

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**

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**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**

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27 October 2009

**CIRCULAR NJC/09/09**

Dear Sir/Madam

**ANNUAL REPORT OF THE INDEPENDENT CHAIR – 2008/9**

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 2008/9, is attached.

Yours faithfully  
**SARAH MESSENGER**  
**MATT WRACK**  
Joint Secretaries

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

**ANNUAL REPORT OF THE INDEPENDENT CHAIR  
2008 – 2009**

**SEPTEMBER 2009**

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 2008/9 the Vice-Chair was held by the Employers' Side.

The membership of the National Joint Council (and the Middle Managers Negotiating Body) during 2008/9 is attached to this report.

## Introduction

1. The Annual Report of the Independent Chair of the National Joint Council for Local Authority Fire and Rescue Services (NJC) covers the period from 1 October 2008 to 30 September 2009. Issues dealt with at the meetings of the National Joint Council on 29 September 2008 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 the interpretation of the national scheme of conditions of employment.

## The main outcomes in 2008-2009

3. Since my last report the National Joint Council has met on the following dates and considered a number of issues:

30 September 2008  
16 December 2008  
25 March 2009  
3 June 2009

The body will also meet on 29 September 2009.

4. The National Joint Council issues circulars from time to time detailing agreements reached. Below are a list of agreements reached since September 2008 together with the relevant circular number:

Car Allowances - VAT Reduction	NJC/1/09
Due to the Chancellor of the Exchequer's announcement that VAT was to be reduced to 15% from the 1 December 2008, the NJC agreed to reduce the amount of VAT per mile in the petrol element of the NJC car allowances.	

Scheme of Conditions of Service (Grey Book) Out of Pocket Allowance	NJC/4/09
Revised allowances effective from the 1 April 2009	
Car Allowances	NJC/5/09
Revised Allowances effective from the 1 April 2009.	
Retirement and Pension Schemes	NJC/6/09
The NJC agreed an updated and revised paragraph 4 in Section 7 of the Scheme of Conditions of Service (Grey Book) to reflect the introduction of the New Firefighters Pension Scheme and access of employees on the retained duty system to the new scheme.	
Pay Settlement 2009	NJC/7/09
Pay award effective from 1 July 2009	
Continual Professional Development Payments	NJC/8/09
New payment levels effective from 1 July 2009	

### Additional Circulars

5. In addition to the circulars referred to in paragraph 3 above, the following circulars have been issued since September 2008:

Independent Chair's Annual Report	NJC/13/08
First report of Professor Monojit Chatterji	
Technical Advisory Panel (TAP)	NJC/14/08
Recommendation of the Independent Expert of the Technical Advisory Panel with regard to the referral by Strathclyde Fire and Rescue Service (October 2008)	
Resolution Advisory Panel (RAP)	NJC/15/08
Recommendation of the Independent Chair of the Resolution Advisory Panel with regard to the referral by Tayside Fire and Rescue Service (July 2008).	
Pay and numbers survey 2009	NJC/2/09
Survey form and guidance notes.	
Technical Advisory Panel (TAP)	NJC/3/09
Recommendation of the Independent Expert to the Technical Advisory Panel with regard to the referral by Lincolnshire Fire and Rescue Service (January 2009)	

### **Middle Managers Negotiating Body**

6. The Middle Managers Negotiating Body came in to existence in September 2007. It has plenary powers to deal with issues relating solely to employees in Station Manager to Area Manager roles.
7. Since my last report the Middle Managers Negotiating Body has met on the following occasions and has considered a range of issues:

30 September 2008

16 December 2008

25 March 2009

3 June 2009

The body will also meet on 29 September 2009.

### **Rolemaps and National Occupational Standards sub-Committee**

8. The Rolemaps and National Occupational Standards sub-Committee came into existence in July 2008.
9. Its purpose is to consider any proposed changes to the NJC agreed rolemaps and/or national occupational standards put forward either by the external bodies responsible for the development of such issues or by either side of the National Joint Council, including the Middle Managers Negotiating Body.
10. Since my last report the sub-Committee has met on one occasion with further meetings scheduled to consider changes originally put forward by the Fire and Rescue Services Vocational Standards Group.
11. The group is led by the Joint Secretariat

### **Joint Secretariat Activity**

12. 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.
13. The Joint Secretariat leads discussions in National Joint Council working parties which inform negotiations and again tend to meet on a monthly basis. The most recent working party was concerned with the approach to pay for 2009.

14. In both cases meetings can be held more frequently depending upon the complexity of the issues and/or the agreed timescale for conclusion.
15. The Joint Secretariat also leads discussion in the sub-Committee on rolemaps and national occupational standards as outlined in paragraph 9 above.
16. 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 assisting the parties to develop the basis of an agreement which leads to a resolution following further discussion at local level. Over the last year various fire and rescue services have referred eighteen issues to the Joint Secretariat for conciliation.

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.

17. The Joint Secretariat will also have handled a considerable number of requests from local parties seeking interpretation or clarification of Scheme of Conditions of Service issues or early informal assistance where a matter is likely to prove difficult to resolve at local level.

