

## **WEST MIDLANDS FIRE AND RESCUE AUTHORITY**

**24 JUNE 2019**

### **1. GOVERNANCE OF THE AUTHORITY 2019/2020**

Report of the Clerk and Monitoring Officer.

#### **RECOMMENDED**

- 1.1 THAT the Authority approve the amendments proposed to the Constitution and Committee structure as set out in this report in relation to:
  - a) Governance and Transformation Committee to be reformed as the Collaboration and Transformation Committee
  - b) Appointment of a co-opted member to the Collaboration and Transformation Committee (Appendix 1)
  - c) Scrutiny Committee Terms of Reference to include responsibility for assurance of the performance of the shared Fire Control (Appendix 2)
  - d) Appointments, Standards and Appeals Committee Terms of Reference to include the possible attendance of the appellant at Pension Appeal hearings (Appendix 4)
- 1.2 THAT the Authority note the amendments proposed for the Joint Consultative Panel as part of the Employee Relations Framework report, as a separate report. (Item 17)
- 1.3 THAT the Authority note the amendments made to the Audit and Risk Committee terms of reference as approved by the Audit and Risk Committee and noted by the Authority on 8 April 2019, Article 8, Appendix 3.
- 1.4 THAT the calendar of meetings for 2019/2020 as set out in Appendix 6 be approved;
- 1.5 THAT no -increase be made in Members' Allowances in 2019/20 by way of indexing or otherwise;

- 1.6 THAT the Members' Allowances Scheme for 2019/20 as set out in Appendix 7 be approved
- 1.7 THAT the Authority note the discontinuation of the laying of the draft Order for governance transfer to the West Midlands Combined Authority and Mayor.
- 1.8 THAT the Clerk be authorised to make and publish any necessary consequential amendments to constitutional documents in the light of decisions made with regard to governance arrangements for 2019/20.

## 2. **PURPOSE OF REPORT**

This report is submitted for the Authority to determine its governance arrangements for 2019/20.

## 3. **BACKGROUND**

- 3.1 The Authority's political governance arrangements ensure adherence to the following principles:-
  - to be best placed to respond to a range of internal and external issues, to deliver on its commitment to value for money and other key objectives in the Authority's strategic planning document, known as 'The Plan'; and
  - decision making processes that are open, transparent, accountable and inclusive in line with government expectations on strengthening local democracy.
- 3.2 As part of the Authority's 'route to future governance' approved on the 20 February 2017, the Authority reviewed its structure in 2018/19 and reduced its membership to 15 plus two co-opted members and the Police and Crime Commissioner. This change was implemented through The Fire and Rescue Authority (Membership) Order 2017.
- 3.3 This reformed structure for the Authority was intended to be an interim stage of change, prior to transferring governance of the Service to the Mayoral West Midlands Combined Authority (WMCA).

3.4 Following a recent decision of the WMCA to progress the laying of the Order, individual local constituent councils have not unanimously agreed to provide final consent to lay the Order in the Houses of Parliament. The amendments made to the draft Order during parliamentary legal checks removed absolute assurance that the accountabilities and operational independence of the role of the Chief Fire Officer would be provided for in the statutory Order. Some local councils cited this as a reason for non-consent. As such the Order was not laid as anticipated on the 5 June 2019 and consequently the transfer of governance will now not take place.

### 3.5 **Authority Committee amendments**

The Governance and Transformation Committee was established in 2019/20 to advise the Authority on the transition to the Mayoral West Midlands Combined Authority. Primarily overseeing the development of the draft Order and the constitution of the Mayoral Fire Committee. The Committee comprised 7 Members (one from each Constituent Authority) and 1 Co-optee.

Given that this transfer of governance will now not take place, it is proposed that the Governance and Transformation Committee be reformed as a Collaboration and Transformation Committee. The purpose of this committee will be to oversee the strategic assurance of developing collaborations of the Authority up to their implementation.

During 2019/20, the Authority's co-opted members took places on the Governance and Transformation and Scrutiny Committees. It is proposed that with the introduction of a Collaboration and Transformation Committee a co-optee position is established for this committee.

A revised Authority Committee Structure, reflecting the introduction of this new committee, Appendix 11.

The Scrutiny Committee terms of reference have been amended to incorporate the assurance role of the disestablished Shared Fire Control Governance Board in periodically reviewing the strategic performance of this joint function between Staffordshire Fire and Rescue Authority and the Authority.

The proposed amendment to the committee terms of reference, Article 7, Scrutiny, is attached as Appendix 2.

