

## **WEST MIDLANDS FIRE SERVICE EMPLOYEE RELATIONS FRAMEWORK**

### **1. STRATEGY**

The West Midlands Fire Service (WMFS) wholeheartedly supports timely and effective co-operation and consultation between the employer, employees and Trade Unions/Representative Bodies to help the successful delivery of the Service and the management of change. Employees are encouraged to join and remain in recognised Trade Unions/Representative Bodies.

WMFS recognises that all parties' legitimate interests, responsibilities and commitment to working together on:

- the success of the Service (reward and recognition);
- quality of working life (wellbeing, behaviour) including workplace facilities;
- working in a transparent manner to develop a 'no surprises' culture;
- continuously improving employee relations (monitoring, capturing the right information and taking the appropriate action);
- agreement within appropriate timescales; and
- ongoing dialogue

will benefit the Service, its employees and local communities.

Trade Union/ Representative Body representatives have considerable knowledge and experience and can make positive and effective contributions to any changes being proposed. Therefore, WMFS will make sure that:

- employees and Trade Union/ Representative Body representatives will be involved early on in consultation and negotiation in accordance with the NJC protocol (see Appendix 1) on issues which have workforce implications;
- appropriate and timely information will be shared with the Trade Unions/Representative Bodies and employees, so that effective consultation or negotiation can take place;
- feedback is given on how employee and Trade Unions/Representative Bodies views are taken on board and how they influenced management's subsequent position;
- reasonable Trade Union facilities are put in place, in accordance with statutory requirements and ACAS good practice guidelines. The principle outlined above are applied to Representative Bodies.
- All stakeholders including, (Corporate Board, Fire Authority members, senior managers and employee representatives) will lead by example in their approach to Employee Relations. Elected Members, Corporate Board Members and Trade Union/ Representative Body Officials will collectively and individually be proactive in both developing positive relationships and encouraging all managers and Trade Union/ Representative Body representatives in the Service to do the same.

This policy has been based on the Joint Protocol published by the National Joint Council (NJC), the model procedure in the Grey Book and guidelines produced by ACAS. It has been jointly agreed and will govern the relationship between WMFS and its recognised Trade Unions/Representative Bodies. It is not legally binding, but relies on all parties to work with a spirit of co-operation.

## 2. PROCEDURE

### 2.1 Definitions

Employees and employers need to exchange information, views and ideas, discuss problems, consider solutions and look at future developments, but there are differences in the ways this is done, differences between communications, consultation and negotiation through collective bargaining.

**Communications** is the giving and receiving of information through discussion and instructions. It includes the information, the channels and the ways it is passed along (see paragraph 2.5 and Appendices).

**Consultation** goes beyond communication and involves managers actively seeking, and then taking account of, the views of employees' representatives before making a decision. Consultation does not remove the right of the employer to manage and make the final decision. However, it obliges them to seek acceptable solutions to problems through a genuine exchange of views and information. The responsibility for decisions remains at all times with the employer (see paragraph 2.6).

**Negotiation** is the process by which employers and Trade Union Representatives seek to reach agreement through collective bargaining. **Collective bargaining** is the process by which the Service and recognised Trade Unions/Representative Bodies seek to reach agreement on issues such as pay and terms and conditions of employment. In consultation the responsibility for decision making remains with the Service, however, the employer will give genuine and thoughtful consideration to the Trade Unions/Representative Bodies when considering consultation. In collective bargaining both the employer and Trade Unions/Representative Bodies take responsibility for fulfilling the bargain (see paragraph 2.7).

Managers must be aware of the need to consult and Trade Union/ Representative Body Representatives must be aware of the need to respond.

### 2.2 Why communications and consultation are important

The way to involve employees in an organisation is through communications and consultation. Good communication is in the public interest because good employee communications and consultation can:

- improve organisational performance;
- improve management performance and decision making;
- improve employees' performance and commitment;
- develop greater trust; and
- increase job satisfaction.

### 2.3 Who is involved?

WMFS recognises the Fire Brigades' Union (FBU) and UNISON for the purpose of collective bargaining in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992.

The Fire Officers' Association (FOA) and the Association of Principal Fire Officers (APFO) are collectively known in the West Midlands Fire Service as Representative Bodies.

Although FOA and APFO are not Trade Unions, West Midlands Fire Service recognises appointed officials of these organisations for consultation and negotiation purposes. FOA and APFO are afforded the same opportunity for facility arrangements set out under the ACAS guidance and the Employee Relations Framework.

### **2.3.1 Fire Authority Members**

The Fire Authority members are elected members from the local communities we serve. The members will select representatives to attend The Joint Consultative Panel (JCP). The JCP provides a forum for the Authority as the employers, and the Trade Unions/Representative Bodies, to discuss employment issues affecting the whole workforce. Many of the issues discussed relate to creating a culture that both recognises and values the diversity of individual members of staff in delivering an inclusive service to the community. In addition, the panel endeavours to ensure that all staff, irrespective of the roles they undertake, are treated with respect and dignity to enable them to reach their full potential. The facility of an effective Joint Consultative Panel will contribute to the Authority's corporate aims.

The responsibilities for employee relations applicable to all elected members are detailed in Appendix 3.

### **2.3.2 Corporate Board**

Corporate Board are committed to the principles outlined in this policy and take a positive lead in the development and implementation of a successful employee communications and consultation plan. They have nominated the Director, Human Resources as the senior manager responsible for making sure that the policy is put into practice, properly maintained, regularly reviewed and that the chains of communication and methods of consultation are clearly understood. Individually and collectively Corporate Board Members may meet with the Trade Unions/ Representative Bodies where appropriate to promote, develop and sustain productive and transparent employee relations. However, all senior managers need to ensure that the agreed consultation and negotiation process is followed by all concerned.

### **2.3.3 Managers**

Managers play a key role, as they are responsible for passing on and receiving information facilitating employee's access to information, as well as acting on and issuing instructions. Ineffective communication by managers can cause inefficiency and disaffection. It is essential that line managers and supervisors are not by-passed when information is given to employees. Sometimes it is important that managers communicate directly with employees, but they must also keep any middle and line managers informed. It is best to keep chains of communication as short as possible. It is the managers' responsibility to lead on consultation and negotiation.

### **2.3.4 The Human Resources (HR) service**

The HR service has a substantial interest in giving information to employees, particularly on terms and conditions of employment. HR is well placed to identify needs, advise on policy and monitor arrangements. The role of the HR Employee Relations Team is to support and give guidance to the managers on legislation, policy and best practise but it is the managers' responsibility to lead the consultation and negotiation process. The Employee Relations Team also facilitates the Joint Consultative Committee. HR provides the forum and framework for consultation and negotiation.

### **2.3.5 Trade Union/ Representative Body Officials**

Trade Union/ Representative Body officials represent and are accountable to their membership. They have a responsibility to convey factual information to members and management. Trade Union/ Representative Body officials also have responsibilities to communicate with their members and make sure that their members' views and opinions are conveyed effectively to management. Trade Union/ Representative Body officials need information to bargain effectively and recognised Trade Unions/Representative Bodies have certain legal rights to information for collective bargaining purposes (see paragraph 2.4.3). Trade Union/ Representative Body officials also need time off and facilities to enable

good communication with their members (see section 2.8). All methods of communication should be delivered in line with the West Midlands Fire Service core values.

Cross reference to 2.8.13

### 2.3.6 Employees

Employees have a responsibility to make sure that their views and opinions reach management through the appropriate channels. This can include one to one meetings, team meetings, section meetings, meetings with their Trade Union/ Representative Body Representative or other regular or occasional opportunities for employee communication and consultation. Information is a two-way process, flowing between employees and managers. WMFS employees are encouraged to join a recognised Trade Union/ Representative Body.

