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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

14 November 2019

CIRCULAR NJC/6/19

Dear Sir/Madam

1. At the recent meetings of the National Joint Council and the Middle Managers Negotiating Body members considered the latest Annual Report (2018/19) prepared by Professor Lynette Harris, the Independent Chair of both.
2. The Annual Report which sets out the activities and achievements of each is a requirement of the NJC constitution.
3. The NJC and MMNB noted and thanked Professor Harris for the report.
4. A copy of the report is attached.

Yours faithfully

**NAOMI COOKE
MATT WRACK**
Joint Secretaries

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

**ANNUAL REPORT OF THE INDEPENDENT CHAIR
2018 - 2019**

Professor Lynette Harris

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 Ian Murray serves as Vice Chair of the NJC and Cllr Nick Chard as Vice Chair of the Middle Managers Negotiating Body.

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 2018/19 is attached to this report.

Introduction

In my first 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 2018 to 30 September 2019.

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 2018 - 2019

2. The National Joint Council met on three occasions: 2 October 2018, 19 February and 11 June 2019. 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 2 October 2018.

Issues under consideration during 2018 – 2019

3. 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:

Broadening the role negotiation in general

4. This has been a very complex negotiation which has continued into this year. Its aim is 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.

5. 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
6. Taking this forward in more detail much work has been done this year through a number of Technical Working Groups looking in particular at technical issues connected with work in respect of emergency medical response, work in the warm zone at terrorist incidents and how to ensure any national deal is best enacted in general at local level. I would like to thank all those who have contributed to that substantial body of work.
7. Jointly and separately, 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.
8. The joint Scoping Group continued to meet to develop the detail of any potential agreement. Discussion has remained constructive.
9. However, in July it became clear attaining additional funding across the UK was becoming even more complicated. As such the statement below was agreed:

“A further period of intense negotiation has now taken place.

It is clear that the hypothetical nature of some of the elements of future pay awards continues to be a major obstacle. More recently this has been exacerbated by expected delay issues around the Spending Review.

This isn’t going to be resolved quickly. Therefore the NJC has agreed to pause the national broadening the role negotiation at this time. Both sides are still committed to the principles of broadening the role.

The NJC is a UK-wide body and discussions, through the auspices of the NJC, can also take place with the constituent parts of the UK. That has been the case in Scotland for example where the position on funding is more advanced. That remains the case.

The employers intend to respond to the employees’ side before the end of the month on the matter of the pay award for the settlement year 2019/20.”

Pay

10. Whilst negotiations are paused, both sides agreed to address the issue of pay for the settlement year 2019/20. The National Employers wrote to the employees’ side in August setting out an offer of a 2% uplift in pay as the most that could be afforded for

the settlement year 2019/20. Both sides agreed in September, following a period of employee consultation, to implement that uplift of 2.0% on basic salaries and continual professional development payments with effect from 1 July 2019.

Inclusive Fire Service Group

11. The NJC has a continuing commitment to improvement of equality, diversity and cultural issues in the fire service.
12. The membership of this NJC-led group 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.
13. 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 support, current and future actions were analysed and an [overview report](#) was provided to all interested parties. These improvement strategies should now have had sufficient time to embed. Therefore, it is time to go back out to services to assess the implementation and impact of these strategies. Work on a survey has now begun and a report will be circulated in due course. The group will also be mindful of the assessments of HMICFRS on such matters (in England).
14. The group has also worked with the Home Office as it developed its on-call (RDS) National Awareness Campaign. Feedback on the campaign is that it has been very successful.

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

15. Settlement payments have all been actioned and where linked to Employment Tribunal cases such cases have been withdrawn.
16. In cases where an individual could not be found or has not responded to any communication, the 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.
17. 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

18. Issues under negotiation within the NJC are in the main progressed through the Joint Secretariat acting within the remit of its respective Sides.
19. On occasion lead members from each Side of the NJC/MMNB may meet outside of the usual round of larger meetings.

20. 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.
21. The Joint Secretariat leads discussion in National Joint Council working parties which informs negotiations and respective Side positions, as appropriate.
22. 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.
23. 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. This involves a full day session working with key local management and union representatives. This year we have worked with 3 services.
24. 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.
25. The Joint Secretariat has this year supported a service in resolving a broad range of issues to help resolve a Trade Dispute.
26. 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

27. 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.
28. 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.
29. Over the past year conciliations have taken place with 4 services, covering 11 issues.

Resolution Advisory Panel (RAP)

30. 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.

31. I am sad to report the recent death of Professor William Brown who was the Independent Chair of the Resolution Advisory Panel for a number of years. His work in the industrial relations and labour economics fields were exceptional and he will be sorely missed.

