

## **HUMAN RESOURCES COMMITTEE**

Minutes of the meeting of the  
HUMAN RESOURCES COMMITTEE held  
in the Fire and Rescue Headquarters,  
Barmston Mere, Sunderland on MONDAY,  
1 MARCH, 2010 at 10.30 a.m.

### **Present:**

Councillor Charlton in the Chair

Councillors Boyes, M. Forbes and T. Wright.

### **Part I**

#### **Apologies for Absence**

Apologies for absence were submitted to the meeting on behalf of Councillors Ball, Hayley and Woodwark.

#### **Declarations of Interest**

There were no declarations of interest.

#### **Minutes**

13. RESOLVED that the minutes of the Human Resources Committee held on 19 October, 2009 (copy circulated) be confirmed and signed as a correct record.

## **Equality and Diversity National Strategy**

The Chief Fire Officer, the Chief Emergency Planning Officer, the Clerk to the Authority, the Finance Officer and the Personnel Advisor submitted a joint report (copy circulated) informing Members of the annual response to Communities and Local Government (CLG) regarding the Tyne and Wear Fire and Rescue Authority's success against the National Equality and Diversity Strategy.

(For copy report – see original minutes).

The Deputy Chief Fire Officer explained that in May 2008 Communities and Local Government (CLG) published the Fire and Rescue Service Equality and Diversity Strategy 2008-2018.

Members were advised that in order to evidence progress made on equality and diversity an annual report is published. However, to ensure future annual reports include qualitative and quantitative evidence of progress, the National Equality and Diversity Delivery Partnership has recommended that Fire and Rescue Services be asked to provide additional information regarding the progress that has been made.

The Deputy Chief Fire Officer advised that in response to the recommendation some evidence had been compiled and was attached as Appendix A. Members referred to the Appendix whilst the Deputy Chief Fire Officer provided an explanation.

Councillor Wright enquired how many Fire and Rescue Authority Members had signed up to the LGA Equality and Diversity Accord. In response the Deputy Chief Fire Officer advised that most Members had signed up to the scheme, however he agreed to obtain the exact number and advise Councillor Wright.

Upon consideration, it was:-

14. RESOLVED that:-

- (i) the actions taken by the Chief Fire Officer evidenced by the report be endorsed; and
- (ii) further reports to be received as appropriate.

## **Fire and Rescue Service Equality Framework**

The Chief Fire Officer, the Clerk to the Authority, the Finance Officer and the Personnel Advisor submitted a joint report (circulated) informing Members of the new Fire and Rescue Service Equality Framework (FRSEF).

(For copy report – see original minutes).

Members noted that the Equality Framework for Local Government (EFLG) introduced in December 2009 superseded the Equality Standard for Local Government (ESLG).

Moreover, in developing the EFLG the Improvement and Development Agency (IDeA) had worked in partnership with the Chief Fire Officers' Association (CFOA) to create a bespoke equality performance and improvement framework for the Fire and Rescue Service (FRS).

The Deputy Chief Fire Officer explained that detailed guidance documents regarding the FRSEF had been provided by CFOA and IDeA and that the FRSEF was based upon the same principles as the EFLG.

The characteristics of the FRSEF were then outlined, followed by details regarding migrating from the ESLG. Members noted that the FRSEF was cross-mapped with the five performance areas within the national Fire and Rescue Service Equality and Diversity Strategy 2008-2018): -

- Leadership and promoting Inclusion
- Accountability
- Effective Service Delivery and Community Engagement
- Employment and Training
- Evaluation and Sharing Good Practice

Members were advised that through self assessment, FRA's that had reached Levels 1 and 2 of the ESLG would be regarded as 'Developing'. Those that had been externally accredited at Level 3 of the ESLG would be regarded as 'Achieving', whilst those that had reached Level 4 would be regarded as 'Moving Towards Excellence'. FRA's who had achieved Level 5 of the ESLG would be regarded as 'Excellent'.

The Deputy Chief Fire Officer informed Members that the Tyne and Wear Fire and Rescue Authority was one of only a few FRA's that had already achieved Level 4 of the ESLG, thus had been categorised as 'Moving Towards Excellence', which it was hoped would be achieved by 2011.

Further details regarding what an assessment would entail, the expectations of an Excellent Authority, the guidance documents that should be used and the risks associated with equality and diversity were provided.

In terms of financial implications, Members noted that costs would be minimal.

Councillor Wright commented positively on the report and went on to enquire what the nine equality strands were. In response the Deputy Chief Fire Officer advised that currently there were seven strands. However the new Equality Act due to be published later in the year would introduce two new strands taking the total up to nine. The two new strands were expected to be 'marriage and partnership' and 'pregnancy and maternity'. The nine strands were known as the nine protective characteristics.

Councillor Forbes went on to enquire further about the two new strands and in doing so asked exactly what they would entail. The Deputy Chief Fire Officer advised that discussions on the two new strands were still ongoing nationally, and that any further details would be brought to the Committee in due course.