## 2.4 What information is communicated?

It may be appropriate at times to send out agreed joint communications.

### 2.4.1 General information

Managers should give employees information about:

- **terms and conditions of employment** – includes all contractual details, such as pay, hours of work, holidays, period of notice, disciplinary rules;
- **their job and its performance** – includes the workplace, objectives, operating and technical instructions, health and safety, supervision, training and development, equal opportunities, Trade Union/ Representative Body representation;
- **the organisation's performance, progress and prospects** – includes objectives and policies, financial performance, management and staff changes, developments in technology, return on investment; and
- **changes** to any of the above.

Information is shared with Trade Unions/Representative Bodies in line with data protection, which means that some information may have personal details removed, although much of the general information is available on the Service's intranet and through the Annual Report and Service Plan.

The HR Employee Relations Team can give updates on policy information, giving regular reviews and presentations to individuals or teams.

Trade Union/ Representative Body officials also need information about:

- time off for Trade Union/ Representative Body duties and activities (see section 2.8);
- access to management, members, potential members and new employees; and
- collection of Union dues or subscriptions.

### 2.4.2 Information for consultation

The Information and Consultation of Employees Regulations 2004, subject to certain conditions, gives employees the right to be:

- informed about the Service's economic situation;
- informed and consulted about the Service's employment prospects; and
- informed and consulted about decisions likely to lead to substantial changes in work organisation or contractual relations, including redundancies and transfers.

It also states that employers have a legal responsibility to consult with employees, with a view to reaching agreement, on:

- health and safety;
- redundancies – if it is proposed to dismiss 20 or more employees at one establishment over a period of 90 days or less including discussion on avoiding or reducing redundancies;
- business transfers – transfer of a business under The Transfer of Undertakings (Protection of Employment) Regulations (TUPE);
- works councils – or equivalent procedure to provide information and consultation for the entire workforce; and
- occupational pensions – providing employees with information and communication on financial participation and economic awareness about pension schemes and consulting on a regular basis.

### **2.4.3 Information for collective bargaining (negotiation or consultation)**

The Trade Union and Labour Relations (Consolidation) Act 1992, Sections 181 and 182, imposes a duty on employers, who recognise a Trade Union, to disclose information requested by a Union Representative for the purposes of collective bargaining. There is no legal obligation for an employer to disclose any specific piece of information, but there is a general duty to disclose information in harmony with good employee relations practice.

The information must be in the employer's possession and the Trade Union should state as precisely as possible the information they require and confirm their request in writing. The employer does not have to produce original documents or information that would contravene security, confidentiality or cause injury, nor does the employer have to go to unreasonable expense. Any refusal to provide information will be explained clearly by the employer. The principles outlined above also apply to Representative Bodies.

However where appropriate to facilitate the consultation/negotiation processes, generally the organisation when requested will provide or make available information to the Trade Unions/ Representative Bodies that would be disclosed under Freedom of Information requests.

Providing relevant information helps the process of constructive negotiation, and the employer will endeavour to be as open and helpful as possible in giving Trade Unions/Representative Bodies the information they need. Trade Unions/Representative Bodies should try to co-ordinate requests wherever possible.

If a Trade Union thinks the employer has failed in its duty to provide information, it can complain to the Central Arbitration Committee (CAC). The CAC is an independent body adjudicating on applications relating to the recognition and de-recognition of Trade Unions.

The types of information for collective bargaining depend on the subject matter and the issues raised, but some examples are:

- pay and benefits;
- conditions of service;
- workforce planning;
- performance; and
- finance.

## **2.5 How do we communicate?**

To be effective communications between the employer, employees and Trade Unions/ Representative Bodies must be:

- clear, concise, understandable;
- objective;

- in a manageable form;
- regular;
- relevant, local and timely; and
- open to questioning.

It is important to remember that just because information is 'sent' does not mean it is also 'received' and that communication from employees to managers is important to the organisation and employees should therefore acknowledge such information.

Please see Standing Order 1/24 Communications Strategy for details of communication methods within WMFS.

Managers and Trade Union/Representative Body representatives will take responsibility for ensuring necessary and appropriate discussion, consultation or negotiation takes place to foster continued improved employee relations.

## **2.6 How do we consult?**

The purpose of consultation between the employer, the employees and Trade Union/Representative Body representatives is to reach agreement in a respectful, transparent and timely manner with recognition of our common interests.

Consultation is an integral part of day-to-day management. It can be through informal discussions with individual members of staff to more formalised group meetings or seminars. It should take place at the appropriate level of the organisation, for example, if the issue is a corporate matter, it is dealt with at a corporate level.

Consultation starts at the earliest opportunity, involving employees and /Representative Body representatives in the development of new projects or policies or in the consideration of changes, and before any final decision is made. The employer endeavours to consult widely, but at times may only be able to consult with Trade Union/Representative Body representatives, because of timescales and the nature of the issue or change.

The employer will consider proposals put forward by the employee representatives and if there are times when the employer is unable to agree, the reasons will be clearly stated. The employer has the right to implement the notified changes even if agreement from one or more of the Trade Unions/ Representative Bodies has not been reached.

### **2.6.1 Confidentiality**

The employer provides all relevant, non-confidential information to Trade Union/Representative Body representatives, so that constructive and meaningful consultation can take place. Sometimes confidential and/or sensitive information may be given to Trade Union/Representative Body representatives and managers to aid consultation. Members of the consultation group will be asked to respect the confidential nature of this information and not to share it outside the meeting.

### **2.6.2 Timescale**

All consultations (see 2.6) will have an appropriate timescale agreed at the beginning and to which all parties agree to adhere. Consultation will end when there is agreement or when the issues not agreed have been fully responded to.

#### **External Assistance**

If one party wishes to bring in external help, such as ACAS, a regional officer of the Union or NJC Joint Secretaries, it must seek the agreement of the other parties, but no one should unreasonably refuse such as request.

### **2.6.3 Joint working parties**

Joint working parties (JWP) are ad hoc arrangements, set up to consider specific issues and identify appropriate actions to resolve, for example, attendance rates. The emphasis is on managers and Trade Union/Representative Body representatives working together to understand issues and overcome common problems in a non-confrontational way. However, they are not decision making forums. Once the issue has been considered recommendations can be made to the Joint Consultative Committee (JCC).

The size and make up of the JWP depends on the subject to be discussed, but it is important to keep the meetings small, so that everyone can be fully involved in the discussions, and have a representative cross section of the groups directly concerned with the issue, reflecting the Authority's core values. Sometimes an independent facilitator may be invited to attend to help the parties work together more productively,

Meetings are usually held more frequently to keep momentum going, so meetings can be held weekly or fortnightly to facilitate progress on the issue.

Joint Working Parties may include the Trade Unions/Representative Bodies and will form part of the consultation or negotiation processes.

### **2.6.4 Stakeholder meetings**

Stakeholder meetings can be set up as a discussion forum to discuss specific issues or to encourage the sharing of ideas on Brigade-wide issues. These are not decision-making forums and will not form part of the consultation/negotiation processes.

### **2.6.5 Informal meetings**

These can be held between employee representatives and managers, or between employees and Trade Union/Representative Body representatives, to discuss local issues as they arise. An informal meeting can take place as and when needed at section or station level so that employee representatives have a facility to raise matters. Managers or employees with knowledge of particular issues may be invited to attend if necessary. It is important that the issues from these meetings, though informal, are followed through and communicated to the necessary bodies, and referred to the JCC. It is strongly recommended that a member of the HR Employee Relations team is contacted prior to consultation to provide the necessary advice guidance to ensure consistency.

