

# LEICESTERSHIRE

## FIRE and RESCUE SERVICE

Status of Report:

Public

Agenda Item:

17

**Meeting:** Combined Fire Authority  
**Date:** 8<sup>th</sup> April 2015  
**Subject:** Fire Brigades Union Facilities Agreement  
**Report by:** Chief Fire and Rescue Officer  
**Author:** Mark Andrew (Head of HR, Planning and Performance)  
**For:** Decision

### 1. Purpose

The Combined Fire Authority (CFA) is asked to consider the feedback received on the temporary Fire Brigades Union (FBU) Facilities Agreement and approve an extension.

### 2. Executive Summary

- 2.1 Following a formal request for additional paid facilities time the CFA agreed a temporary arrangement until the end of March 2015. The CFA required that a formal Facilities Agreement was entered into, clearly identifying the types of activities that could be undertake using the facilities time. Each official has been given a 21 hour per week temporary contract to undertake their trade union duties.
- 2.2 A review of the effectiveness of the temporary arrangement has been undertaken by the Senior Management Team (SMT) in conjunction with the FBU. The review has concluded that an extension to the current arrangement should be recommended to the CFA.

### 3. Report Detail

- 3.1 The FBU requested additional facilities time in May 2014 via a letter to the Chief Fire and Rescue Officer (CFO). The FBU requested that the Brigade Secretary and Chair are each assigned 21 hours a week (average over a year to cater for 2-2-4 shift pattern) for union duties, with the remaining hours to perform normal work duties. This request was considered by SMT where support was given for a temporary arrangement. The CFA subsequently approved SMT's recommendation to offer a temporary Facilities Agreement, due to the current industrial relations and employee relations issues facing the organisation.
- 3.2 An agreement was subsequently reached on facilities, approved by the Deputy Chief Fire and Rescue Officer (DCFO) and the FBU Brigade Chair and Secretary.

Appropriate temporary cover arrangements were put in place until the end of March 2015.

3.3 Following a discussion at Staff Consultation Forum in January 2015 it was agreed to undertake a review of how the Agreement has operated. In addition, the FBU submitted a written response, clearly indicating that they believe the arrangement should continue. This is attached as **the Appendix**. The feedback on the review was considered by SMT in March 2015. The overall conclusion of SMT and the FBU is that the agreement and arrangements have facilitated more efficient industrial and employee relations.

3.4 In the light of this feedback and the current efficient industrial and employee relations issues facing the organisation it is appropriate for the CFA to consider offering the FBU a further 6 months on the same terms. This will be subject to the signing of a new Facilities Agreement for the period in question, on the same basis as the previously agreed scheme.

#### **4. Report Implications / Impact**

##### **4.1 *Legal (including crime and disorder)***

The CFA formally recognises the FBU for consultation and bargaining purposes, at both a national and local level. Trade union officials are allowed 'reasonable' time off, with pay, to undertake their duties by statute. These are generally matters of industrial and employee relations and the amount of time given has to be reasonable and can be outside and within the working day, subject to the consent of the employer. In addition, the ACAS Code of Practice on Time Off gives some indication of the duties for which time off should be granted. In addition, legislation allows for reasonable time off for Union Learning representatives and a Union Health and Safety representative has a right to reasonable time off to perform his or her function. When a Union is recognised, the main rights accruing relate to consultation and the provision of information for matters such as collective bargaining on terms and condition, redundancy and TUPE.

##### **4.2 *Financial (including value for money, benefits and efficiencies)***

The CFA will incur an addition cost of temporary promoting a part time Crew Manager and Watch Manager.

##### **4.3 *Risk (including corporate and operational, health and safety and any impact on the continuity of service delivery)***

The risk of a worsening industrial and employee relations climate, due to a lack of effective representatives, is a possibility, unless local officials are supported in doing their job.

##### **4.4 *Staff, Service Users and Stakeholders (including the Equality Impact Assessment)***

a) The benefit to staff of effective trade union officials is not only good representation but reassurance that on important matters, such as potential redundancies, they will

be consulted properly. This will give confidence regarding the fairness of process and any proposals.

- b) In addition the 'check and challenge' of representative bodies when seeking to reach an agreement often leads to a better outcome and management flexing their proposal in a positive way. This again assists with the wellbeing of the work force.

#### 4.5 ***Environmental***

None arising.

#### 4.6 ***Impact upon Our Plan Objectives***

Achieving excellence in managing our service

### 5. **Recommendation**

The CFA is asked to consider the feedback on the temporary FBU Facilities Agreement and agree an extension of 6 months to the arrangement.

### 6. **Background Papers**

- a) Request for release of FBU Officials - 21<sup>st</sup> May 2014.
- b) Fire Brigades Union Facilities Time (CFA Report - 25<sup>th</sup> June 2014)
- c) NJC/08/07 Joint Protocol on Industrial Relations.

### 7. **Appendix**

FBU Feedback on the Facilities Agreement

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**Meeting:** Senior Management Team / CFA Policy

**Date:** 21<sup>th</sup> February 2015

**Subject:** Continuation of facilities time/release for union officials

**Report by:** The Fire Brigades Union (FBU) Leicestershire

**Author:** Gavin Lynch (FBU Chairman, Leicestershire)  
Graham Vaux (FBU Secretary, Leicestershire)

**For:** Consideration and response by SMT and the CFA

### **Purpose**

This report reviews the last six months of the facilities time agreement put in place by LFRS to allow the FBU Chairman and Secretary to have part release from their normal role within the service to carry out union duties. This report will also make recommendations for any future agreement.