Councillor Wright stated that whether or not the strands increase, the equal respect of all employees is of utmost importance and reinforced that all employees should be treated the same.

Councillor Boyes in referring to paragraph 10.4 sought clarification on the wording. The Deputy Chief Fire Officer explained that Government had a view that people in society sit collectively in groups and that this paragraph described two of them, which were 'looked after children' and 'white working class boys with poor educational attainment'. He went on to confirm that the statistical information held by Government showed that boys did tend to under achieve at a certain age when compared to girls.

Councillor Forbes enquired why a Service Equality Framework was specifically being created for the FRA's and was it because the Authority was failing in some way. In response, Councillor Forbes was advised that FRA's were not being singled out in any way, the Police Authority also had a framework in place. The reason for the difference was that the wording contained in the FRA's Equality Framework has to be tailored to how the Authority work towards the Communities and Local Government Agenda and comply with legislation.

Upon consideration, it was:-

15. RESOLVED that:-

- (i) the report be noted;
- (ii) full support be given to progress towards achieving the 'Excellent' level of the FRSEF; and
- (iii) further reports be received as appropriate.

### **The Local Government Pension Scheme (LGPS) As Amended and Complimentary Regulations – Employers Discretions**

The Chief Fire Officer, the Clerk to the Authority, the Finance Officer and the Personnel Advisor submitted a joint report (circulated) advising Members of the requirement to re-affirm some of the current Employer Discretions appertaining to the Local Government Pension Scheme (LGPS) and to propose the content of additional Employer Discretions.

(For copy report – see original minutes).

Members were advised that Employee Discretions were last brought up to date in February 2008 in accordance with the LGPS (Administration) Regulations 2008.

Attention was drawn to a series of Employee Discretions, a number of which were now requirements of an administrative nature. Members considered each of them in turn.

The Personnel Advisor to the Authority added that all Fire and Rescue Authorities were being asked to consider these and that the report mirrored what other Authorities were doing.

Councillor Charlton enquired if the Unions were aware of the proposals, to which the Deputy Chief Fire Officer explained that they were not at this stage, because FRA's were acting in response to legislation, however if approved, the FRA would ensure the Unions were appraised.

Upon consideration of the report, it was:-

16. RESOLVED that:-

- (i) the contents of the report be noted;
- (ii) the Discretions outlined in Section 3 of the report be approved; and
- (iii) further reports to be received as appropriate.

### **Local Government Pension Scheme – Flexible Retirement**

The Chief Fire Officer, the Clerk to the Authority, the Finance Officer and the Personnel Advisor submitted a joint report for Members consideration and approval in respect of flexible retirement for those staff conditioned to the Local Government Pension Scheme.

(For copy report – see original minutes).

The Deputy Chief Fire Officer provided Members with some background information in relation to the Local Government Pension Scheme (LGPS). He went on to add that the new provision of flexible retirement was introduced under Regulation 18 of the LGPS (Benefits, Membership and Contributions) Regulations 2007.

Members were advised that under Regulation 18, from age 50 (or age 55 for new employees and age 55 for all employees from April 2010) an employee who reduces their hours or moves to a less senior position i.e. they reduce their grade, can, provided the employer agrees, draw some or all of their pension benefits that they have built up, allowing for a situation where an individual can draw down their pension benefits but remain an employee.

Members noted that a Comprehensive Business Case covering costs would need to be prepared for each individual case and that the request would only be approved if it was in the Authority's interest to do so. Each case would be considered by the Chief Fire Officer and in situations where approval is not granted, then employees would have a right to appeal. Appeals would come before the Human Resources Committee.

Councillor Wright enquired what pension benefits an employee would be entitled to should they reduce their salary by 25%. The Deputy Chief Fire Officer responded

advising that in those circumstances the employee would gain access to all pension rights. An employee below 60 years of age who applies for early retirement creates a strain on the fund at the current time, however in certain areas it may be an idea to consider it favourably.

Councillor Wright enquired if this differed to an employee requesting early retirement. The Deputy Chief Fire Officer confirmed that there was very little difference, other than that flexible retirement allows the employee to remain in employment, thus continue to build up pension contributions.

Upon consideration, it was:-

17. RESOLVED to:-

- (i) endorse and establish a flexible retirement policy on the following principles:-
  - (a) establishment of a Business Case;
  - (b) a minimum reduction in salary or hours of the individual employee of 25% is required and changes to contract terms will be a permanent change;
  - (c) employees must have 26 weeks continuous service with the Authority;
  - (d) applications will only be considered where the full release of pension benefits is being requested;
  - (e) any actuarial reductions in pension benefits will be considered on an individual basis, and only approved where it is in the Authority's interest to do so;
  - (f) applications will only be approved where it is in the Authority's interest to do so; and
  - (g) any Appeal will be submitted to the Human Resources Committee.
- (ii) further reports to be received as appropriate.

(Signed) D. CHARLTON,  
Chairman.