



**TYNE AND WEAR FIRE AND RESCUE AUTHORITY
HUMAN RESOURCES COMMITTEE**

Minutes of the Meeting held on Monday 4 October 2021 at 10.30am at Fire and Rescue Authority Headquarters

Present:

Councillor Haley in the Chair.

Councillors Bell, Dodds, Flynn, Hunter, Taylor and Woodwark.

Part I

Apologies for Absence

Apologies for absence were received from Councillor Warne.

Declarations of Interest

There were no declarations of interest.

Minutes

11. RESOLVED that the minutes of the Human Resources Committee held on 19 July 2021, Part I, be confirmed as a correct record.

The Chair made reference to the very successful UKRO Festival of Rescue which had been hosted by Tyne and Wear Fire and Rescue Service on 17 and 18 September. He thanked all who had been involved in the organisation of the event from both the Service and Newcastle and Gateshead councils and highlighted that 26 organisations were represented at the festival. Councillor Taylor echoed the comments of the Chair in relation to the event.

Equality Data and Gender Pay Gap Report 2020/2021

The Chief Fire Officer/Chief Executive (Clerk to the Authority), Finance Director and Personnel Advisor to the Authority submitted a joint report which presented the Authority's draft Annual Equality Data and Gender Pay Gap report 2020/2021 for consideration and approval for publication.

The Authority had specific duties to publish equality data under the Equality Act 2010 covering Annual Equality Data and Gender Pay Gap Data. The Equality Data Report 2020/2021 was required to be published internally and externally before 31 January 2022 and the Gender Pay Gap Report by 30 March 2022. As the report was combined, it was intended to publish the document shortly after consultation with the Human Resources Committee.

The Human Resources Director stated that the report provided information on the activities and achievements of the service in relation to equality, diversity and inclusion and it was pleasing to see that activity had continued despite the impact of the pandemic.

The Human Resources Director highlighted some of the key headlines of the report and noted that the number of employees who had opted for 'prefer not to say' had fallen but this was something which the Service continued to work on.

The percentage of staff who identified as white heterosexual men was falling slowly in line with employee turnover and the overall gender pay gap had fallen to 13.11%. This was primarily due to occupation and gender segregation as lower grade positions tended to be occupied by women rather than men. The Grey Book pay gap was positive towards female employees but these numbers were very small and there were no issues of concern.

The report outlined the work of the four staff network groups and the Committee were advised that a further group on 'Diversity of Thought' was being launched during October. This had been in response to suggestions from staff and was a huge opportunity to embrace and harness the experiences of this group of employees.

There was a large amount of information within the report about the community engagement activity which had taken place during 2020/2021, demonstrating that this had not ceased during lockdown.

Councillor Dodds was interested to hear more about the Diversity of Thought group and asked what support might be given and if OHU would possibly have a role to play. The Human Resources Director said that OHU would be involved in diagnosis and that Learning and Development would also be involved. The Service was getting better at identifying learning needs and the technologies that might be needed so that there was not a barrier to development.

Councillor Dodds was pleased that Learning and Development were involved as it may be that individuals were reluctant to come forward. The Human Resources Director agreed that it important to reduce the stigma around this and he added that

new recruits were more likely to have had learning needs identified through their mainstream education. Staff turnover was having an impact on reducing this stigma.

Councillor Taylor referred to the pay gap for Green Book employees and that Unison had recently rejected the NJC pay offer and this would impact on the figures. The Human Resources Director advised that the data reported was as of 31 March 2021 so the day before any pay change was due and the pay offer would impact on the information in the 2021/2022 report.

The report was in draft format and would be revised and reformatted for publication. Members of the Committee identified some typos for amendment and the Chair commented that the order of the charts in the report could be more consistent. He also noted that the report referred to the Chief Fire Officer signing the White Ribbon Pledge but he recalled the Police and Crime Commissioner and Chair of the Authority signing this too.

Councillor Woodwark commended the positive report but there was a lot still to do, noting that some pay gaps were historic and took a long time to narrow. He was not aware of many neuro-diverse groups being represented in organisations so felt that the Diversity of Thought group was very good for the Service.

Having considered the report it was: -

12. RESOLVED that: -

- (i) the Authority's draft Annual Equality Data and Gender Pay Gap Report 2020/2021 be approved for publication; and
- (ii) further reports be received as appropriate.

Firefighter Recruitment

The Chief Fire Officer/Chief Executive (Clerk to the Authority), the Finance Director and the Personnel Adviser to the Authority submitted a joint report providing information on the diversification of each firefighter recruits training programme.