### **Executive Summary**

The FBU believe that the current facilities agreement has been a success and has been of benefit to LFRS, the CFA and the staff it represents. This arrangement has forged a good working relationship at a very difficult and uncertain time in the history of LFRS and the broader Fire and Rescue Service across the UK. This relationship has allowed quick access to FBU Brigade Officials which has enabled discussions and issues to be resolved quickly and efficiently.

The FBU hasn't always agreed with decisions that LFRS management has made, nor will it in the future, but it has always had the best interests of the service and its members at the heart of any concerns it may have. We believe that this agreement has allowed the FBU the time to provide a structured evidenced based approach to any reports it has written, which has given the CFA an 'alternative' view point to consider when making very difficult decisions regarding the future of LFRS.

The FBU believe that this one of its primary tasks and the removal of the facilities time agreement will hugely affect the FBU's ability to provide such an alternative viewpoint to the CFA in the future. This would be extremely disappointing, particularly at a time when they need all information they can get to make the most informed decision they possibly can.

The FBU therefore respectfully requests that the current facilities time arrangements continue for the foreseeable future, particularly with the increased workload on the horizon with redundancies looming, and possible grievances and employment

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tribunals also likely, not to mention the increased joint working with LFRS management on possible alternative proposals to make the huge savings required. The continuation of this agreement will also demonstrate LFRS's commitment to its staff, the CFA, and MP's that it genuinely does want to work closely with the FBU, to develop ideas and proposals that are in the best interests of its employees and members of the public.

### **History of the Current Agreement**

In September 2014 the CFA agreed an SMT proposal which consisted of a request by Leicestershire FBU to allow part time release for two FBU Brigade Officials to perform union duties, which amounted to, on average, 21 hours a week.

One of the key reasons for this agreement by the CFA was to allow LFRS management and FBU Brigade Officials to forge closer links and more immediate access to each other in order to make swifter decisions at a very critical time when the national pension's dispute was at its height and LFRS's 'Proposals for Change' consultation was underway.

### **Review of the Last Six Months of the Agreement**

The FBU believe that this agreement has aided and strengthened its relationship with LFRS management during one of the most turbulent and difficult periods in the Fire and Rescue Services history. Without this agreement the FBU believe its emerging healthy relationship with LFRS management would have been severely tested, affecting its industrial relations and the morale of staff at a very uncertain time, which would have been hugely counter-productive for all parties concerned.

Although having differing views at times from LFRS management, the facilities agreement has allowed FBU Brigade Officials to compile detailed evidence based reports. These reports have allowed the CFA to explore 'alternative' viewpoints, particularly in relation to the IRMP 'Proposals for Change'. This ensures that all perspectives are covered, rather than just LFRS managements, which had previously been the case. This has now meant the CFA are able to make more informed decisions having more information available from a variety of viewpoints. This has previously not been the case due to a lack of time for FBU Officials to write such detailed reports, in addition to them working their normal 42 hour week for the service.

Some of the benefits over the last six months of this agreement are as follows:

- Ensuring LFRS management has had regular and consistent contact with the FBU Secretary and Chair, streamlining and allowing swift responses and decisions to be made at a very delicate and fast moving time.



- It has allowed the FBU Secretary and Chair to attend the many meetings associated with the IRMP/organisational change programme, again allowing decisions and discussions to be resolved quickly.
- It has allowed the FBU time to undertake its own independent work in relation to the health & safety implications of LFRS' IRMP proposals and also given time for the FBU to develop its own alternative proposals. All of which are of huge benefit to the CFA, assisting them in having 'another' viewpoint in which to consider before making big decisions.
- It has also allowed the FBU to make representation on the expanding health and safety sub-groups being developed, in line with the Services ambition to have all parties represented.
- It has also allowed the FBU Secretary and Chair to have dedicated time to deal with members problems and compile accurate and important reports to management rather than the previous situation of trying to rush such tasks through during their own time.

### **Future further Union Officials Commitments**

The government's recent instruction for all Fire and Rescue Authorities to set up Local Pension Boards by April 2015 could also have an impact on the workload of union officials. Being the largest representative body and with its members being key stakeholders in the Firefighters pension scheme, it has been recommended that FBU officials sit on this local governing board. This, in addition to the high level of continual training required to maintain competence in this area, will be extremely difficult for union officials to achieve without the current facilities arrangements staying in place.

### **Conclusion**

The FBU believes it is vital to continue with the current facilities time arrangements for the foreseeable future. This is to reinforce the trust and good working relationship that has developed over the last six months, particularly as we approach further periods of uncertainty as LFRS has to make the biggest cuts in its history.

The morale of staff is extremely low at present as the threat of redundancies becomes more and more a reality, therefore it is essential that the FBU, which represents 92% of all LFRS operational staff, is able to support and advise its members as fears and concerns grow. The current facilities agreement allows this support to be undertaken. If redundancies do eventually occur, the collective consultation process and individual process are very long winded and require a huge amount of work and time by representative bodies. If FBU Brigades Officials did not have the agreed facilities time, this process would take much longer adding to the trauma and uncertainty of those staff unfortunately involved.