The terms of reference for the Audit and Risk Committee were agreed at Audit and Risk Committee on 25 March 2019 and noted by the Authority on 8 April 2019. The terms of reference are set out in the Annual Report of the Audit and Risk Committee, and Article 8, Appendix 3.

The (Firefighter) Pensions Appeals Panel considers stage 2 pensions appeals as part of the Internal Disputes Resolution Process. Following the Authority's request for the attendance of the appellant to be considered as part of this panel, the terms of reference for the Appeals Panel has been amended to incorporate the opportunity for the appellant to attend an Authority Appeals Panel where the appellant's appeal is being heard. The Internal Disputes Resolution Process is a desktop assessment process and largely guided by legislation, therefore the attendance of an appellant where their appeal is being heard, will usually be to observe only. The amendments to the terms of reference for the Appointments, Standards and Appeals Committee are set out in Article 9, Appendix 4.

A separate report is submitted as Item 17, detailing the amendments made to the Employee Relations Framework following its review. The terms of reference for the Joint Consultative Committee are detailed within this paper and amendments will be included within the Authority's constitution for 2019/20 and are set out at Appendix 5.

### **3.6 Programme of Meetings**

There have been five Authority meetings during 2018/19.

Six meetings of the Scrutiny Committee and the dates are now in line with the Quarterly Performance Review meetings. There were also six meetings of the Audit and Risk Committee which have been arranged to suit the financial timelines required for the approval of the Statement of Accounts by the end of July.

Five meetings of the Governance and Transformation Committee have been held during 2018/19.

Five meetings of the Joint Consultative Panel were held.

The Appointments, Standards and Appeals have not been required to meet during 2018/19.

A proposed programme of meetings for 2019/2020 is attached for approval as Appendix 6.

### 3.7 **Members' Allowances Scheme**

In accordance with Regulation 10 of the Local Authorities (Members' Allowances) (England) Regulations 2003 (the Regulations), the Authority is required to make and approve a scheme of the payments of members' allowances each year.

3.8 There was no pay award to NJC and Local Government Services in 2010/11, 2011/12 and members' allowances were not therefore increased. The scheme does not allow for indexing beyond 1 April 2011 and an Independent Remuneration Panel would usually be convened to review the members' allowances scheme. In the years between 2012/13 and 2018/19, in view of the continuing difficult financial situation faced by the Authority, it was agreed to defer reconsideration of the scheme and to review the situation in 12 months' time. Despite the outcomes of a report of the Independent Review Panel presented to the Authority in November 2018, it is proposed the Authority maintain its current members allowance scheme for 2019/20.

3.9 The Localism Act 2011 introduced a new local standards framework and replaces independent members of the Standards Committee with an 'independent person'. Independent persons are entitled to claim travel and subsistence allowances as appropriate.

3.10 The members' allowances scheme is attached for approval as Appendix 7.

3.11 A diagram showing the proposed governance structure for 2019/20 is set out at Appendix 11.

### 3.12 **Member Role Descriptions**

The adoption of member role descriptions helps to define key roles and responsibilities and assists with any future reviews of remuneration. Portfolios for the Chair and Vice Chair of the Authority, and the Scrutiny Committee are set out in Appendix 8.

A generic Role Map for all other Committees is attached as Appendix 9. Responsibilities of Elected Members of the Joint Consultative Panel are set out in Appendix 10.

#### 4. **EQUALITY IMPACT ASSESSMENT**

- 4.1 In preparing this report, an initial Equality Impact Assessment is not required and has not been carried out.

#### 5. **LEGAL IMPLICATIONS**

- 5.1 This report invites the Authority to determine its decision making and governance arrangements for the coming year taking into account the relevant provisions of the Local Government Act 1972, Local Government Act 1985 and the Local Government and Housing Act 1989.

#### 6. **FINANCIAL IMPLICATIONS**

- 6.1 Provision is made in the Authority's budget to meet costs associated with the operation of the Authority's decision making structures and the payment of Members' Allowances.

### **BACKGROUND PAPERS**

Fire Authority Meeting February 2017  
Fire Authority Meeting April 2018  
Fire Authority AGM June 2017  
Fire Authority Meeting February 2018  
Fire Authority Meeting April 2018  
Fire Authority AGM June 2018

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Karen Gowreesunker  
CLERK to the Authority

## Appendix 1

### **DRAFT New Article 6**

#### **Collaboration and Transformation Committee**

6.1 The Authority has established a Collaboration and Transformation Committee of 7 members.

The membership of the Collaboration and Transformation Committee will be such members of the political groups represented on the Authority as are appointed in proportion to their representative allocation under the Local Government and Housing Act 1989 and the political group regulations.

