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**NATIONAL JOINT COUNCIL
FOR LOCAL AUTHORITY
FIRE AND RESCUE SERVICES**

**To: Chief Fire Officers
Chief Executives/Clerks to Fire Authorities
Chairs of Fire Authorities
Directors of Human Resources at Fire Authorities

Members of the National Joint Council**

9 December 2008

CIRCULAR NJC/15/08

Dear Sir/Madam

RESOLUTION ADVISORY PANEL (Tayside, July 2008)

1. Section 6, Part C, paragraphs 1-14 of the Scheme of Conditions of Service (Grey Book) outlines the local negotiation procedure.
2. Where local agreement cannot be reached between the fire and rescue authority and the recognised trade union the difference can be referred to the NJC's Resolution Advisory Panel (RAP) whose role is to assist parties unable to reach agreement at local level by endeavouring to facilitate an agreement or, where that is not possible, to make recommendations.
3. Professor William Brown, who is assisted by the Joint Secretaries, currently chairs the panel.
4. The RAP met on 2nd July 2008 to consider a referral from Tayside Fire & Rescue Service in respect of the local day duty system and annual leave.
5. A copy of the recommendation, which is applicable only to Tayside Fire and Rescue Service, is attached. .

Yours faithfully
SARAH MESSENGER
MATT WRACK
Joint Secretaries

NJC for Local Authority Fire and Rescue Services

Tayside Fire and Rescue Service

RE: Local day related duty system and annual leave

Procedure

Those involved were:

Resolution Advisory Panel: Professor William Brown (Chair)
Andy Dark (Joint Secretary, Employees' Side)
Gill Gittins (Joint Secretary, Employers' Side)

For the Union: Jim Malone (FBU, Brigade Secretary)
John Docherty (FBU Regional Official)
Sean Mellon (FBU, Tayside)

For the Employers: Alasdair Hay (Deputy Chief Fire Officer, Tayside FRS)
Caroline Rochford (Human Resources Manager,
Tayside FRS)

The meeting was held in London on 2 July 2008. It was not possible to achieve an agreement between the parties. The following are the written recommendations of the Chair.

The issue

To consider the difference of opinion between the local parties over the allocation of annual leave for staff on the local day related duty system

Background

Following the introduction of the 6th edition of the Scheme of Conditions of Service (Grey Book) in 2004, day related staff working hours changed from a 9-day fortnight (36 hour week) to a flexible 5 day (Monday to Friday) working week (42 hour week). This new duty system was the subject of a local agreement.

However, the parties disagreed over whether or not such a change should impact upon the management of annual leave.

Recommendation

- 1) Watch Managers assimilated from Station Officers should have, as a transition measure, the possibility of 6 days extra Scale A leave, on the basis of Brigade Order (2005) 4.7.1. This should be protected until 31 December 2010.

Measures should be taken to take account of leave already taken in 2008.

It should be backdated to April 2005.

- 2) Non-assimilated Watch Managers appointed between 2003 and 2005 should also, on the same basis, have the possibility of 6 extra days Scale A leave. This should be backdated from the date of their appointment.
- 3) Non-assimilated Watch Managers appointed between April 2005 and 2 July 2008 should have 4 days extra Scale A leave, back-dated from the date of their appointment.
- 4) Watch Managers appointed after 2 July 2008 should have 4 days extra Scale A leave.
- 5) Backdated leave identified in paragraphs (1), (2) and (3) above should be implemented on a phased basis up to 31 December 2010.

Assurances should be given that when a 9 day fortnight is worked by compressing hours, the day saved can be banked.

Note:

The above recommendation is relevant to the management of annual leave within Tayside Fire and Rescue Service in respect of time free from duty and its definition as Scale A leave. It should not be interpreted as an increase in the actual Scale A annual leave entitlement set out in the Scheme of Conditions of Service (Grey Book).

Professor William Brown
7th July 2008