Technical Advisory Panel (TAP)

32. 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.
33. The NJC's Technical Advisory Panel, which is comprised of an Independent Chair and the Joint Secretaries, met twice during 2018/19 working with two fire and rescue services.
34. The current Independent Chair of the TAP is Mr Steve Hodder.

Circulars

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

NJC/7/18	Cumbria FRS TAP Report
NJC/1/19	Hereford & Worcester FRS TAP Report
NJC/2/19	Pay & Broadening the Role Update
NJC/3/19	Revised Pay rates
NJC/4/19	Revised Continual Professional Development rates

Conclusion

36. 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
 - provision of this annual report
37. It is a privilege to have followed Professor Linda Dickens in the role of Independent Chair of the National Joint Council and the Middle Managers Negotiating Body from October last year. It quickly became apparent to me that that the formal meetings of the NJC and MMNB are the culmination of a great deal of hard work undertaken by the Joint Secretaries, their colleagues, works stream groups and other joint working parties. I should like to take this opportunity to thank all the parties involved in these activities for their work over the past year.
38. The NJC has had a challenging year with a great deal of time being subsumed by the complex and extensive negotiations that have taken place over pay and broadening the role of the firefighter. These ongoing negotiations have been particularly demanding in a context of funding uncertainty and the wider challenges presented by an unpredictable political environment. The efforts of all those involved in progressing these negotiations are to be commended.
39. The time consuming nature of these negotiations has meant that has not been possible to hold an 'away day' this year. I do hope that there may be the opportunity to hold such an event next year with the aim of encouraging broader discussion and wider engagement outside the formal business of the NJC.
40. It is noted that this year the Joint Secretariat has been asked by three services to work with management and trade union representatives to improve industrial relations at a local level. This is another example of the ongoing 'behind the scenes' activity that can make a positive difference but has less visibility than the matters reported at the formal meetings of the NJC and MMNB.
41. As a newly appointed chair there was a need to develop my knowledge and understanding of the work of the Fire and Rescue Services and I have particularly welcomed two highly informative visits, one to the Scottish Fire Service and the other to the London Fire Brigade. Two further such visits are in the process of being arranged.
42. Lastly, I should like to express thanks and appreciation to Simon Pannell for his valued contribution during his seven years as the Employer's Secretary and wish him well in his retirement.

Professor Lynette Harris
Independent Chair

MEMBERSHIP OF THE NATIONAL JOINT COUNCIL
1 OCTOBER 2018 TO 30 SEPTEMBER 2019

Employers' Side	Employees' Side
<i>Local Government Association</i>	<i>Fire Brigades Union</i>
Cllr K Aspden	Mr M Wrack
Cllr N Chard	Mr I Murray
Cllr J Edwards	Mr A Dark
Cllr M Healey	Mr A Noble
Cllr J Hughes (<i>until May 2019</i>)	Mr C McGlone
Cllr R Knox	Mr J Quinn
Cllr R Phillips	Mr G Mayos (<i>until June 2019</i>)
Cllr I Stephens	Mr S Amos (<i>until June 2019</i>)
Cllr S Timoney	Ms L Rowan-O'Neill
AM F Twycross	Mr P Preston
Vacancy (<i>from May 2019</i>)	Mr P Smith
	Mr L Skarratts
<i>Scottish Fire and Rescue Service</i>	Mr P Embury
Mrs K Darwent	Mr V Jones
Mr W McQueen	Mr C Griffiths (<i>from June 2019</i>)
	Mr P McDonald (<i>from June 2019</i>)
<i>Welsh Local Government Association</i>	
Cllr D Poole	
<i>Northern Ireland Fire and Rescue Service</i>	
Mrs C McKinney	

**MEMBERSHIP OF THE MIDDLE MANAGERS NEGOTIATING BODY
1 OCTOBER 2018 TO 30 SEPTEMBER 2019**

Employers' Side	Employees' Side
<i>Local Government Association</i>	<i>Fire Brigades Union</i>
Cllr K Aspden	Mr M Wrack
Cllr N Chard	Mr I Murray
Cllr J Edwards	Mr A Dark
Cllr M Healey	Mr A Noble
Cllr J Hughes (until May 2019)	Mr C McGlone
Cllr R Knox	Mr J Quinn
Cllr R Phillips	Mr G Mayos (<i>until June 2019</i>)
Cllr I Stephens	Ms L Rowan-O'Neill
Cllr S Timoney	Mr T French
AM F Twycross	Mr S Amos (<i>until June 2019</i>)
Vacancy (from June 19)	Mr M Ames
	Mr M Watson
<i>Scottish Fire and Rescue Service</i>	Mr P McDonald
Mrs K Darwent	Mr C Griffiths (<i>from June 2019</i>)
Mr W McQueen	Mr D McPoland (<i>from June 2019</i>)
<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	