### **2.6.6 Joint Consultative Committee**

The JCC is the formal consultative meeting in the Service. It is where new initiatives or amendments to current practices are agreed and formally recorded. The role of the JCC is to sign off information and decisions that have been discussed previously within the Service's consultative mechanisms.

The Committee is made up of a representative of Corporate Board, a member of the HR Employee Relations team, Trade Union/Representative Body representatives and advisors called as and when necessary. The Committee meets formally every month. The constitution, which has been negotiated with a view to reaching an agreement with the Trade Unions/Representative Bodies, lays down the rules and procedures that govern the Committee.

### **2.6.7 Joint Consultative Panel**

The Joint Consultative Panel (JCP) is the highest consultative body within WMFS.

The elected member group of JCP acts as the review body for matters referred to it from the Joint Consultative Committee and considers and makes recommendations to the Authority or Service on any matter referred to it from Joint Consultative Committee.

### **2.6.8 Management briefings**

These are intended as information giving sessions to the Services managers by Corporate Board. From time to time Trade Unions/ Representative Bodies will be invited to attend in an observer capacity.

### **2.6.9 Trade Union/Representative Body meetings**

Trade Unions/Representative Bodies may arrange meetings with members to share information and to support the consultation process. From time to time, managers may request to attend or be invited to attend these meetings in an observer capacity or to answer any direct questions.

## **2.7 Negotiation**

Negotiation should be used for matters subject to collective agreement between the Fire Authority and recognised Trade Unions/Representative Bodies. The objective is to resolve issues jointly.

Issues should be dealt with at the appropriate level but issues of a corporate nature should be dealt with at corporate level at first instance.

### **2.7.1 Confidentiality**

The employer provides all relevant information to Trade Union/Representative Body representatives, so that constructive and meaningful negotiation can take place. Sometimes confidential and/or sensitive information may be given to Trade Union/Representative Body representatives and managers to aid in dealing with any issue. Members of the negotiation group will be asked to respect the confidential nature of this information and not to share it outside the meeting.

### **2.7.2 Timescales**

Any negotiations will have an appropriate timescale agreed which has been jointly agreed to which all parties should comply with.

### **2.7.3 Collective bargaining**

Collective bargaining is the process by which employers and recognised Trade Unions/Representative Bodies seek to reach agreement on issues such as pay and terms and conditions of employment. In consultation the responsibility for decision making remains with the employer, however, the employer will give genuine and thoughtful consideration to the Trade Unions/Representative Bodies when considering consultation. In collective bargaining both the employer and the Trade Unions/Representative Bodies take responsibility for fulfilling the bargain.

If one party wishes to bring in external help, such as ACAS, a regional officer of the Union or NJC Joint Secretaries, it must seek the agreement of the other parties, but no one should unreasonably refuse such as request

## **2.8 Trade Union and Representative Bodies facilities**

Under the Trade Union and Labour Relations (Consolidation) Act 1992, Trade Union officials have a statutory right to reasonable paid time off to carry out Trade Union duties and to undertake Trade Union training. They also have a statutory right to reasonable unpaid time off when taking part in Trade Union activities. As detailed in paragraph 2.3 the principles outlined above also relate to the Representative Bodies.

Trade Union/ Representative Body duties must relate to matters covered by collective bargaining agreements between employees and Trade Unions Representative Bodies and relate to the representative's own employer.

Under Employment Act 2002, Union learning representatives also have the statutory right to take paid time off during working hours to carry out their duties and attend relevant training.

This agreement is in accordance with the ACAS Code of Practice 'Time off for Trade Union Duties and Activities'.

### **2.8.1 Who is an official?**

#### Trade Union

West Midlands Fire Service defines an official of a Trade Union as an employee elected or appointed in accordance with the rules of the Union to be a representative of all or some of its members within the WMFS.

#### Representative Body

West Midlands Fire Service defines an official of a Representative Body as an employee who has been elected or appointed in accordance with the Representative Bodies rules, to be a representative of all or some of its members within the WMFS.

### **2.8.2 Time off provisions**

A provision for time off for Trade Unions/ Representative Body officials will be considered on an annual basis in line with Appendix 6. Additional time for duties will be considered as detailed below.

Where there isn't an allocation of facilities time awarded to an individual official of the Trade Union/ Representative Body time off for duties will not be unreasonably refused, as long as the person balances their job with their duties. All time off is subject to the needs of the Service and must be with the prior permission of the manager. Unless exceptional circumstances apply, any request shall be made no less than 7 days in advance.

Time off should be recorded by the representative on the form available on the intranet, detailing date, time, duration and nature of duties. The form should be given to the representative's line manager each month, together with any known commitments. A copy will be signed by the manager and given to the Trade Union/ Representative Bodies for their own records. SMART and E-Employee should also be updated.

### **2.8.3 Time off for Trade Union/ Representative Body duties**

Trade Union/ Representative Body duties are those related to consultation, negotiations or the performance of functions, for example, to prepare for negotiations, inform members of progress, explain outcomes to members, to prepare for meetings with the employer.

It is recognised that Trade Union/ Representative Body officials need to consult with their members before and after meetings with management.

Trade Union/ Representative Body officials can take reasonable time off for duties dealing with negotiations, or for other duties connected with WMFS, such as:

- terms and conditions of employment or physical work conditions, for example, pay, working hours, training needs, equality and diversity;
- engagement or non-engagement, the termination or suspension of employment or duties, of one or more workers, for example, redundancy;
- allocation of work or duties, for example, job evaluation, flexible working;
- discipline or grievance matters, for example, representing members at hearings, acting as a witness;
- Trade Union/ Representative Body membership, for example, induction of new workers;
- negotiation and consultation procedures, for example, joint consultation, communicating with members or other Trade Union/ Representative Body officials, collective bargaining;
- attendance at meetings arranged by management, for example, Joint Consultative Committee, working parties, health and safety committee;

- attend committees, or meetings agreed by employer and Trade Unions/Representative Bodies. These may include meetings that are outside of the WMFS; and
- Consultation on facilities for Trade Unions/ Representative Bodies and specifically accommodation, equipment and names of new employees to the organisation but excludes consultation on facilities for time off for Trade Union/ Representative Body Officials. The process for requesting time off is outlined in Appendix 6.

This is not an exhaustive list please refer to the HR Employee Relations Team who will consult with the recognised Trade Unions/Representative Bodies officials.

#### **2.8.4 Time off for Trade Union/ Representative Body training**

Trade Union/ Representative Body officials are given, paid time off to attend training that is necessary for their Trade Union/ Representative Body duties and role, such as employment relations, collective bargaining, representation and negotiation skills, equality and diversity and legislative change (this is not an exhaustive list). The training must be approved by the Trades Union Congress (TUC) or the Representative Body of which the employee is an official.

There is no statutory requirement to pay for time off where training is taken at a time when the official would not otherwise have been at work. Employees who work part time that undertake training on their days off may, following a discussion with their line manager, receive either the appropriate paid overtime or time off in lieu.

#### **2.8.5 Who is a member of a Trade Union/ Representative Body?**

A Trade Union/ Representative Body member is an individual who subscribes to a recognised Trade Union/ Representative Body.

#### **2.8.6 Time off for Trade Union/ Representative Body activities**

The activities of Trade Union/ Representative Body member can be, for example:

- attending workplace meetings to discuss and vote on the outcome of negotiations with the employer;
- meeting Trade Union/ Representative Body officials to discuss issues relevant to the workplace;
- voting in Trade Union/ Representative Body elections; and
- Having access to services provided by a Union Learning representative.

Where the member is acting as a representative of a recognised Trade Union/ Representative Body, activities can be, for example, taking part in:

- branch, area or regional meetings of the Trade Union/ Representative Body where the business of the Trade Union/ Representative Body is under discussion;
- meeting of official policy making bodies such as the executive committee or annual conference; and
- meeting with regional officers or local officials to discuss issues relevant to the workplace.

