

HUMAN RESOURCES COMMITTEE

Minutes of the meeting of the
HUMAN RESOURCES COMMITTEE
held in the Fire and Rescue
Headquarters, Barmston Mere,
Sunderland on MONDAY
14 JULY 2014 at 10.30am

Present:

Councillor Bell in the Chair.

Councillors Haley, Price, Wright, Mortimer and Renton.

Part I

Apologies for Absence

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

Declarations of Interest

There were no declarations of interest.

Minutes

1. RESOLVED that the minutes of the Human Resources Committee held on 3 February, 2014, Part I be confirmed as a correct record.

Investors in People Gold Award 2014

The Chief Fire Officer submitted a report advising Members of the outcome of the Investors in People (IIP) re-accreditation audit, undertaken in Tyne and Wear Fire and Rescue Authority in February 2014.

ACFO Baines advised Members that the IIP standard was one of the most widely recognised and respected marks of good practice and quality that could be awarded to organisations in the United Kingdom.

Members were advised that IIP was a continuous business improvement framework which the Service had held for over six years. The Service had been reassessed in February 2014, with 58 staff interviewed from all roles and locations across the Organisation. The Committee was informed that this was the third time the Authority had been audited, and the accreditation period would last for the three years.

ACFO Baines advised that since the previous accreditation in 2010, the audit had evolved and there were now 196 performance assessment criteria, of which in 2014 the Service was assessed against 170.

Members were informed that of the 170, 117 were met in the full, 23 were met with development needs and 4 were not met. The Authority achieved 127 additional evidence requirements above the 39 required for the basic standard.

ACFO Baines stated that further to the independent audit, the Chief Fire Officer was pleased to report that Tyne and Wear Fire and Rescue Authority had been successful in gaining accreditation at Gold award standard for a second time.

Key findings were detailed within the report together with areas for improvement. Members were informed that the outcome of the recommendations for areas for improvement would be considered and addressed as part of an improvement action plan. Further details would be brought before the Human Resources Committee as to the performance against the action plan.

Members congratulated and praised all of the management and staff within the service on its most recent IIP achievement.

Councillor Wright enquired why the Authority had only been assessed against 170 indicators when there were 196 performance assessment criteria. ACFO Baines responded explaining that different industries were assessed against criteria and that those particular 26 criteria were not applicable to the Service.

Councillor Wright enquired in relation to the areas recommended for improvement how the Service planned to look at these going forward and how would staff and Members be involved. ACFO Baines stated that an improvement action plan would be put in place and that senior managers would continue to support staff and talk to them regularly. In addition to keeping dialogue going, measures would be taken to improve skills in preparation for the next stage of development of the IRMP.

The Chief Fire Officer added that IIP was not the only area where the Service asked others how the organisation runs. The service also circulated questionnaires amongst staff and asked them for their views in relation to areas for improvement.

A key challenge facing the organisation was that there had been a cultural shift due to individuals' actions and uncertainty regarding pensions, the organisation was starting to see people leave and not stay on in the Service. This was something that the service was monitoring closely and would be picked up during external assessments.

Councillor Haley commented that it was distressing to learn that employees were leaving and not staying on. It was essential that the service did not lose the experience and expertise of its staff.

The Chief Fire Officer stated that the organisation for the next 5 years was expected to be challenging. The organisation had continued to experience a recruitment freeze which had been on going for the last 4 years which was in itself an issue. Members were informed that in order to save £3m over the next 3 years a restructure was required. It was considered that a restructure would have an enormous impact on staff but remain in the control of the organisation.

Councillor Bell enquired whether personal development would form part of the improvement action plan. ACFO Baines responded advising that internally within the organisation, staff considered that development opportunities were good. However, recruitment freezes did not help. Nonetheless, the development of people's skills, the sharing of experiences and maximising benefit back into the organisation was considered important.

Councillor Mortimer enquired what had happened to cause four assessment criteria not being met. ACFO Baines advised that insufficient details was gathered, therefore additional evidence was required. It was confirmed that the four assessment criteria that were not met would be included in the improvement action plan to take forward.

Members of the Committee congratulated the Service on its achievement in gaining IIP accreditation at Gold award standard for a second time.

2. RESOLVED to:

- (i) note that the Authority had been awarded the IIP Gold Award Standard; and
- (ii) receive further reports as appropriate.

Mandatory ACAS Consultation and Employment Tribunal Claims – Early Conciliation

The Chief Fire Officer, the Clerk to the Authority, the Finance Officer and the Personnel Advisor to the Authority submitted a joint report to advise Members on the new rules aimed at reducing the number of Employment Tribunals that had come into force.

