

Employers' Secretary, Simon Pannell
Local Government House, Smith Square,
London, SW1P 3HZ
Telephone 020 7187 7335
e-mail: firequeries@local.gov.uk

Employees' Secretary, Matt Wrack
Bradley House, 68 Coombe Rd
Kingston upon Thames KT2 7AE
Telephone 020 8541 1765

**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

13th October 2017

CIRCULAR NJC/11/17

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 (2016/17) prepared by Professor Dickens, 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 Dickens for the report.
4. A copy of the report 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
2016 - 2017**

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 Alan McLean served 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 2016/17 is attached to this report.

Introduction

1. In my fourth year as the Independent Chair of the NJC a considerable amount of work has been carried out by Members and Joint Secretaries. This work is outlined in this Annual Report of the Independent Chair, which covers the period from 1 October 2016 to 30 September 2017.

What do we do?

2. 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 2016-2017

3. The National Joint Council met on two occasions; 14 February 2017 and 1 June 2017. A number of issues were considered and reports from the Independent Chair were approved. The Treasurer's Report for the year to 31 March 2017 was approved at the AGM meeting of 5 October 2016. The Middle Managers Negotiating Body also met on those dates.
4. Additionally, an Awayday-type event was held for NJC members on 9 March 2017. The University of Hertfordshire team made a presentation on its independent evaluation of the FRS trials connected to broadening the role of the firefighter. The day provided an excellent opportunity for discussion in a less formal environment.

Issues under consideration during 2016 - 2017

5. 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 Pay Award

6. The Employees' Side put forward a pay claim on 24th May seeking a pay increase to be applied from 1 July 2017 and for that rise to be applied to CPD payments. It highlighted its concern about falling behind inflation, rising pension and national insurance costs and the widening of the role of the firefighter.
7. In response the Employers' Side has indicated support for the position of a significant increase in salary in the context of agreement on broadening role and taking into account affordability.
8. At the time of writing this report, negotiations are continuing.

Pay, Terms and Conditions: Workstreams

9. The NJC is 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.
10. 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
11. The workstreams have 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).
12. The negotiation on broadening the role continues to draw upon the outcomes of the workstreams.

NJC Trials

13. As part of this work the NJC agreed 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. A team led by the University of Hertfordshire (which included medical and economic analysts) was commissioned by the NJC to undertake an independent evaluation of the trials. The report, 'Broadening Responsibilities: Consideration of the Potential to Broaden the Role of Uniformed Fire Service Employees', was published in February 2017.
 15. A joint Technical Working Group has been set up, and is making good progress, in connection with learning points relating to the NJC trials e.g. mental well-being, training, mobilisation.
 16. The NJC has more recently commissioned *New Economy* to undertake a cost benefit analysis of the trials, building upon the work done by the University of Hertfordshire. This will also inform lobbying in respect of additional funding to undertake such work.

Inclusive fire service

17. The NJC has a continuing commitment to improvement of equality, diversity and cultural issues in the fire service.
18. The membership of this NJC-led group, which I chair, involves a number of other interested parties within the fire service including the NFCC, RFU and FOA. It has also engaged with wider special interest groups.
19. Since my last report the group has engaged directly with employees within the fire service to inform its work. A number of focus groups were held with female, BME and LGBT employees. This was followed by four workshops held in the South East, North, South West and Midlands which tapped into the rich vein of experience of FRS Equality and Diversity Officers and local union representatives. Two workshops were then held with senior FRS managers given the importance of involvement and commitment at that level. All were very well attended with feedback suggesting the participants welcomed the opportunity to debate the issues within such a forum and make suggestions for the work going forward.
20. Based upon the work undertaken, which also included a survey of all employees and a benchmarking survey of all FRSS, the group identified a number of practical strategies designed to lead to improvements at local level. The strategies were published in the summer and have been well received. Responses stating current and future actions are currently being analysed and an overview document will be provided to all interested parties. The group will then move into more of a monitoring role, recognising that it may be appropriate to amend or refresh some of the strategies as time passes.
21. Work will also continue e.g. with the new Inspectorate in England, to endeavour introduce a consistent approach to data collection which will reduce the burden on authorities whilst ensuring other necessary organisations and this group can access a single set of data.

22. In addition, this group has also contributed to the review of the Fire and Rescue Service Equality Framework.

Apprenticeships

23. Following on from the successful partnership work with the Fire Brigades Union through its National Learning Centre which saw the introduction of an Advanced Level Apprenticeship in Exercise and Fitness in services last year, the NJC accepted an approach from County Durham and Darlington FRS this year to work in partnership on the introduction of its the Business Fire Safety Apprenticeship scheme and to communicate with other FRSs on the potential for its use more widely should individual FRSs wish to do so.
24. As part of that commitment the NJC ran a joint event in April 17 with CDDFRS providing information uniquely to FRS elected members, managers and local union representative levels together. The event also included an update provided by Staffordshire FRS on the Trailblazer position. The seminar was very well attended and feedback suggests it was also felt to be a very useful event.

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

25. The settlement process for these long running cases is expected to shortly conclude.
26. Settlement payments have all been actioned and where linked to Employment Tribunal cases such cases withdrawn.
27. In cases where an individual cannot be found or has not responded to any communication Tribunal is currently being advised that the union has withdrawn its support. Once that has taken place the respective FRA will apply for the affected employment tribunal case/s to be struck out.
28. 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

29. Issues under negotiation within the NJC are in the main progressed through the Joint Secretariat acting within the remit of its respective Sides.
30. On occasion lead members from each Side of the NJC/MMNB may meet outside of the usual round of larger meetings. This happened twice this year.
31. 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.