Reasonable time off will be given for Trade Union/ Representative Body Officials and members taking part in Trade Union/ Representative Body activities in relation to which the employee is acting as a representative of the Trade Union/ Representative Body. This time will be unpaid, however, in exceptional circumstances payment may be considered.

There is no right to time off paid or unpaid for Trade Union/ Representative Body activities which consist of industrial action.

### **2.8.7 Union learning representatives**

Union learning representatives are entitled to reasonable time off to carry out the following duties:

- analysing learning or training needs;
- providing information and advice about learning or training matters;
- arranging learning or training;
- promoting the value of learning or training;
- consulting management about undertaking such activities;
- preparation to carry out the activities; and
- undergoing relevant training.

Union learning representatives must be sufficiently trained in order to qualify for paid time off. Training should commence when the Trade Union/ Representative Body gives notice in writing to management that they are to become a learning representative. Training should be completed within six months of that date. Trade Union/ Representative Body should give details of completed training; any previous training will be taken into account.

Reasonable time off is considered for further training to help Union learning representatives develop their skills and competencies (refer to 2.8.4). The principles outlined above also apply to Representative Bodies.

### **2.8.8 Health and safety representatives**

The WMFS will provide reasonable time off that is necessary with pay to health and safety representatives undertaking health and safety duties in accordance with the safety representatives and Safety Committees Regulations and provide necessary facilities and assistance in undertaking their duties. Time off must be requested by the relevant Trade Union/ Representative Body official via line management. Training of Trade Union/ Representative Body safety representatives will be carried out by the relevant Trade Union/ Representative Body.

The Safety, Health and Environmental (SHE) Team must be informed in writing of any such appointment and will provide guidance and training commensurate with the role. See also Standing Order 19/01 Consultation.

### **2.8.9 Disciplinary and grievance hearings**

Trade Union/ Representative Body officials are statutorily entitled to take a reasonable amount of paid time off to prepare and accompany an employee at a disciplinary or grievance hearing, as long as they have been authorised by their Trade Union/ Representative Body as being capable of acting as an employee's companion.

The right to time off extends to the employee's representative whether they belong to a recognised Trade Union/ Representative Body or not. However, the worker being accompanied must be employed by the WMFS. Occasionally, Service, regional or sectional officials have a duty to represent people in other Fire Authorities. WMFS recognises that this is a reciprocal arrangement with other Services and will give consideration to appropriate arrangements for these occasions.

### **2.8.10 Notification of officials**

An official from the Trade Union/ Representative Body must inform the Director, Human Resources, in writing, as soon as possible of appointments or resignations of Trade Union/ Representative Body officials. They should also give details of any special duties that the official undertakes, which includes national, regional, sectional, brigade, borough and branch duties and others as required, such as environmental.

Trade Unions/Representative Bodies should make sure that officials are aware of their role, responsibilities and duties, that they hold the correct written credentials and receive necessary training promptly.

It is the role of the HR Employee Relations Team to inform managers when their employees become elected officials, so they know that time off should be considered when requested.

#### **2.8.11 Physical facilities**

It is important that facilities are available to Trade Union/ Representative Body representatives to help them carry out their duties and deal with local issues. WMFS will make available the facilities necessary for officials to perform their duties efficiently and communicate effectively.

Where resources permit, these facilities will include:

- office accommodation for full time officials;
- access to and reasonable use of a telephone and other office equipment;
- the use of notice boards; and
- reasonable use of e-mail and intranet.

The Trade Union/ Representative Body can provide their own communications and copying facilities where requested, this has to be compatible with current technical systems in place.

WMFS reserves the right to monitor levels of usage and will review annually to determine if any changes need to be made.

#### **2.8.12 Commitment of officials**

Trade Union/ Representative Body officials should carry out duties for the benefit of, and within, WMFS only. However, it is recognised that, on occasions, they will be required to attend area, regional, national, sectional or organisational meetings. Requests to attend such meetings will be duly considered.

Records of planned or actual duties and training should be submitted to the representative's substantive line manager.

The representative's line manager is responsible for the day to day line management of full time officials for example sickness reporting, annual leave requests, continuous professional development, appraisal and competency training for their respective jobs.

Facilities time afforded to a full time/part time official will be subject to annual review. The Service will determine the criteria for what constitutes a full time official. Once a full time Official duties have ceased the individual will be redeployed in line with Standing Order 2/24.

#### **2.8.13 Communication between Trade Unions/ Representative Bodies and their members**

The ACAS Code of Practice - Trade Union Duties and Activities Sections 46 - 49, outlines the general considerations regarding the responsibilities of the employer and Trade Unions/Representative Bodies specifically relating to facilities and communications.

### **2.9 Monitoring and review**

It is important to make sure that employee communications and consultation policies and procedures are working and to see if there are ways in which they can be improved. Therefore they should be regularly monitored, particularly to make sure that:

- those communicating and consulting know their roles and are aware of the Framework and the NJC protocol on industrial relations;

- employees are regularly consulted on matters of interest to them;
- information is appropriate and reaches the required audience;
- information is accepted and understood;
- the policies and procedures bring the desired results;
- practice matches policy; and
- incorporate any changes in legislation.

Monitoring and review should also involve employee representatives. A Joint Working Party (JWP) can carry out an audit on communications and consultation. An audit should take into account:

- how engaged employees are;
- level of involvement by Principal and senior management, elected members and employee representatives;
- quality of decision making by managers;
- disagreement or disputes and the dialogue undertaken to resolve the issues;
- work produced jointly;
- lessons learnt;
- attendance and turnover levels; and
- cost effectiveness and Value for Money for all parties involved.

### **3. CROSS REFERENCES**

Standing Order 1/2 Orders and Strategies

Standing Order 2/1 Disciplinary Procedure

Standing Order 2/2 Grievance Procedure

Standing Order 1/24 Communications Strategy

Standing Order 1/19 E-mail Acceptable Use Policy

Standing Order 19/2 Safety, Health and Environmental Committees

Standing Order 2/20 Whistle Blowing Policy

Freedom of Information Act 2000

Standing Order 19/1 Consultation

ACAS Code of Practise: Time off for Trade Union Duties and Activities

The Scheme of Conditions of Service Sixth Edition (updated 2009)

NJC CIRCULAR 08/07 – Joint Protocol for Good Industrial Relations in the Fire and Rescue Service

### **4. KEY CONSULTEES**

Operations Commander Solihull

Station Commanders Billesley

Station Commanders Kings Norton

Station Commanders Sheldon

Station Commanders Erdington

Station Commanders Smethwick

Dudley Green

Solihull Purple

Bournbrook Blue  
Woodgate Valley White  
Aston Red  
Equality and Diversity  
Safety, Health and Environmental Team  
Integrated Risk Management Team  
FBU  
UNISON  
Fire Officers' Association  
All of the Operations Commander Groups  
Management Briefing Group  
Human Resources Advisors  
Senior Occupational Health Advisor  
Equality and Diversity Manager  
Assessment and Development Manager  
Chief's Policy Advisor  
Word Processing Unit

## **5. EQUALITY IMPACT ASSESSMENTS**

An Initial Impact Assessment has been carried out which found that no adverse impact would be created by the implementation of this policy.

## **6. OWNERSHIP**

This Standing Order did not require Corporate Board or Authority approval.

## **7. RESPONSIBILITY AND REVIEW**

### **7.1 Responsible Corporate Board Member/Department**

Director, Human Resources.

### **7.2 Created/fully reviewed/amended**

This Standing Order has been created by the HR Officer, Employee Relations Team, in August 2009.