The Committee were aware that after a long period without recruiting new firefighters, in 2018 a campaign was launched in collaboration with County Durham and Darlington and Northumberland Fire and Rescue Services. Training courses had taken place in October 2018, September 2019, April 2020, September 2020, April 2021 and September 2021.

The report set out the diversification information for all of the individual training courses and cumulatively for all cohorts. Recruiting from 2018 through to 2021 had provided the service with an additional 17 female operational firefighters, 17 individuals who considered their ethnicity to be other than White British, five individuals who considered themselves to have a sexual orientation other than heterosexual and three individuals who considered themselves to have a disability.

This was an ongoing and evolving journey and Members were advised to consider the data alongside the Annual Equality Data and Gender Pay Gap report.

Members were informed that the post of Inclusion Manager had been created to advise the service in understanding of both workforce experience and community engagement in relation to promoting the service as an employer which directly supported the Inclusion pillar of the TWFRS 2025 Vision.

Councillor Dodds asked if feedback was sought from those who dropped out of the process and the Human Resources Manager said that information was not collected at the assessment stage but was once an individual had started on a course and their experience would influence the Positive Action project.

Councillor Woodwark commented that there would not be an overnight change and he welcomed the Inclusion Manager post which he hoped would make a difference to how cadets were recruited and brought in.

The Human Resources Manager said that the Service was aware that the cadets were a diverse group and the Service was looking at how they could be developed. ACO McVay added that different entry routes, such as through cadets or apprenticeships, were being examined and there was a lot going on nationally in this area.

The Chair felt that the service needed to learn from other organisations and it was important for the community to see the Tyne and Wear Fire and Rescue Service as an employer of choice and regular recruiter.

Councillor Taylor asked how many trainees started the course so a comparison could be made with how many completed the programme. It was noted that there were very few drop outs and each course began with a reserve so they could replace any individual who had to drop out at an early stage. ACO McVay explained that efforts were made to adapt the programme each time someone left the course, for example having introductory days before the course began. As much support as possible was put in before the course, including 24 hour welfare support.

In terms of routes into the service, Councillor Dodds noted that historically there were junior fireman at age 16 who then could get onto a training course at 18. ACO McVay said that an apprenticeship arrangement was something she would love to have available but was the subject of ongoing discussion nationally.

The Chair said that he was interested in retention and what the rate was in particular groups. He queried if there had been any successful applicants from the volunteer route into the service.

Councillor Woodwark felt that there was room for expansion in the role of fire cadets and the service needed to look at how it could be an organisation that reflected the community and was one which people wanted to be part of.

Upon consideration of the report, it was: -

13. RESOLVED that: -

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

Employee Engagement

The Chief Fire Officer/Chief Executive (Clerk to the Authority), the Finance Director and the Personnel Advisor to the Authority submitted a report updating Members on the current position in relation to employee engagement activities that had been undertaken in the last two years and to share the direction of travel and way forward that aimed to improve the current approach.

The Organisational Development Manager explained that the responsibility for developing the approach to employee engagement had moved to the Organisational Development team in autumn 2020 which had enabled a closer link with the service's work on inclusion.

Aside from traditional surveys, employee engagement also included day to day interactions, comments received on intranet articles as well as more formal well established mechanisms. A significant amount of information and data had been captured from formal activities and this had helped to inform current and future thinking around improvements for people and the service. There had also been a large number of engagement events which were classed as 'business as usual'.

Looking ahead it had been recognised that: -

- Developing a framework for all communications would help give some consistent and valued methods to increase levels of employee engagement.
- Senior leaders through their behaviours and actions, needed to enable their people to feel compelled to respond to surveys, because they could see the value in doing so, for themselves, their colleagues, the service and the community.
- There was a need to invest further in resources that could give timely and insightful data, which could help to understand how things really were for people. This would include the procurement of an IT solution using the inclusion budget, to help survey in a more focussed and frequent way.
- There was a need to explain how personal data that people were asked to share would be used, in an effort to build confidence and trust, and increase the value seen in the approach.
- Managers and employees needed to feel enabled and confident to address any issues.
- People needed to be involved in order to understand, alongside the investment of better data collection:
 - what the best ways were to engage with them that would help to understand how they experienced work
 - how included they felt
 - how valued they felt for who they were and what they brought

- Utilise IT investments made on station e.g. TV monitors to share relevant employee engagement data more directly.
- Work to be more structured when it comes to employee engagement, particular employee survey responses to the simple framework of 'We Asked, You Said, We Did'.

Councillor Woodwark supported this direction of travel but felt the use of 'feel compelled to' should be amended to 'want/wish to'. He also suggested that Authority Members should have a role as they were aligned to individual stations. Councillor Taylor concurred with the comments about the involvement of Members and noted that the service continued to support and report to local authority area committees.

