

## HUMAN RESOURCES COMMITTEE

Minutes of the meeting of the  
HUMAN RESOURCES COMMITTEE  
held in the Fire and Rescue  
Headquarters, Barmston Mere,  
Sunderland on MONDAY 12  
OCTOBER 2015 at 10.30am

### **Present:**

Councillor Bell in the Chair.

Councillors Haley, M. Forbes, Mole, Price, and Renton.

### **Part I**

#### **Apologies for Absence**

Apologies for absence were submitted to the meeting on behalf of Councillors Stephenson and Wright.

#### **Declarations of Interest**

There were no declarations of interest.

#### **Minutes**

9. RESOLVED that the minutes of the Human Resources Committee held on 13 July 2015, Part I be confirmed as a correct record.

#### **Commutation Pension Claim (Milne v Government Actuary's Department) – The Ombudsman Determination**

The Chief Fire Officer, the Deputy Clerk to the Authority, the Finance Officer and the Personnel Advisor to the Authority submitted a joint report to inform members of the outcome of the Pensions Ombudsman determination regarding the case of Milne v Government Actuary's Department (GAD) that would affect the commutation factors of members of the Firefighter Pension Scheme 1992 (FPS) who retired between the dates of 1 December 2001 and 21 August 2006.

Members were advised that GAD carried out a review of the commutation factors in July 1998 and recommended that a review should take place every 3 years. However, no review was undertaken in 2001, and a further review was not completed until 1 October 2007.

Mr Milne who retired in 2005, brought a complaint to the Ombudsman complaining that GAD was guilty of maladministration, and that he had suffered a loss as a result. The Pension Ombudsman upheld the complaint. In light of this decision, all fire pension members who retired between 1 December 2001 and 21 August 2006 were due to an increase to their original lump sum payment, plus interest due to the delay in payment.

An analysis carried out by SCC identified 221 affected members and a costing exercise estimated the revised lump sums and interest payable was likely to be £3.4m.

Members were advised that there was a possibility that other firefighters may have also been affected who had sadly passed away. Contact would therefore be made with their next of kin. Similarly some firefighters may have emigrated, therefore best endeavours would be used to locate these previous employees.

HM Treasury confirmed that they had agreed with DCLG that they would fund the interest and tax element of the recalculations and also absorb the lump sum element.

10. RESOLVED that:-

- (i) The contents of the report be noted and endorsed; and
- (ii) Further reports be received as appropriate.

### **Fire and Rescue Service Equality Framework Re-Accreditation**

The Chief Fire Officer, the Deputy Clerk to the Authority, the Finance Officer and the Personnel Advisor to the Authority submitted a joint report providing members with information regarding the Fire and Rescue Service Equality Framework (FRSEF) re-accreditation process.

ACFO Baines advised Members that in order to maintain the status, the Authority was required to undergo the re-accreditation process every three years. This should therefore be conducted by the end of March 2016, with flexibility of up to 12 months after the expiry date. The LGA had indicated that a May/June 2016 date for re-accreditation was feasible based, on their availability.

ACFO Baines went on to outline work previously undertaken in relation to equality and diversity, in particular Stonewall and Sunderland/Newcastle Pride events. Members were advised of the change in criteria for the achievement of Stonewall and commented upon the amount of work required. As a result the committee felt that any work towards future accreditation should be put on hold at the present time, and efforts should instead be placed on the Equality Framework.

Councillor Price commended the Authority on the work undertaken at the recent Sunderland Pride Event.

11. RESOLVED that:-

- (i) The contents of the report be noted and endorsed;
- (ii) The undertaking of the re-accreditation process be approved; and
- (iii) Further reports be received as appropriate.

### **The Introduction of the National Living Wage**

The Chief Fire Officer and the Personnel Advisor to the Authority submitted a joint report to inform Members of the National Living Wage (NLW) which was planned to be introduced on 1 April 2016.

Members were advised that the Chancellor had announced that a new National Living Wage for employees aged 25 and above would be introduced on 1 April 2016. The wage would begin at £7.20 per hour in 2016 and was projected to rise to at least £9.00 per hour by 2020.

According to the LGA's Earning Survey 2013/2014 there were 30,030 FTE on pay levels below the new NLW. For TWFRS, the introduction was initially expected to affect 17 employees however, the future impact would be greater once future increases were applied and compression of the pay structure occurred.

Councillor Haley commented that he welcomed proposals although explained that this may have an impact in terms of benefits being reduced.

12. RESOLVED that:-

- (i) The contents of the report be noted; and
- (ii) Further reports be received as appropriate.

### **Maternity Pay Comparative Study**

The Chief Fire Officer, the Deputy Clerk to the Authority, the Finance Officer and the Personnel Advisor to the Authority submitted a joint report providing an update with regard to a comparative study into maternity pay conducted on behalf of the Authority.

ACFO Baines advised Members that a comparative study into maternity pay had been conducted by the independent consultant, Dr Paul Andrew. This work assisted in distinguishing between provisions; enabling the Authority to continue to offer employment terms that were legally compliant, and attract and retain a diverse workforce that represented communities.

Fire and Rescue Services across the country were contacted to share information and 17 responded. The summary was appended to the report, which indicated that

the Authority fell towards the lower end of the medium quartile and was in a comparatively weak position in terms of maternity provision.

Members were therefore asked to consider the following revised entitlement:

**Current Provision**

1 week at 100%, 5 weeks at 90%, 12 weeks at 50% + SMP and 21 weeks SMP

**Proposed Provision**

1 week at 100%, 5 weeks at 90%, 21 weeks at 50% + SMP and 12 weeks SMP

If approved, the proposal would result in an approximate increase in maternity pay of £2,500 per employee, whilst on maternity leave.

Councillor Mole welcomed the proposals and commented that consideration also needed to be given to the flexibility of working arrangements. ACFO Baines responded by advising that a flexible working arrangement was in place, with part time and phased hours being made available to employees. In addition, staff had the offer of 'keep in touch days' to keep abreast of developments within the team and also qualified for a salary sacrifice to help with childcare arrangements.

The Chairman commented that regular review should be undertaken to ensure that the scheme was comparable and in line with that of other authorities.

13. RESOLVED that:-

- (i) The contents of the report be noted and endorsed;
- (ii) The increase in maternity provision set out at section 4.2 of the report be approved; and
- (iii) Further reports be received as appropriate.

(Signed) J. BELL,  
Chairman.

**Note: -**

The above minutes comprise only those relating to items during which the meeting was open to the public.

Additional minutes in respect of other items are included in Part II.