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

#### ‘WORKING TOGETHER’

#### A JOINT PROTOCOL FOR GOOD INDUSTRIAL RELATIONS IN THE FIRE AND RESCUE SERVICE

The National Joint Council (NJC) recognises that Fire and Rescue Service managers and Trade Union representatives must work together for the benefit of the service, its employees, and local communities. To this end the principles below will apply both at national and local level.

##### Principles

- Joint commitment to the success of the Organisation<sup>1</sup>.
- Joint recognition of each others legitimate interests and responsibilities.
- Joint focus on the quality of working life.
- Joint commitment to operating in a transparent manner.
- Joint commitment to continuously improve industrial relations.
- Joint commitment to reaching agreement within appropriate timescales.
- Joint commitment to ongoing dialogue and exchange of views including face-to-face meetings.
- Joint commitment to a ‘no surprises’ culture.

In support of the above principles employer representatives<sup>2</sup> will:

- engage Trade Union representatives early in consultation/negotiation (as appropriate) on issues which have workforce implications;
- share full and appropriate, and timely information, e.g. on finance and employment matters to Trade Union representatives in order to enable effective consultation or negotiation to take place;
- take on board Trade Union views, providing full and frank feedback on how that process has influenced their subsequent position; and
- put in place reasonable Trade Union facilities in accordance with statutory requirements and ACAS good practice guidance in order to support this inclusive approach.

Trade Union representatives will:

- take an active and constructive part in discussion at an early stage to facilitate reaching agreement within the appropriate timescale;
- provide a considered response to proposals, including alternative options, in accordance

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<sup>1</sup> The term “Organisation” refers to the NJC and/or local fire and rescue services, as appropriate

<sup>2</sup> The term “Employer representatives” refers to the Employers’ Side of the NJC or local managers, as appropriate

with a locally developed timescale or those contained in the national model procedures, as appropriate; and

- share with managers relevant and appropriate information to assist discussions.

All parties:

- recognise their common interests and joint purpose in furthering the aims and objectives of the Organisation and in achieving reasonable solutions;
- will behave respectfully towards each other at all times;
- accept the need for joint consultation or negotiation in securing their objectives;
- will identify at the outset the appropriate timescale for discussion;
- respect the confidential nature of the, at times, sensitive information exchanged;
- actively work together to build trust and a mutual respect for each other's roles and responsibilities;
- ensure openness, honesty and transparency in communications;
- provide top level commitment to the principles outlined in this protocol;
- take a positive and constructive approach to industrial relations;
- commit to early discussion of emerging issues and to maintaining dialogue in order to ensure a 'no surprises' culture;
- commit to ensuring high quality outcomes; and
- where appropriate, seek to agree public positions.

### **Consultation and Negotiation**

To assist all parties at local level the NJC has already agreed model consultation and negotiation procedures which are contained in the Scheme of Conditions of Service (Grey Book) that promote joint solution seeking. Both procedures contain principles which all parties have agreed to adhere to. In the case of the consultation procedure parties at local level have agreed to identify and work within an appropriate timescale. In the case of the negotiation procedure timescales are set out which should be adhered to in order to ensure timely resolution. This is equally the case where alternative timescales have been jointly agreed at local level.

Both model procedures contain definitions of the circumstances in which they are to be used. In the case of consultation, matters shall be those that do not require collective agreement. In the case of negotiation, matters shall be those that do.

The simplest explanation of the difference between consultation and negotiation is that anything which is contractual and therefore needs the agreement of the individual employee or their Trade Union on their behalf is negotiation. Everything else is consultation.

The standard issues referred to in a person's contract are matters which require agreement to change and are therefore negotiable. Basically this covers remuneration, hours of work, leave entitlements and any other conditions of service. It may also cover local policies and procedures not specified within the Scheme of Conditions of Service (Grey Book), or NJC circulars, where they are within the individual's contract and the contract does not provide that the employer has the right to amend them from time to time without agreement. It may

also include local practices that are not contained within an individual's contract but may be implied contractual terms. Everything else is consultation.

Both processes should be conducted with a view to reaching agreement and therefore should include an opportunity to consider alternative approaches to an issue. Where agreement cannot be reached both parties will consider further options but in doing so commit to taking unilateral action only as a means of last resort, i.e. industrial action or imposition of change.

Both processes allow for joint agreement to external assistance should that prove necessary. Local parties are reminded of the benefit of such assistance and the joint commitment in the Grey Book to not unreasonably refuse such assistance. Such involvement must also be carried out in a timely manner with both parties committed to ensuring this is the case.

### **NJC assistance to local parties**

The NJC Joint Secretaries clearly have a role in assisting dispute resolution at local level. Such issues need to be jointly referred, in writing, and the parties locally will need to demonstrate that consultation or negotiation processes have been exhausted at local level.

The joint letter shall:

- be agreed and signed by both local parties;
- contain a joint summary of the issue on which agreement has not been reached, evidence of discussion to date including the original proposal and any amendment made as a result of joint discussion at local level; and
- contain a concise statement from each party summarising their respective position.\*

\*This does not preclude each party subsequently providing unilateral briefings to their own Joint Secretary.

When requested to assist the Joint Secretaries will expect their respective parties to:

- commit fully and with good intent to the process, maintaining an open mind, and whenever possible both parties present should have the authority to reach agreement;
- ensure they are available for meetings, if and when required; and
- respect the confidential nature of matters under discussion through the Joint Secretaries process.

The NJC can also provide specific assistance in the form of the Technical Advisory Panel and the Resolution Advisory Panel, as appropriate. Both processes are contained in the Scheme of Conditions of Service (Grey Book). Where a matter is referred through either process all parties shall commit fully and with good intent to the process, ensuring they maintain an open mind, are available for meetings, and whenever possible both parties present should have the authority to reach an agreement.

### **Conclusion**

All of the principles and commitments above are intended to encourage and support a joint approach to maintaining and improving upon good industrial relations within the fire and rescue service as a whole.

It is recognised that all parties have their part to play in ensuring that outcome is achieved.

**West Midlands Fire Service  
Joint Consultative Panel  
Terms of Reference**

1. TITLE

The Panel shall be called the 'West Midlands Fire Service Joint Consultative Panel' (JCP)

2. REPRESENTATION

The Panel shall comprise of elected members of the West Midlands Fire and Rescue Authority and recognised elected officials of the Trade Unions/Representative Bodies as follows:

JCP

6 employers and

5 employee side\*

2 Fire Brigades' Union

1 Fire Officers' Association

1 UNISON

1 APFO

\* subject to having a locally appointed/elected representative

All elected members shall retire annually and shall be eligible for re-appointment.

The attendance of additional persons by invitation in an advisory capacity only shall be permitted provided that prior agreement is obtained from both sides represented on the Panel.

If a member of the Panel ceases to be a member or an employee of the Service he or she shall immediately cease to be a member of the Panel. Any vacancy amongst the employers shall be filled by the Authority. Any vacancy amongst the employees shall be filled by the employee organisations concerned.

3. MEETINGS OF THE PANEL

The Clerk or their representative shall act as secretary to the Panel and be responsible for issuing the calling notices for all meetings and the minutes.

The Clerk shall liaise with the Director HR on the compilation of the agenda. The Director HR will consult with the Employees with regard to the business to be raised.

4. CHAIR

The Chair and Vice Chair of the JCP meeting will be appointed by the Authority. In the absence of the Chair and Vice Chair, a Chair for the Meeting shall be elected by the Employers from amongst the elected members.

5. OFFICERS

The Clerk, Treasurer and Chief Fire Officer shall be entitled to attend all meetings of the Panel and shall be allowed to nominate any officers to attend as may be appropriate to the business to be discussed.

