

Employers' Secretary, Sarah Messenger
Local Government House, Smith Square,
London, SW1P 3HZ
Telephone 020 7187 7335
e-mail: firequeries@lge.gov.uk

Employees' Secretary, Matt Wrack
Bradley House, 68 Coombe Rd
Kingston upon Thames KT2 7AE
Telephone 020 8541 1765

**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

30 September 2008

CIRCULAR NJC/13/08

Dear Sir/Madam

FIRST ANNUAL REPORT OF THE INDEPENDENT CHAIR – 2007/8

1. The role of Independent Chair now requires the postholder to issue an annual report setting out the activities and achievements of both the National Joint Council and the Middle Managers Negotiating Body.
2. A copy of Professor Chatterji's report, relating to 2007/8, is attached.

Yours faithfully
SARAH MESSENGER
MATT WRACK
Joint Secretaries

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

**FIRST ANNUAL REPORT OF THE INDEPENDENT CHAIR
2007 – 2008**

SEPTEMBER 2008

The National Joint Council for Local Authority Fire and Rescue Services is the body responsible for the supervision, from a national point of view, of all questions affecting the conditions of service of employees (other than those in Brigade Management roles) of fire and rescue services established under the Fire Services Act 1947-59. To this end the NJC's principal role is to reach agreement on a national framework of pay and conditions for local application throughout the fire and rescue service in the United Kingdom. The NJC is committed to the local democratic control of fire and rescue services to the community.

The parties to the negotiation are the Employers' Side, comprising representatives of the Local Government Association, Welsh Local Government Association, Convention of Scottish Local Authorities and the Northern Ireland Fire and Rescue Service and the Employees' Side comprising representatives of the Fire Brigades Union and Fire Officers Association.

An Independent Chair is supported by a Vice-Chair. The appointment of Vice-Chair alternates between the sides on an annual basis. In 2007/8 the Vice-Chair was held by the Employees' Side.

The membership of the National Joint Council (and the Middle Managers Negotiating Body) during 2007/8 is attached to this report.

Introduction

1. This is the first Annual Report of the Independent Chair of the National Joint Council for Local Authority Fire and Rescue Services (NJC). It covers the period from 1 October 2007 to 30 September 2008. Issues dealt with at the meetings of the National Joint Council on 28 September 2007 are also recorded in this report.

What do we do

2. The National Joint Council provides:
 - a) the national negotiating machinery for the pay and conditions of service of uniformed fire service employees in the United Kingdom.
 - b) the services of the respective side Secretariats in assisting parties at local level to resolve areas of disagreement
 - c) the services of the respective side Secretariats in assisting parties at local level in interpretation of the national scheme of conditions of employment

The main outcomes in 2007 - 2008

3. The National Joint Council issues circulars from time to time detailing agreements reached. Below is a list of agreements reached since September 2007 together with the relevant circular number. :
 - a) Continual Professional Development scheme - circular NJC/15/07
This Scheme is designed to recognise and reward experienced employees who are able to demonstrate continual professional development over and above that required at 'competent' level under each of the national standards.
 - b) Revised constitution – circular NJC/16/07

The main changes were:

- a broadening of the responsibilities of the Independent Chair
- a reduction in the number of representatives on each Side of the Council.. The Employees' Side reduced from twenty seven to fourteen and the Employers Side from thirty to fourteen
- the introduction of a Middle Managers Negotiating Body (MMNB) with plenary powers to deal with issues relating to employees in Station Manager to Area Manager roles
- the introduction of a mechanism for minority trade union representation.

- c) Protected pay points – circular NJC/2/08

The 2003 Pay and Conditions Agreement introduced a competency related pay structure. As a consequence it was necessary to transfer employees from the pre-existing rank structure to the new role structure. In most cases the pay assimilation from one to the other was straight-forward. However it did include protected pay points at Station Officer, Fire Control Officer, and Principal Fire Control Officer Levels which were subject to review in July 2007. The NJC agreed in 2007 to continue with the arrangements for a further year. This agreement, reached in June 2008, detailed the arrangements in place for July 2008 onwards.