The Committee was advised that Government set out its commitment to delivering a flexible, effective and fair labour market which encouraged the earlier resolution of disputes as part of the Resolving Workplace Disputes consultation. Early Conciliation formed part of this. Members were advised that it aimed to provide parties with the opportunity to resolve their disputes without the cost and stress of going through an Employment Tribunal, with the support of ACAS Conciliators.

An employee would start the early conciliation process by completing an online or paper form or telephoning ACAS. Once notification had been received, ACAS would then attempt to contact the employee to enquire whether or not they agree to ACAS contacting the employer.

Setting a claim in early conciliation was likely to lead to a considerable saving for the employer and legal costs and management time when compared with defending an employment tribunal claim.

Members were informed that if early conciliation did not result in a settlement, the terms of settlement would need to be documented. It was possible that any such settlement may cover only part, rather than the whole of the employee's potential claim. In such cases, ACAS would go on to issue an early conciliation certificate so that the employee would be free to take the remainder of the claim to an employment tribunal.

In the event that an employment tribunal claim was submitted without a conciliation certificate, it would be rejected by the tribunal. There were some exceptional employment tribunal claims where early conciliation was not required. These were set out in reg.3 of the Employment Tribunals (Early Conciliation: Exemptions and Rules of Procedure) Regulations 2014).

Councillor Wright enquired with the volume of 'no win no fee' claims being on the rise, would this prove to be costly to the Authority. The Personnel Advisor responded advising that early conciliation was aimed at preventing cases going to Employment Tribunal. Conciliation meant that ACAS would not be likely to be successful if mediation had not been successful informally.

ACFO Baines added that early conciliation was about working with people and finding solutions to issues.

Councillor Haley enquired if there were any plans to speed up Employment Tribunals. The Personnel Advisor responded that there had not any been proposals regarding the appeals process, however changes were being made incrementally and so this may be looked at in future.

Councillor Price enquired if there was a cost associated with an employee going through ACAS. The Personnel Advisor confirmed that there was no direct cost from ACAS.

3. RESOLVED to:

- (i) note the contents of the report; and
- (ii) receive further reports as appropriate.

Review of Maternity Pay Provisions

The Chief Fire Officer, the Clerk to the Authority, The Finance Officer and the Personnel Advisor to the Authority submitted a joint report updating Members on the review of maternity pay provisions in line with best practice and seek Member endorsement.

ACFO Baines stated that significant work and research had been undertaken on maternity provisions.

In terms of maternity pay, Members were advised that currently the Authority provided 6 weeks at 90% pay (minimum required by government), 12 weeks at 50% pay plus SMP and 21 weeks at SMP.

Research had been undertaken with both fire and rescue services and local authority comparisons which identified wide variations in terms of pay provision.

The comparisons revealed that local authorities paid in line with Local Government National Green Book terms and conditions of service for maternity pay with 1 week being paid at 100%, with the exception being Sunderland City Council.

Further to the findings from the research project and consideration having been given to the approach of the five local authorities in Tyne and Wear it was proposed to introduce a full pay element for a period of 1 week to the current maternity pay provisions, whilst maintaining the other elements of the policy.

Members were also advised that there was a difference in pay provision between men and women whereby men were entitled to 1 week's full pay whereas women were entitled to 90% of a 1 week's pay. The proposed change in the policy of the Authority would align both men and women.

Councillor Wright enquired if government was considering maternity pay. The Personnel Advisor to the Authority advised that government was currently looking at swapping maternity leave between partners if they work for the same organisation. This change was expected to come into force from September 2014 – April 2015, however this specific proposal was about pay.

ACFO Baines stated that the organisation would continue to work with the equality committee to make improvements where possible.

4. RESOLVED to note and approve the contents of the proposal detailed within paragraph 4.1 of the report.

LGBT North East Awards 2014

The Chief Fire Officer, the Clerk to the Authority, the Finance Officer and the Personnel Advisor to the Authority submitted a joint report informing Members of the results of the 2014 LGBT North East Awards.

In 2014 LGBT North East launched the first LGBT North East Awards designed to recognise and reward those organisations and individuals who go the extra mile in making a real difference to the lives of lesbian, gay, bisexual, and transgender people in the North East.

ACFO Baines explained that an awards ceremony was held at Service Headquarters on 28 February 2014 and there were eight different awards presented on the evening.

In addition to hosting the awards, the Authority also sponsored the LGBT Enhancing Communities Award. The Authority had been delighted to present this award to Northern Pride Choir. The innovative project had achieved great success since it was founded in March 2011 reaching out to LGBT people and by involving local communities and families.