#### **Other National Joint Council Activities**

18. At the invitation of the Employees' Side Secretary, the Employers' Side Secretary attended the Fire Brigades Union National School in November 2009 to discuss industrial relations within the UK fire and rescue service.
19. The Independent Chair visited Tayside Fire and Rescue Service meeting both employer and employee representatives, gaining further day-to-day knowledge about how a fire and rescue service functions.
20. At the invitation of the Employees' Side Secretary, the Independent Chair and the Employers' Secretariat each attended a day of the Fire Brigades Union Conference in May 2009.

#### **Resolution Advisory Panel**

21. 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 a recommendation which based upon the positions presented and discussions during the course of a meeting, he believes could form the basis of an agreement.

22. During the last year there has been one referral to the Resolution Advisory Panel by South Yorkshire Fire and Rescue Service.

### **Technical Advisory Panel**

23. 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 determining whether or not the proposed duty system complies with the principles contained in Section 4 of the Scheme of Conditions of Service (Grey Book). He may also include in his recommendation a proposal that he believes, on the basis of the positions presented and discussion during the course of a meeting, could form the basis of an agreement.

24. During the last year there has been one referral to the Technical Advisory Panel by Lincolnshire Fire and Rescue Service.

### **Matters in Progress**

25. 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*.

26. Considerable work has been undertaken at Joint Secretary level, together with respective legal advisers, in order to identify an appropriate remedy and reach a negotiated settlement as directed by the Employment Tribunal in respect of cases taken under the Part-time Workers Prevention of Less Favourable Treatment (Regulations). In addition, work is also taking place on necessary amendments to the Scheme of Conditions of Service. This work is continuing and further meetings are planned.

27. Discussion at Joint Secretary level (extended as and when necessary) will shortly commence on whether or not provisions for middle managers provide the best approach from both a management and an employee perspective.

28. Early discussion at Joint Secretary level will also commence shortly on the matter of the approach to pay for 2010.
29. Consideration will be given to changes to the Maternity provisions contained within the Scheme of Conditions of Service (Grey Book) in the light of a claim received from the Employees' Side.
30. Consideration will be given to provision of health and safety guidance as referred to in Section 5, part A, paragraph 2 of the Scheme of Conditions of Service (Grey Book).

### **Conclusion**

31. Overall this has again been a productive year for the NJC.
32. I was particularly pleased that despite the exceptional economic circumstances the NJC was able to reach agreement on the matter of this year's pay award. This is testimony to the effective working relationships at this level.
33. However, the NJC is not complacent about its successes. It is very aware of the challenges that lie ahead. But it is confident that it is well placed to enable the challenges of the future to be handled in the best interests of both employers and employees.

**MEMBERSHIP OF THE NATIONAL JOINT COUNCIL  
1 OCTOBER 2008 TO 30 SEPTEMBER 2009**

<b>Employers' Side</b>	<b>Employees' Side</b>
<i>Local Government Association</i>	<i>Fire Brigades Union</i>
Cllr C Bowden	Mr J Barbour
Cllr S Comer	Mr A Dark
Cllr A Duggan (part year)	Mr J Ford
Cllr D Goddard	Mr W Gee
Cllr M Grimston	Mr D Green
Cllr L McGuire	Mr A McLean
Cllr I Swithenbank	Mr T Mitchell
Cllr F Walker	Mr J Pagan
Vacancy	Ms S Riley
	Mr R Robertson
	Mr M Shaw
<i>Convention of Scottish Local Authorities</i>	Mr M Smith
	Mr D Whatton
Cllr M Bridgman	Mr M Wrack
Cllr M Raeburn	
Cllr B Wallace	
Cllr P Watters	
(3 members drawn from the above on a meeting by meeting basis)	
<i>Welsh Local Government Association</i>	
Cllr T Roberts	
<i>Northern Ireland Fire and Rescue Service</i>	
Mr W Gillespie	

**MEMBERSHIP OF THE MIDDLE MANAGERS NEGOTIATING BODY  
1 OCTOBER 2008 TO 30 SEPTEMBER 2009**

<b>Employers' Side</b>	<b>Employees' Side</b>
<i>Local Government Association:</i>	<i>Fire Brigades Union</i>
Cllr C Bowden	Mr J Barbour
Cllr S Comer	Mr D Beverley
Cllr A Duggan (part year)	Mr A Dark
Cllr D Goddard	Mr J Ford
Cllr M Grimston	Mr A Guest
Cllr L McGuire	Mr A McLean
Cllr I Swithenbank	Mr P Moss (part year)
Cllr F Walker	Mr M Pottinger
Vacancy (part year)	Mr P Poullais (part year)
	Ms S Riley
	Mr R Robertson
	Mr M Shaw
	Mr M Smith
<i>Convention of Scottish Local Authorities</i>	Mr M Wrack
Cllr M Bridgman	
Cllr M Raeburn	<i>Fire Officers Association</i>
Cllr B Wallace	
Cllr P Watters	Mr G Morgan
(3 members drawn from the above on a meeting by meeting basis)	
<i>Welsh Local Government Association</i>	
Cllr T Roberts	
<i>Northern Ireland Fire and Rescue Service</i>	
Mr W Gillespie	