## 6. FUNCTIONS

The functions of the Panel shall be:

To establish regular methods of consultation between the Authority and its employees and to consider and make recommendations to the Authority or the Chief Fire Officer as appropriate on any problems which may arise.

To consider and make recommendations to the Authority or the Chief Fire Officer, as appropriate, on any relevant matter referred to it by the Service or by the relevant employee organisations.

To consider and make recommendations to the Authority or the Chief Fire Officer, as appropriate, on the application of the terms and conditions of service for employees.

To consider and make recommendations to the Authority or the Chief Fire Officer, as appropriate, on matters referred to it by the Joint Consultative Committee, including failure to consult and failure to agree as defined in Paragraph 8 E and F of the constitution of the Joint Consultative Committee.

To discharge such other functions as are specifically assigned to it.

In appropriate circumstances, to refer any question coming before it to the National Joint Council for consideration and advice where such action is deemed advisable; to inform the National Joint Council or any other appropriate body concerned of any recommendations of the Panel which appear to be of more than local interest provided that any such action shall be by way of a recommendation to the Authority or the Chief Fire Officer, as appropriate, Prior to its submission.

The panel shall operate within approved Authority policy and in accordance with the overall aims and objectives of the Authority, including the Employee Relations Framework, NJC Protocol for good industrial relations and elected members code of conduct. The Panel shall not take any action inconsistent with the decisions of any national or regional negotiating body or committee dealing with conditions or service of employees of the Authority.

## 7. RULES AND REGULATIONS

That the Joint Consultative Panel (JCP) agenda items are reviewed by the Chair of the Joint Consultative Panel in consultation with the Director of Human Resources or his representative prior to finalising the agenda.

That the Elected Member group of the Joint Consultative Panel (JCP), after due consideration, make recommendations back to the Service or the Fire Authority as appropriate.

Provision for four Panel meetings per year shall be made by the Authority.

Special meetings shall only be called with the prior approval of the Chair and Vice-Chair and the lead representative of the employee organisation(s) involved.

The matters to be discussed at any meeting of the Panel shall be included in the agenda for the meeting. No other matters shall be raised.

The quorum of the Panel shall be one third of the total number of representatives appointed by each side subject to each Trade Union/ Representative Body being represented, however, where the Panel is considering business relating specifically to one Trade Union/ Representative Body, the quorum of the employees' side shall be one third of the total number of representatives appointed by each side, with no requirement for each Trade Union/ Representative Body to be represented, provided that the relevant Trade Union/ Representative Body is represented.

In the event of:

- (a) The Panel being unable to arrive at an agreement; or
- (b) The Authority or the Chief Fire officer, as appropriate, disagreeing with the recommendations of the Panel;

The matters in dispute shall be referred to:

- (a) The National Joint Council Joint Secretaries and/or
- (b) ACAS and/or
- (c) The National Joint Council Technical Advisory Panel

The panel is a discussion forum with a view to reaching a consensus. It will support and govern the principles set down in the 'Working Together' A Joint Protocol for Good Industrial Relations in the Fire and Rescue Service document.

All sides to the Panel accept that agreements, reached by them shall be binding in honour only, all parties expressly agreeing that joint decisions as to recommendations are not intended to constitute legally enforceable agreements between them until such recommendations are approved by the Authority or Chief Fire Officer as appropriate.

All parties agree, nevertheless, to use their best endeavours to ensure that the spirit and intention of the agreements on recommendations reached at meetings of the Panel are honoured at all times.

The notes of the Panel shall be submitted to the Authority.

### Responsibilities of Elected Members

#### 1. Background

West Midlands Fire and Rescue Authority is a statutory body that has a legal duty to provide services as defined by the Fire and Rescue Services Act 2004 and the Civil Contingencies Act 2004 through West Midlands Fire Service (WMFS).

The Fire Authority is the employer for West Midlands Fire Service and the supervisory body which ensures that West Midlands Fire Service performs efficiently and in the best interest of the public and community it serves.

In order to have in place a formal consultation mechanism, West Midlands Fire Service in consultation with the Trade Unions/Representative Bodies has developed the Employee Relations Framework. Included within the policy is a constitution for a Joint Consultative Committee and a re-established Joint Consultative Panel.

The Employee Relations Framework has been based on the Joint Protocol published by the National Joint Council (NJC), the model procedure in the Grey Book and guidelines produced by ACAS. It has been jointly agreed and will govern the relationship between WMFS and its recognised Trade Unions/Representative Bodies. It is not legally binding, but relies on all parties to work within a spirit of co-operation.

The Joint Consultative Committee (JCC) meetings between managers and Trades Union Officials will take place initially monthly but depending on the needs of the organisation this may be reviewed. This will support the employee involvement process but it does not detract from a manager's responsibility to make decisions. It defines the process for getting employees views prior to decisions being made.

The Joint Consultative Panel provides an opportunity for employee representatives and the employing Authority to comment on matters relating to the conditions of employment of employees of the Service. It also provides a forum for discussion to assist in the consultation process.

#### 2. Purpose

The Joint Consultative Panel provides a means where elected members of WMFRA, Principal Officers of West Midlands Fire Service and Trade Union/Representative Body representatives, who are representatives of West Midlands Fire Service employees, come together on a regular basis to discuss issues of mutual concern. This panel may have items referred to it from the Joint Consultative Committee as part of the negotiation or consultation process. However, a majority of the items considered will be for consultation.

This panel will consider and make recommendations on: -

any relevant matter referred to it by the Service or by the relevant employee organisations.

any Employee Relation issues which may arise. (In these circumstances the issue must have been considered at Joint Consultative Committee and if there is an outstanding dispute, as per the Terms of Reference, the dispute may be registered with the organisation.

the application of the terms and conditions of service for employees.

The Joint Consultative Panel supports and governs the principles set out in the "Working Together" A Joint Protocol for Good Industrial Relations in the Fire and Rescue Service document, please see Appendix A.

The National Joint Council (NJC) recognises that Fire and Rescue Service managers and Trade Union representatives must work together for the benefit of the service, its employees, and local communities. West Midlands Fire Service supports the application of these principles for recognised Representative Bodies.

The principles within the Working Together document identify the need for joint commitment from Trade Union Officials and the organisation by defining how the individual representatives will engage and work together to the success of the business.

3. Consultation

Consultation: For the benefit of this process consultation (as defined in the Employee Relations Framework) goes beyond communication and involves managers actively seeking and then taking account of, the views of employees' representatives before making a decision. Managers are obliged to seek acceptable solutions to problems through a genuine exchange of views and information. The responsibility for decisions remains at all times with the employer and does not remove the right of managers to manage and make the final decision. Managers must be aware of the need to consult and Trade Union/ Representative Body representatives must be aware of the need to respond.

Items may be referred to the Joint Consultative Panel as 'a failure to consult'. The Joint Consultative Panel needs only to consider if appropriate consultation has taken place and not what the outcome of the consultation should be.

The Trades Union will be responsible for identifying where they believe the lack of consultation has taken place. The HR Director or his delegated representative will provide an audit trail demonstrating the consultation that has taken place and its appropriateness. It is important to stress that a 'failure to consult' should not be considered by the Joint Consultative Panel if it is clear that a consultation process has been used but the Trades Union/ Representative Bodies have chosen not to attend or did not send a deputy.

4. Negotiation

Negotiation: For the benefit of this process negotiation is defined in the Employee Relations Framework as the process by which employers and Trade Union/ Representative Body representatives seek to reach agreement through collective bargaining. It requires an agreement to be reached. Collective bargaining is the process by which employers and recognised Trade Unions/Representative Bodies seek to reach agreement on issues such as pay and terms and conditions of employment.