- d) Recognition of the Fire Officers Association on the Middle Managers Negotiating Body - circular NJC/3/08

Confirmation of the independent audit of the level of membership of the Fire Officers Association, resulting in one seat on the Middle Managers Negotiating Body.

- e) Car allowances – circular NJC/4/08

Revised car allowances effective from 1 April 2008.

- f) Continual Professional Development scheme (minimum increase on promotion) – circular NJC/5/08

Continual professional development payments are discontinued on promotion until such time as attained in the new role. As a consequence the NJC agreed the principle of a minimum increase on promotion.

- g) Pay settlement 2008 – circular NJC/6/08

The NJC agreed a pay increase of 2.45% for employees covered by the Grey Book, effective from 1 July 2008.

- h) Continual Professional Development payments – circular NJC/7/08

The NJC agreed an increase in the level of Continual Professional Development payments of 2.45%, effective from 1 July 2008 .

- i) Fairness and Dignity at Work– circular NJC/8/08

The NJC agreed an updated and revised Section 2 of the Scheme of Conditions of Service (Grey Book) on Fairness and Dignity at Work

j) Rolemaps and national occupational standards - circular NJC/10/08

Establishment of a sub-Committee of the NJC to consider and make recommendation upon proposed changes to the NJC's agreed rolemaps and national occupations standards.

k) Skills in the Workplace - circular NJC/11/08

The National Joint Council agreed to encourage fire and rescue services to commit to:

- Actively encourage and support employees to gain the skills and qualifications that will support their career development, future employability and meet the needs of the organisation;
- Actively encourage and support employees to acquire basic literacy and numeracy skills, and work towards at least their first full Level 2 qualification in an area that is relevant to the organisation;
- Demonstrably raise employees' skills and competencies to enhance their personal development and improve the organisational performance of fire and rescue services through investing in economically valuable training and development.

Fire and Rescue Services were further encouraged to support the *Skills Pledge* in England, the *National Basic Skills Strategy for Wales* and the *Skills Strategies* in both Scotland and Northern Ireland, as appropriate.

Additional circulars

4. In addition to the circulars referred to in paragraph 3 above, the following circulars have been issued since September 2007:

a) Pay and numbers survey 2008 – circular NJC/1/08

Survey form and guidance notes.

b) Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2008 - circular NJC/9/08

Update on the test cases that are the subject of an Employment Tribunal.

Middle Managers Negotiating Body

5. In September 2007 the National Joint Council agreed a revised constitution which included the introduction of a mechanism for minority trade union representation on both the National Joint Council and the newly introduced Middle Managers Negotiating Body. The latter body has plenary powers to deal with issues relating to employees in Station Manager to Area Manager roles
6. Following this, the Fire Officers Association applied for recognition on the Middle Managers Negotiating Body and in accordance with the mechanism referred to in paragraph 5 above, a membership audit of the Fire Officers Association was conducted by Popularis Ltd on behalf of the National Joint Council. Based on the information provided by fire and rescue services and the Fire Officers Association, Popularis Ltd identified that the Fire Officers Association was entitled to one seat on the Middle Managers Negotiating Body, which took effect from 13 March 2008.

Joint Secretariat Activity

7. Members of the Joint Secretariat meet formally at least once a month to exchange information and to progress negotiations. These meetings are also an opportunity for either side to identify potential local industrial relations flashpoints and subsequently to raise those concerns with the local management or union side as appropriate.
8. The Joint Secretariat also leads discussions in National Joint Council working parties which inform negotiations and again tend to meet on a monthly basis.
9. In both cases meetings can be held more frequently depending upon the complexity of the issues and/or the agreed timescale for conclusion.
10. The Joint Secretariat has a formal conciliation role when requested by both parties at local level to assist in resolution of local disagreements. The Joint Secretariat has a good record of either assisting the parties to reach agreement at the time of conciliation or developing a position that can later be built upon by the local parties to achieve resolution. Over the last year ten fire and rescue services have referred various issues to the Joint Secretariat for conciliation.
11. In addition to the above, on occasion and when jointly requested to do so, the Joint Secretariat can also provide support to parties at local level who wish to explore their current industrial relations relationship with a view to seeking improvement. This occurred once in the last year.