Members were advised that the Authority had been nominated for the Building Workplaces category for its excellent work around promoting LGBT equality and inclusivity, its achievements in the Stonewall Workplace Equality Index and the strong leadership messages and commitment from senior leaders including the Stonewall Diversity Champion, Assistant Chief Fire Officer Baines. Nominations had also been made for Watch Manager Karen Soady and Fire Fighter James McKane for this award for their dedicated and proactive approach to driving the LGBT agenda and as active role models within the Service.

Furthermore, Community Engagement Manager Shaun Kelly had been nominated for Ally of the Year Award. As Chair of the LGBT Network Shaun continued to demonstrate his commitment to promoting LGBT equality within the organisation and to LGBT communities across the region.

Members were informed that the Authority was pleased to have been awarded the Building Inclusive Workplaces Award and was presented with a prestigious handmade glass award at the ceremony which was displayed for the Committee to see.

Councillor Bell congratulated the Authority stating that the ceremony itself was excellent. She also thanked staff for their efforts and for organising the event so well.

Councillor Wright also stated that he enjoyed the awards ceremony, in particular hearing about peoples' personal life experiences. The Building Inclusive Communities was a huge accolade for the Authority and he passed on his congratulations.

Councillor Haley commented that it was pleasing to see that the Authority had been recognised for its achievements by outside organisations and staff.

Councillor Mortimer concurred that the achievement was excellent.

5. RESOLVED to:

- (i) note the contents of the report; and
- (ii) receive further reports as appropriate.

Notification of Ballot Result – Unison

The Chief Fire Officer, the Clerk to the Authority, the Finance Officer and the Personnel Advisor to the Authority submitted a joint report advising Members on the ballot results from UNISON received on 23 June 2014 and provide information regarding the on-going industrial action by the FBU together with planned action by GMB.

Members were advised that on 13 May the Fire Authority received written notification from Unison that they intended to proceed to ballot under section 226A of the trade union and labour relations act 1992. The ballot lasted between 23 May 2014 and 23 June 2014 and Unison was asking its members 'are you prepared to take part in a strike'.

In terms of the ballot results, Unison formally notified the Authority that its members in England, Wales, and Northern Ireland would be taking a one day strike action on 10 July 2014. GMB also published on their website confirmation that its members would be taking a one day strike action on 10 July 2014.

Councillor Wright enquired if a further strike could take place without a ballot. The Personnel Advisor confirmed that indeed it could, however one week's notice would be required to be given.

6. RESOLVED to:

- (i) note the contents of the report; and

- (ii) receive further reports as appropriate.

Consultations on the Regulations to Introduce a New Firefighters' Pension Scheme from April 2015

The Chief Fire Officer, the Clerk to the Authority, the Finance Officer and the Personnel Advisor submitted a joint report informing Members on draft consultations for the new Firefighters' Pension Scheme to come into force on 1 April 2015 and also proposed a response for consideration by Members in the May 2014 consultation document.

ACFO Baines advised that on 23 May 2012, a Proposed Final Agreement was published on the scheme design for the Firefighters' Pension Scheme in England to be introduced from April 2015 ("the 2015 scheme").

The first period of statutory consultation took place between 18 December 2013 and 12 March 2014. Details of the consultation, including the Authority's response, were contained in section 4 of the report.

The first period of statutory consultation commenced on 23 May 2014 and responses were required by 4 July 2014.

Members were advised that the Authority had responded following the consultation with Legal and HR colleagues. A number of key questions had been asked about the scheme and the correlation/comparison to the current scheme and work was still underway to obtain additional details by South Tyneside and Sunderland.

The Chief Fire Officer stated that some details remained unclear and that it was hoped that once the draft consultations had concluded that further consultations would take place on any additional changes.

Councillor Wright referred to a discussion that had taken place at a previous meeting with regard to the establishment of a pensions committee and enquired if there had been any progress with this. The Chief Fire Officer responded advising that enquires had been made with the LGA as every local authority was required to have a pensions committee. However clarification was required to ascertain whether the pensions committee needed to be stand alone or if it could be a regional committee. However LGA guidance was expected to cover these details.

7. RESOLVED to:

- (i) consider the content of the report;

- (ii) approve that the Chief Fire Officer submits a response to the consultation in line with the comments contained within the report; and
- (iii) receive further reports as appropriate.

Local Government (Access to Information) (Variation Order) 2006

At the instance of the Chairman, it was: -

8. RESOLVED that in accordance with Section 100(A) of the Local Government Act 1972, the public be excluded during consideration of the remaining business as it was considered likely to reveal the identity of an individual, or the disclosure of exempt information relating to any consultations or negotiations, in connection with any labour relations matter arising between the Authority and employees of the Authority (including the Authority holding that information) (Local Government Act 1972, Schedule 12A, Part I, Paragraphs 1, 2 and 4).

(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.