5. Process for Failure to Consult

In the case of consultation, if Trade Union/ Representative Body representatives believe there has not been appropriate consultation they can refer the matter to the Joint Consultative Panel. However, in doing so Trade Unions/Representative Bodies must clearly demonstrate how they have worked with the Service to try and resolve the dispute prior to referral to the Joint Consultative Panel. The recommendation of the Joint Consultative Panel will only relate to whether appropriate consultation has taken place.

The information relating to the 'Failure to Consult' will be distributed to Joint Consultative Panel members prior to the meeting. The Trade Union/ Representative Body representative will present the reasons why they have raised the dispute and the management representative will clarify the consultation process used.

Deliberation will take place, see section 7. The process for consultation is defined within the Employee Relations Framework.

6. Process for Failure to Agree

In cases of negotiation items will be referred to the Joint Consultative Panel if the Joint Consultative Committee has failed to reach an agreement. However, in doing so Trade Unions/Representative Bodies must clearly demonstrate how they

have worked with the Service to try and resolve the dispute prior to referral to the Joint Consultative Panel. In this situation the Joint Consultative Panel will need to consider the 'failure to agree' and make a recommendation which would be considered by the Authority or Chief Fire Officer prior to it becoming contractual.

The information relating to the 'Failure to Agree' will be distributed to Joint Consultative Panel members prior to the meeting. The Trade Union/ Representative Body representative will present the reasons why they have raised the dispute and the management representative will be given the opportunity to clarify why it was necessary to make that decision taking into consideration the needs of the organisation to provide a quality service as efficiently and effectively as possible contributing to making the community safer.

7. The Elected Member group will adjourn to consider the presentations made. If further information is required both parties will be called back to the Elected Member group even if the query relates to one side.

The Elected Member group will then give their decision on their recommendation back to the Service.

The Elected Members may be assisted by a Technical Advisor. The advisor and the representative from the Clerk to the Authority will adjourn with the panel. The Technical Advisor and Clerk are not part of the decision making process. Their role is to give advice on the Service's policy, process or interpretation of legislation

The presenter of the management case must not be the advisor to the panel.

8. Declaration of Interests

Pecuniary and other interests should be declared at the beginning of each meeting under 'Declaration of interests'. Where a member has a personal interest in the outcome of any item referred to the Joint Consultative Panel they should declare this at the beginning of the meeting under the standing item on the agenda

9. Confidentiality

Elected members are bound by The Model Code of Conduct. This Code of Conduct should be considered prior to any discussions or conversations with Trades Union representative outside of the Joint Consultative Panel. Confidentiality should be maintained at all times.

10. Decision Making

The General Principles underlying with the Code of Conduct outline the considerations for elected members the when making decisions. Elected members should consider carefully how their decisions might affect the community, service and other stakeholders/partners. Members should strive to operate as a team in which constructive working relationships are actively promoted.

11. General

Elected members have a responsibility to actively promote good employment relations and lead by example through their actions and conduct. Individual Fire Authority Members will actively promote good employment relations through their own actions and behaviours in accordance with the members' code of conduct and the Services core values in respect of their communications with the Trade Unions/ Representative Bodies.

### West Midlands Fire Service Joint Consultative Committee Terms of Reference

#### 1. TITLE

The Committee shall be known as the West Midlands Fire Service JCC (WMFS JCC).

#### 2. OBJECTIVES

The objectives of the WMFS JCC shall be to:

- A. provide a forum for communication and joint understanding
- B. promote the health, safety and wellbeing of employees and to endeavour to maintain good relationships between them and management
- C. promote efficient and seamless processes between the management of WMFS and Trade Unions/Representative Bodies (hereinafter referred to as stakeholders)
- D. fulfil an appropriate role for such groups in the settlement of organisational disputes and be a conduit for the resolution of such disputes
- E. develop joint policy, co-operation and arrangements for implementing plans between stakeholders
- F. develop dialogue to include organisational development, performance and organisational culture
- G. develop the benefits of partnership working to create a mature employment relationship to benefit the residents and communities within the West Midlands region

#### 3. TERMS OF REFERENCE

- A. The Joint Consultative Committee shall consist of representatives from the management of West Midlands Fire Service including a representative of the Director, Human Resources (hereinafter referred to as the "management side") and representatives of the Trade Unions/Representative Bodies having members employed within the Service (hereinafter referred to as the "Trade Unions/Representative Bodies")
- B. The management side shall be appointed by the Chief Fire Officer from amongst the management of the WMFS. The management shall not exceed in numbers the employees' side of the committee provided in paragraph 3C below.
- C. The Trade Unions/Representative Bodies shall consist of maximum 5 representatives appointed annually for the municipal year by the Trade Union/ Representative Body having members employed within the WMFS.

UNION	SEATS
Fire Brigades' Union	2
Fire Officers' Association	1
UNISON	1
APFO	1

- D. Any vacancy on the committee shall be filled as soon as possible by the Chief Fire Officer or the Trade Union/ Representative Body.
- E. Regional officials of the Trade Union/ Representative Body may attend any meeting of the WMFS JCC in an advisory capacity at the request of either side.

#### **4. QUORUM**

The quorum of the WMFS JCC shall be 2 members of the management side and 2 members of the Trade Union/ Representative Body.

#### **5. OFFICERS**

- A. Director, Human Resources, or his nominee will act as chairperson.
- B. In the absence of the chairperson at any meeting a chair for the meeting shall be appointed from the management side.
- C. The Secretary and a minute taker shall be appointed by the chairperson.
- D. The Trade Union/ Representative Body can appoint a secretary from amongst the Trade Union/ Representative Body.

#### **6. MEETINGS**

- A. The WMFS JCC shall meet once a month. This may be reviewed and mutually agreed.
- B. The agenda for each meeting shall be circulated to all members with the notice of the meeting at least seven working days before the meeting. Otherwise than with the consent of the majority of both sides present at the meeting, no business shall be considered by the WMFS JCC that does not appear on the agenda.
- C. The Chair of the Joint Consultative Committee (JCC) determines in advance of the meetings whether agenda items are for consultation or negotiation as determined by the Green Book/ Grey Book and considering the principles of the Joint Working Protocols, or whether items are for information/ discussion. The Trade Unions/ Representative Bodies may question this decision in advance of or at the relevant meeting.
- D. Except by agreement of all sides reports shall be circulated to the members of the WMFS JCC with the notice of the meeting at which they are to be considered.
- E. The minutes of the meetings of the WMFS JCC shall be prepared by the minute taker and a copy shall be sent out with the notification or agenda of the next meeting prior to 7 working days before that meeting.
- F. The Trade Unions/Representative Bodies may meet prior to each meeting of the WMFS JCC to consider items they may wish to place on the agenda of the meeting and to consider such items relating to the business of the WMFS JCC as they may wish. Time off with pay shall be granted to each member of the Trade Union/ Representative Body who attends such meetings, up to a maximum of two hours on each occasion plus one hour's travelling time in each case.

#### **7. FUNCTIONS**

- A. The functions of the WMFS JCC shall be to:
  - i. consider any matter referred to it
  - ii. consider any matter referred to it by stakeholders represented on the WMFS JCC except any matter which should be considered by any other body at an earlier stage
  - iii. recommend any arrangements, which in the opinion of the WMFS JCC, may be desirable to promote the efficiency of the Service and

- the maintenance of good relations between the management and its employees
  - iv. collect statistics and information necessary to enable the WMFS JCC to consider matters coming within its scope
- B. The WMFS JCC shall not have the power to agree any action inconsistent with the powers or decisions to any national or regional negotiating body or committee dealing with the conditions of service of employees of the Service.

