December 2017)
Cllr M Healey	Mr A Dark
Cllr J Hughes	Mr I Murray
Cllr R Knox	Mr C McGlone
Cllr R Phillips	Mr J Quinn
Cllr I Stephens	Mr G Mayos
Cllr S Timoney	Mr S Amos
AM F Twycross	Ms L Rowan-O'Neill
	Mr P Preston
	Mr A Noble
<i>Scottish Fire and Rescue Service</i>	Mr P Coates (from 21 February 2018)
Mrs K Darwent	Mr P Embery
Mr W McQueen	Mr T McFarlane (until 12 June 2018)
	Mr B Hooper (from 13 June 2018)
<i>Welsh Local Government Association</i>	Mr R Jones
Cllr D Poole	
<i>Northern Ireland Fire and Rescue Service</i>	
Mrs C McKinney	

**MEMBERSHIP OF THE MIDDLE MANAGERS NEGOTIATING BODY
1 OCTOBER 2017 TO 30 SEPTEMBER 2018**

Employers' Side	Employees' Side
<i>Local Government Association</i>	<i>Fire Brigades Union</i>
Cllr K Aspden	Mr M Wrack
Cllr N Chard	Mr A Mclean(until 31 December 2017)
Cllr J Edwards	Mr A Dark
Cllr M Healey	Mr I Murray
Cllr J Hughes	Mr C McGlone
Cllr R Knox	Mr J Quinn
Cllr R Phillips	Mr G Mayos
Cllr I Stephens	Mr R Jones
Cllr S Timoney	Mr S Amos
AM F Twycross	Ms L Rowan-O'Neill
	Mr A Noble (from 21 February 2018)
	Mr P McDonald (from 12 Jun 2018)
<i>Scottish Fire and Rescue Service</i>	Mr M Ames
Mrs K Darwent	Mr M Watson
Mr W McQueen	Mr C Drinkald (until 26 February 2018)
<i>Welsh Local Government Association</i>	<i>Fire Officers Association</i>
Cllr D Poole	Mr A Robinson
<i>Northern Ireland Fire and Rescue Service</i>	
Mrs C McKinney	