

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

**ANNUAL REPORT OF THE INDEPENDENT CHAIR
2013-2014**

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 Services Act 2004. 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 Group, 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 Mr Alan McLean served as Vice Chair of the NJC and Cllr Maurice Heaster as Vice Chair of the Middle Managers Negotiating Body.

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

The membership of the National Joint Council and the Middle Managers Negotiating Body during 2013/14 is attached to this report.

Introduction

1. I was appointed to the position of Independent Chair with effect from 25th September 2013 to replace Professor Monojit Chatterji whose second and final term of office finished at the end of September 2013. This Annual Report of the Independent Chair covers the period from 1 October 2013 to 30 September 2014.

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 2013-2014

3. The National Joint Council met on 4th June 2014. A number of issues were considered and reports from the outgoing Independent Chair and from the Treasurer for the year to 31 March 2014 were approved. The Middle Managers Negotiating Body also met on that date. Traffic disruption caused by the opening of parliament on that day unfortunately resulted in the late running of the meetings and I would like to thank everyone for their forbearance.

A meeting scheduled for February 2014 was not held, it being thought that there was insufficient joint business to require a meeting at that time.

Issues under consideration

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 to the June meetings, included:
- the 2014 pay award process
 - ongoing work relating to the pay and terms and conditions framework (see paragraph 5 below);
 - fitness issues, where agreement was reached in principle in March 2014, subject to agreement on the final point;
 - progress regarding implementation of the settlement agreement relating to part-time workers;
 - sections of the Grey Book concerned with maternity, childcare and dependency, which will be affected by legislative change: and
 - sections relevant to health, safety and welfare.

5. You will be aware that the NJC has 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.' This will 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; and the potential to build upon, and expand, this piece of work to encompass a more wide-ranging and strategic look to the future. Consideration will include issues covered in the recently published independent review - *Facing the Future* – which was commissioned by DCLG, as well as matters of interest to Scotland, Wales and Northern Ireland. This matter has been considered at a number of joint lead members' meetings and meetings of the Joint Secretariat. A survey of fire authorities has also been undertaken to inform those discussions. I expect a report to be made to the next meeting of the NJC with the intention of establishing a number of work streams to take this work forward.

Circulars

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

NJC/10/13	Independent Chair of the NJC and MMNB
NJC/.1/14	Pay 2014
NJC/2/14	Grey Book Section 4
NJC/3/14	Pay Settlement 2014
NJC/4/14	Continuous Professional Development Payments 2014

General Joint Secretariat Activity

7. Issues under negotiation within the NJC are in the main progressed through the Joint Secretariat acting within the remit of its respective Sides.
8. 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. .
9. The Joint Secretariat normally meets formally once a month 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.
10. The Joint Secretariat leads discussion in National Joint Council working parties which inform negotiations and respective Side positions, as appropriate.

11. The Joint Secretariat also leads discussion in the sub-Committee on changes to rolemaps and national occupational standards.
12. 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.
13. When jointly requested to do so, the Joint Secretariat can also work with parties at local level who wish to explore their current industrial relations relationship with a view to seeking improvement.
14. 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.

Joint Secretariat - Local Conciliation

15. 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 conciliation process in order to assist the parties in identifying a mutually agreeable outcome.
16. 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.
17. Over the last year nine fire and rescue services have referred a total of nineteen issues to the Joint Secretariat for formal conciliation.

Resolution Advisory Panel (RAP)

18. 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.

he NJC's Resolution Advisory Panel, which is comprised of an Independent Chair and the Joint Secretaries, was not required to meet during 2013/14

Technical Advisory Panel (TAP)

20. The NJC also operates a Technical Advisory Panel which can consider whether or not a new duty system proposed at local level complies with 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.