## **8. PROCEDURE AT MEETINGS**

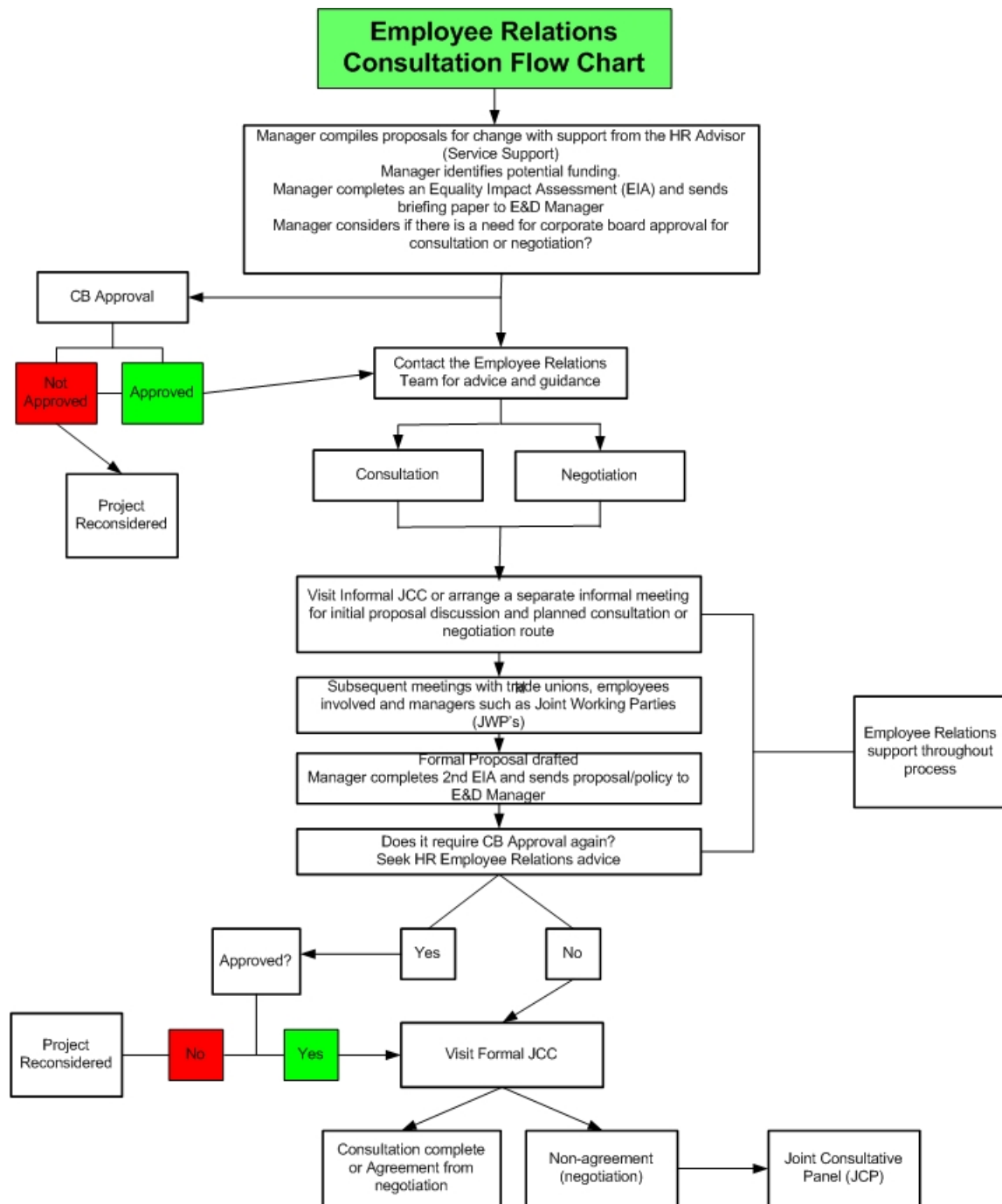
- A. The Director, Human Resources or their representative shall take the chair at the time stated in the notice of the meeting except as may be agreed otherwise.
- B. The meeting shall consider items of business in the order they appear on the agenda except as may be agreed otherwise.
- C. Where an item has been raised by a stakeholder whose representatives are not present at the meeting, by agreement on all sides that item shall be deferred and placed on the agenda for the next succeeding meeting of the WMFS JCC.
- D. Either side may, during the course of a meeting, request an adjournment. Such adjournment may not exceed thirty minutes in duration unless the meeting is adjourned to another day.
- E. A failure to consult appropriately will be referred to the JCP for a final recommendation on whether appropriate consultation has taken place. If consultation has not been appropriate this will be referred back to the JCC or appropriate process.
- F. A Failure to Agree in the JCC Process following negotiations will be referred to the JCP for the final recommendation.
- G. Where a final recommendation is awaited a decision on maintaining the status quo will be taken on a case by case basis by an appropriate manager e.g. health and safety considerations.
- H. The recommendation of the JCP is final; there is no further appeal process.

## **9. COMMUNICATIONS**

All communications relating to the work of the WMFS JCC shall be addressed to the secretary of the WMFS JCC.

## **10. AMENDMENTS TO THE CONSTITUTION**

Written notice of any proposed amendment must be given to each member of the WMFS JCC at least 5 working days prior to the date of the meeting at which the proposed amendment is to be considered. This Terms of Reference may not be amended unless it is ratified at the Authorities Joint Consultative Panel.



PLEASE NOTE: If you do not follow the correct procedure for consultation and consult appropriately the matter may be referred to the Joint Consultative Panel (JCP). This panel consists of elected members and trade union officials.

### **REQUEST FOR FACILITIES TIME FOR TRADE UNION/ REPRESENTATIVE BODY OFFICIALS TO UNDERTAKE TRADE UNION/ REPRESENTATIVE BODY DUTIES**

1. An official from each Trade Union/ Representative Body will be responsible for providing written information, to support the Trade Union's/ Representative Bodies request for the time off for the Trade Union/ Representative Body officials for a 12 month period commencing 1 April. This request should be sent to the Employee Relations Manager or their delegated representative.
2. The request for facilities should be received by the Employee Relations Manager or delegated representative by 31 October. This request should be accompanied by documented evidence supporting the request. This evidence should include details such as:
  - current membership levels and changes from the previous year;
  - how the Trade Union/ Representative Body Official supports its members and how this adds value to the organisation;
  - joint meetings which support the development and change management processes within the organisation; and
  - other duties.
3. The Employee Relations Manager or delegated representative will review the requests giving careful consideration to the efficient and effective use of resources within the organisation and the information received.
4. The Employee Relations Manager or delegated representative will respond in writing to each of the Trade Unions/Representative Bodies identifying their allocation of facilities by 31 December. Trade Unions/Representative Bodies, in exceptional circumstances, may request additional time to support the Service in timely and effective co-operation and consultation.
5. The Trade Union/ Representative Body may wish to appeal against the decision on facilities time. To do so it must be in writing identifying the grounds for the appeal which should be either:
  - The information provided by the Trade Union/ Representative Body did not reflect the facilities required by the Trade Union/ Representative Body. In the situation the decision has been made on inaccurate information, explanation for the error needs to accompany this appeal.
  - The facilitates process was not applied fairly, and
  - There is a comparative Trade Union/ Representative Body within West Midlands Fire Service that has been given more facilities resource.

In each case the reasons must be given for the appeal, simply stating the grounds is not enough.
6. The appeal will go the Director HR within 5 days of receipt of the date of the confirmation letter. The appeal will then be considered within 10 working days and you will receive a written response within 15 workings of the date of your letter.
7. The outcome of this process will be implemented each April.
8. If a Trade Union/ Representative Body fails to provide the required information any facilities may be withdrawn.