32. The Joint Secretariat leads discussion in National Joint Council working parties which informs negotiations and respective Side positions, as appropriate.
33. The Joint Secretariat also leads discussion in the sub-Committee on changes to rolemaps and national occupational standards and the joint Technical Working Group (trials).
34. 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.
35. 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.
36. 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

37. 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.
38. 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.
39. Over the last year conciliations covering a total of 11 issues have been undertaken.

Resolution Advisory Panel (RAP)

40. 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.
41. The NJC's Resolution Advisory Panel, which is comprised of an Independent Chair and the Joint Secretaries, was not required to meet during 2016/17.

Technical Advisory Panel (TAP)

42. 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.
43. The NJC's Technical Advisory Panel, which is comprised of an Independent Chair and the Joint Secretaries, was not required to meet during 2016/17.

Circulars

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

NJC/1/17	Independent Chairs report - final
NJC/2/17	Inclusive Fire Service Group update
NJC/3/17	Apprenticeship Schemes
NJC/4/17	Broadening Responsibilities of FRS – main report
NJC/5/17	Herts report – NJC Awayday
NJC/6/17	Technical Working Group
NJC/7/17	Pay Claim 2017
NJC/8/17	IFSG Improvement Strategies
NJC/9/17	Pay Claim update

General and Conclusion

45. 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.
 - chairing of Inclusive Fire Service Group meetings
 - meeting with Home Office officials
 - provision of this annual report
46. I took forward my stated intention to explore concerns about the effective functioning of the NJC and consider whether and how they might be addressed within the existing constitutional framework. In this connection I held meetings with representatives of FOA and RFU and had discussions with the Joint Secretaries on improving certain processes.

- 47 As noted earlier, a successful 'away day' event was held this year. It would be useful to explore further opportunities for topic based discussion among NJC members in an environment less formal than the NJC meetings.
- 48 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. I wish to express thanks to all those who have been involved in such activity over the past year operating under the auspices of the NJC/MMNB and commend their achievements.
- 49 The Report notes that the Joint Secretariat responded to 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. I draw attention to it here since, together with the formal conciliation role provided by the Joint Secretariat, this constitutes a valuable but largely hidden aspect of NJC work in helping avoid and resolve disagreements.

Professor Linda Dickens MBE
Independent Chair

MEMBERSHIP OF THE NATIONAL JOINT COUNCIL
1 OCTOBER 2016 TO 30 SEPTEMBER 2017

Employers' Side	Employees' Side
<i>Local Government Association</i>	<i>Fire Brigades Union</i>
Cllr D Allan	Mr M Wrack
Cllr N Chard	Mr A McLean
Cllr J Hilton	Mr A Dark
Cllr R Knox	Mr I Murray
Cllr M Malin (to 14/03/17)	Mr C McGlone
Cllr R Phillips (from 07/09/17)	Mr J Quinn
Cllr D Pulk (to 4/5/17)	Mr G Mayos
Cllr S Spencer	Mr S Amos
Cllr S Timoney	Ms L Rowan-O'Neill
AM F Twycross	Mr P Preston
Cllr L Van den Hende	Mr A Noble
Vacancy x 1 (from 4/5/17)	Mr I Leahair (until 30 June)
	Mr P Embury (from 1 July)
<i>Scottish Fire and Rescue Service</i>	Mr T McFarlane
	Ms D Armstrong
Mr P Watters	Mr B Downey (from 22 June to 6 September)
Mrs K Darwent	Mr R Jones (from 7 September)
<i>Welsh Local Government Association</i>	
Cllr P Cannon (to 04/05/17)	
Cllr D Poole (from 20/07/17)	
<i>Northern Ireland Fire and Rescue Service</i>	
Mrs C McKinney	

**MEMBERSHIP OF THE MIDDLE MANAGERS NEGOTIATING BODY
1 OCTOBER 2016 TO 30 SEPTEMBER 2017**

Employers' Side	Employees' Side
<i>Local Government Association</i>	<i>Fire Brigades Union</i>
Cllr D Allan	Mr M Wrack
Cllr N Chard	Mr A Mclean
Cllr J Hilton	Mr A Dark
Cllr R Knox	Mr I Murray
Cllr M Malin (to 14/03/17)	Mr C McGlone
Cllr R Phillips (from 07/09/17)	Mr J Quinn
Cllr D Pulk (to 4/5/17)	Mr G Mayos
Cllr S Spencer	Ms D Armstrong (until 21 June)
Cllr S Timoney	Mr B Downey (from 22 June to 6 September)
AM F Twycross	Mr R Jones (from 7 September)
Cllr L Van den Hende	Mr S Amos
Vacancy x 1 (from 4/5/17)	Mr M Higgins (until 10 November)
	Mr J Denvir (until 2 April)
<i>Scottish Fire and Rescue Service</i>	Mr M Ames (from 11 November)
	Mr M Watson (from 3 April)
Mr P Watters	Mr C Drinkald
Mrs K Darwent	Ms L Rowan-O'Neill
<i>Welsh Local Government Association</i>	
Cllr P Cannon (to 04/05/17)	<i>Fire Officers Association</i>
Cllr D Poole (from 20.07/17)	
	Mr A Robinson
<i>Northern Ireland Fire and Rescue Service</i>	
Mrs C McKinney	