12. The Joint Secretariat will also have handled a considerable number of informal requests from local parties seeking either interpretation or clarification of Scheme of Conditions of Service issues which were under debate at local level, and/or advice in connection with local consultation or negotiation issues.

Other National Joint Council Activities

13. To acknowledge the importance of the National Joint Council's *Protocol for Good Industrial Relations in the Fire Service* and to further encourage all parties to do all they can to build upon the protocol at local level, the National Joint Council held a seminar in central London in January 2008 for representatives from fire and rescue services across the UK including elected members, senior managers and trade union representatives.
14. The seminar explored the background to the *Protocol*, its purpose and what it was expected to achieve as well as promoting the benefits to the fire service and its employees to reduce the number of disputes at local level.
15. The seminar was very well supported and positive feedback received. The experience of the Joint Secretariat is that where the *Protocol* has been embraced at local level it has improved industrial relations. Where the relationship is not as strong as it could be then the *Protocol* provides a very useful tool to address the problem.
16. At the invitation of CFOA, the Joint Secretaries facilitated a workshop on Good Industrial Relations at the Fire Conference held in Liverpool in August 2008. The session was chaired by the Independent Chair of the NJC.
17. At the invitation of the Employees' Side Secretary, the Employers' Side Chair and Secretary attended the Fire Brigades Union National School in November 2007 to discuss industrial relations within the UK fire and rescue service.

Resolution Advisory Panel

18. The National Joint Council's *Negotiation Procedure* contains a number of options that local parties can explore to facilitate resolution to local issues where negotiation at local level has been exhausted. One of those options is the National Joint Council's Resolution Advisory Panel. The panel comprises an Independent Chair, Professor William Brown, who is assisted by the Joint Secretariat. The purpose of the Panel is to endeavour to facilitate an agreement between the parties, but where that is not possible Professor Brown will make recommendations.
19. During the last year there has been one referral to the Resolution Advisory Panel.

Technical Advisory Panel

20. The National Joint Council also operates a Technical Advisory Panel which can consider a new duty system proposed at local level where it has not been possible to reach agreement on its introduction. The panel comprises the Independent Chair, Professor John Gennard, who is assisted by the Joint Secretariat. As with the resolution Advisory Panel its purpose is to endeavour to facilitate an agreement between the parties, but where that is not possible Professor Gennard will make a recommendation.
21. During the last year there have been no referrals to the Technical Advisory Panel.

Matters in Progress

22. The National Joint Council agreed at its meeting in June 2008 to determine pay increases for 2009 and 2010 by 31st March 2009.
23. Furthermore, at that same meeting the National Joint Council agreed that a joint working party (including Middle Manager Negotiating Body representation) will discuss a number of issues on a without prejudice basis within the context of paragraph 22 above, again to conclude by 31st March 2009. On the Employers' Side these issues include a review of the current provisions for Middle Managers and recall to duty arrangements. On the Employees' Side these issues include a review of the Continual Professional Development Scheme and the process for determining pay in the future.
24. Further work will be undertaken over the next year to further embed the *Joint Protocol on Good Industrial Relations* at local level. This work will firstly be informed by a survey of the parties at local level to ascertain the current position in respect of the *Protocol*.
25. Consideration will be given to changes to the Maternity provisions contained within the Scheme of Conditions of Service (Grey Book).
26. Consideration will also be given to provision of health and safety guidance as referred to in Section 5, part A, paragraph 2 of the Grey Book.