21. The NJC's Technical Advisory Panel, which is comprised of an Independent Chair and the Joint Secretaries, was not required to meet during 2013/14

General and Conclusion

22. There are several aspects to the role of Independent Chair. This year it has involved

- the 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
- provision of this annual report

23. In early November following my appointment I had a working lunch with the Joint Secretaries, Mr Matt Wrack and Mr Simon Pannell, together with Mr Andy Dark of the FBU and Ms Gill Gittins and Ms Sarah Messenger of LGA. I was fortunate to have also the opportunity to visit the Scottish Fire and Rescue Service for a day in late November 2013, together with the two Assistant Joint Secretaries. These occasions were most valuable in furthering my understanding of the work of the Fire and Rescue Service and of issues of relevance to the work of the NJC and MMNB. The visit to the SFRS at the Clydesmill Training Campus, Cambuslang involved informative discussions with CO Hay and the Strategic Leadership Team, with union representatives and with firefighters, including a meeting with retained firefighters, as well as a short tour of some of the training facility. I would like formally to record my thanks to all those who gave of their time for this.

24. There is an ongoing dispute between the FBU and the government concerning pensions, and lawful industrial action has been taken. This dispute inevitably forms part of the wider context within which the NJC has operated over the past year.

25. In August 2014 the DCLG announced it was setting up an 'Independent Review of the conditions of service for operational staff in the fire and rescue service and the processes by which they are determined'. The review is led by Mr Adrian Thomas, serviced by DCLG. The terms of reference for the review appear to embrace the work of the NJC and MMNB, although I understand there was no prior notification to the Joint Secretaries. I have not been contacted but of course will be willing to assist the inquiry if thought appropriate.

26. I look forward to serving the NJC and MMNB as Independent Chair in the upcoming year.

Professor Linda Dickens MBE
Independent Chair

**MEMBERSHIP OF THE NATIONAL JOINT COUNCIL
1 OCTOBER 2013 TO 30 SEPTEMBER 2014**

Employers' Side	Employees' Side
<i>Local Government Association</i>	<i>Fire Brigades Union</i>
Cllr D Allan	Mr J Arnold
Cllr J Bell	Mr J Barbour
Cllr M Heaster	Mr A Dark
Cllr J Hilton	Mr K Handscomb
Cllr J Joyce	Mr I Leahair
Cllr R Knox (from Sept 2014)	Mr D Limer
Cllr M Malin (from Sept 2014)	Mr R Matthews
Cllr K Meeson (to Sept 2014)	Mr G Mayos
Cllr S Murphy	Mr T McFarlane
Cllr S Timoney	Mr A McLean
Cllr D Topping (to Sept 2014)	Mr T Mitchell
Cllr L Van den Hende	Ms S Riley
	Mr R Robertson
<i>Scottish Fire and Rescue Service</i>	Mr M Wrack
Mr J Campbell	
Mr P Watters	
<i>Welsh Local Government Association</i>	
Cllr P Cannon	
<i>Northern Ireland Fire and Rescue Service</i>	
Dr J McKee	

MEMBERSHIP OF THE MIDDLE MANAGERS NEGOTIATING BODY
1 OCTOBER 2013 TO 30 SEPTEMBER 2014

Employers' Side	Employees' Side
<i>Local Government Association</i>	<i>Fire Brigades Union</i>
Cllr D Allan	Mr S Amos (from June 2014)
Cllr J Bell	Mr J Arnold
Cllr M Heaster	Mr J Barbour
Cllr J Hilton	Mr A Dark
Cllr J Joyce	Mr J Denvir (to Oct 2013)
Cllr R Knox (from Sept 2014)	Mr K Handscomb
Cllr M Malin (from Sept 2014)	Mr M Higgins
Cllr K Meeson (to Sept 2014)	Mr I Leahair
Cllr S Murphy	Mr G Mayos
Cllr S Timoney	Mr A McLean
Cllr D Topping (to Sept 2014)	Mr M Pottinger
Cllr L Van den Hende	Ms S Riley
	Mr R Robertson
	Mr M Wrack
<i>Scottish Fire and Rescue Service</i>	
	<i>Fire Officers Association</i>
Mr J Campbell (from 4/13)	
Mr P Watters (from 4/13)	Mr G Morgan
<i>Welsh Local Government Association</i>	
Cllr P Cannon	
<i>Northern Ireland Fire and Rescue Service</i>	
Dr J McKee	