Following consideration of the report it was: -

14. RESOLVED that: -

- (i) the contents of the report be noted; and
- (ii) further reports/updates be received as appropriate.

Immediate Detriment – Firefighter’s Pension Scheme – Update Report

The Finance Director submitted a report providing an update on the issue of immediate detriment in respect of the Firefighters’ Pension Scheme.

The report summarised the background to how Firefighters’ pensions schemes were merged and the arrangements for protection under the Firefighters’ Pension Scheme regulations 2014 for members of the FPS1992 and FPS2006 who were transitioned to the new scheme FPS2015. Following a legal challenge from the Fire Brigades Union (FBU) it was found that the 2014 regulations resulted in age discrimination and on 15 July 2019 the government accepted the decision and confirmed their intention to engage with the Employment Tribunal to agree a remedy.

Immediate detriment was where a member had been transitioned to the Firefighter Pension Scheme 2015 (FPS2015) and had retired or was due to retire and could not access their full legacy pension prior to remedying legislation being put in place by the government.

Informal guidance was issued in August 2020 on the actions which could be taken and how these would work, however this did not apply to retired members. The Finance Director advised that roughly 80 firefighters and 30 retired members were impacted by the pension remedy.

Under Section 61 and Schedule 22 of the Equality Act 2010, TWFRS could use their powers to implement immediate detriment in accordance with the Home Office guidance provided in August 2020.

To mitigate risk, members who would choose to retire under the immediate detriment guidance had been asked to sign a Declaration that they were choosing to have their

FPS1992 paid as opposed to their FPS2015 pension. This Declaration also stated that they understood the pension was being paid under immediate detriment guidance, and that their case would be revisited once the legislation was enacted in April 2022.

The Declaration had been reviewed by the Authority's legal team, and the pension team would work with the pension administrator to finalise a robust process and ensure that all data is managed correctly in accordance with the available guidance.

A process had been developed that provided members with the required information to make their choice and the qualifying member was therefore to be presented with two sets of pension entitlement quotes. Each quote would set out the main pension benefits that they would receive under each choice.

Three members had retired under immediate detriment with the potential for this number to rise to ten by the end of the financial year. Further guidance was awaited for retired members.

The Chair noted the complex situation but was assured that the Authority was acting within the law. With regard to the financial implications, Councillor Taylor asked if this was a big cloud over the Authority's finances.

Councillor Bell thanked the Finance Director and his team for their work in trying to work through the situation. He understood that the next guidance was due in November 2023 which was a very long time away. He asked if there were any efforts which could be made as an Authority to move this on.

The Finance Director stated that this could be viewed as a cloud over all local authorities and the LGA had taken this on and were applying pressure to Government. At this point the Home Office guidance could not be relied on in a court of law so the best that the Authority was able to do was to have a retiring member sign off to confirm that they were provided with the most accurate information as possible at the time.

15. RESOLVED that the content of the report be noted.

Proposed Amendment to the Terms of Reference of the Local Pension Board

The Finance Director submitted a report to provide Members with proposed amendments to the Local Pension Board's terms of reference.

The terms of reference for the Local Pension Board had previously been revised and approved by the Authority in 2020. These stated that - "A Member of the Human Resource Committee will attend each board meeting, so as to provide a link between the Board and the Human Resource Committee. The Scheme Manager Representative will not carry voting rights, but in every other way be treated as a board member."

The terms of reference also provide that “A meeting is only quorate when at least 2/3rds of both member and employer representatives are present plus the Scheme Manager Representative.”

It was proposed that the requirement for the Scheme Manager Representative for the meeting to be quorate was removed, so that the terms of reference would read; “A meeting is only quorate when at least 2/3rds of both member and employer representatives are present.” This would enable the board to still be quorate if a Scheme Manager was unable to attend.

The Terms of Reference could only be amended by the full Authority, and the Committee was asked to review the change and support its progress to full Authority.

Councillor Flynn commented that this seemed to be a sensible change. Councillor Taylor asked if there was an identified substitute if the representative could not attend and the Chair confirmed that any member of the Human Resources Committee could act as a substitute.

16. RESOLVED that the contents of the report be noted and the proposed amendment to the Terms of Reference of the Local Pension Board be recommended to the full Authority.

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

17. RESOLVED that in accordance with the Local Government (Access to Information) (Variation) Order 2006 the public be excluded during consideration of the remaining business as it was considered to involve a likely disclosure of information relating to consultations/negotiations in connection with any labour matter arising between the Authority and employees of the Authority (including the Authority holding that information). (Local Government Act 1972, Schedule 12A, Part I, Paragraph 4).

(Signed) G HALEY
Chair