Conclusion

27. This has been a productive year for the NJC. It is satisfying to note that the new constitution, including the introduction of the Middle Managers Negotiating Body, has bedded down satisfactorily.

28. The launch of the *Protocol for Good Industrial Relations in the Fire Service* is another milestone. It is envisaged that further work based on a survey will help embed the Protocol especially its key empowering element viz. "a culture of no surprises" even more deeply at local level.
29. The professionalism of the working relationships at Joint Secretary level has been noted and the *Protocol* is fully embraced at this level. However, the quality of the working relationship goes beyond the *Protocol* into other areas. The ability to disagree without being disagreeable is a major factor in moving NJC business forward to the benefit of the Service.
30. On a personal level, the Independent Chair is very grateful to the Joint Secretaries and their teams for their support. The wide ranging induction programme (visits to the Fire Service College, Gloucester control centre, Southwark Training Centre, a retained station at Moreton-in the Marsh, and a London station) organised by the Joint Secretaries has been of enormous value to the Independent Chair.
31. At the invitation of the Employees' Side Secretary, the Independent Chair and the Employers' Side Secretariat attended the Fire Brigades Union National Annual Conference in Southport in June 2008.
32. The NJC is not complacent about its successes this year. It is very aware of the challenges that lie ahead. But it is confident that the progress made this year will enable the challenges of the future to be handled in the best interests of employers, and employees and ultimately of the public that we are all proud to serve.

Professor Monojit Chatterji
Independent Chair

**MEMBERSHIP OF THE NATIONAL JOINT COUNCIL
1 OCTOBER 2007 TO 30 SEPTEMBER 2008**

Employers' Side	Employees' Side
Local Government Association	Fire Brigades Union
Cllr C Bowden	Mr J Barbour
Cllr L Byrom (30/9/07 to 16/6/08)	Mr A Dark
Cllr S Comer	Ms S Riley
Cllr D Goddard	Mr J Ford
Cllr M Grimston	Mr W Gee
Cllr L McGuire	Mr D Green
Cllr I Swithenbank	Mr A McLean
Cllr F Walker	Mr T Mitchell
Vacancy	Mr M Nicholas
Vacancy (17/06/08 to 30/9/08)	Mr R Robertson
	Mr M Shaw
Convention of Scottish Local Authorities	Mr M Smith
	Mr D Whatton
Cllr M Bridgeman	Mr M Wrack
Cllr M Raeburn	
Cllr B Wallace	
Cllr Cllr P Watters	
(3 members drawn from the above on a meeting by meeting basis)	
Welsh Local Government Association	
Cllr T Roberts	
Northern Ireland Fire and Rescue Service	
Mr W Gillespie	

**MEMBERSHIP OF THE MIDDLE MANAGERS NEGOTIATING BODY
1 OCTOBER 2007 TO 30 SEPTEMBER 2008**

Employers' Side	Employees' Side
Local Government Association	Fire Brigades Union
Cllr C Bowden	Mr J Barbour
Cllr L Byrom (30/9/07 to 16/6/08)	Mr D Beverley
Cllr S Comer	Mr D Cain
Cllr D Goddard	Mr A Dark
Cllr M Grimston	MR J Denvir
Cllr L McGuire	Mr J Ford
Cllr I Swithenbank	Mr A Guest
Cllr F Walker	Mr A McLean
Vacancy	Mr P Poullais
Vacancy (17/06/08 to 30/9/08)	Mr R Robertson
	Mr M Shaw
Convention of Scottish Local Authorities	Mr M Smith
	Mr M Wrack
Cllr M Bridgeman	
Cllr M Raeburn	Fire Officers Association
Cllr B Wallace	Mr Graham Setterfield (full member from 13/3/08)
Cllr Cllr P Watters	
(3 members drawn from the above on a meeting by meeting basis)	
Welsh Local Government Association	
Cllr T Roberts	
Northern Ireland Fire and Rescue Service	
Mr W Gillespie	