#### **6.2 Role and Functions:-**

To support the Fire Authority's role and responsibility with regards to:  
The strategic development and assurance of transformational collaborative working agreements (up to implementation) aligned to the 'Duty to Collaborate' (Policing and Crime Act 2017) and/or the delivery of the Authority's Strategy, The Plan.

6.3 Findings and recommendations of the Collaboration and Transformation Committee are to be submitted to the Authority by the Chair of the Collaboration and Transformation Committee

6.4 To submit its minutes to the Authority

**Appendix 2****Article 7 – Scrutiny Committee****Additions are Highlighted**

- 7.1 In line with expectations set out in the Fire and Rescue National Framework the Authority has established a Scrutiny Committee to support it in achieving its strategic objectives and ensuring that its policy and budgetary framework is followed and developed to reflect the changing needs and demands in meeting its statutory obligations.

The main purpose of the scrutiny function is to:

- i) Inform Policy Development  
(i.e. pre-decision scrutiny – to provide a political steer before a decision is taken/implemented. The Committee may do this by calling in matters considered at the Policy Planning Forum stage).
- ii) Hold Officers and the Service to Account  
(i.e. the Committee may call-in decisions for scrutiny before they are implemented, may examine decisions that have already been implemented and may call upon officers to respond to its enquiries).
- iii) Hold the Authority to Account:  
(i.e. the Committee may call-in decisions for scrutiny before they are implemented, may examine decisions that have already been implemented and may call upon relevant members to respond to its enquiries).
- iv) Conduct Reviews into Specific Issues:  
(i.e. the Committee will identify matters that it wishes to conduct reviews into and call the relevant officers and members to assist it in carrying out those reviews).

In carrying out its role the Committee may look at both operational and strategic issues.



## 7.2 Role and Functions:

To carry out a maximum of two scrutiny reviews per annum selected by the Committee. Such reviews will be member-led and evidence based, and will produce SMART (specific, measurable, attainable, realistic and timely) recommendations to the Authority.

To track and monitor the implementation of review recommendations that are accepted by the Authority.

To summon any officer or member of the Authority to give account in respect of reviews or any other relevant matter.

To manage, in consultation with the Strategic Enabler for Finance and Resources, a specific budget for the purpose of buying in any necessary external advice and support in connection with the reviews.

To receive and scrutinise performance information including progress against the Community Safety Strategy and 'The Plan', the Service's objectives and corporate performance indicators and review performance targets.

To review and scrutinise strategic performance information of the Shared Fire Control on a bi annual basis.

To have responsibility for scrutiny of Diversity, Inclusion, Cohesion and Equality throughout the West Midlands Fire Service and to review policies and monitor performance in relation thereto.

To monitor and scrutinise as appropriate the Authority's People Support policies.

To monitor and scrutinise sickness levels, promotion policies and employee exit information.

To receive information and statistics on grievance monitoring and to report outcomes to the Joint Consultative Panel.

To ensure that the Authority is meeting its duties under Health & Safety and environmental and other relevant legislation.

To deal with any matters referred to it by the full Authority, the Policy Planning Forum, the Chief Fire Officer, Clerk, Monitoring Officer or Treasurer, not within its work programme.

To refer any matter for consideration by the Authority, another

Committee or an officer where considered appropriate.

To submit its minutes and an Annual Report to the Authority.

In order to allow for separation of the scrutiny and decision making functions, findings and recommendations of Scrutiny reviews will be presented to the Authority by the Chair of the Scrutiny Committee. Members (excluding substitutes) of the Scrutiny Committee shall not vote on matters arising from Scrutiny reviews.

The Committee will sit in public with minimum exceptions.

In addition to its programmed meetings, the Committee will hold additional meetings, as and when required, in order to efficiently manage its workload.

## Article 8 – Audit and Risk Committee

Additions are Highlighted

Deletions

- 8.1 The Authority has established an Audit and Risk Committee comprising (five) members, selected in accordance with current proportionality requirements.
- 8.2 In order to reinforce the independence of the Committee, the Authority has appointed an independent member to the Committee.
- 8.2.1 The role of the Independent Member is to assist members of the Committee in providing independent assurance of the adequacy of the Authority's risk management framework and associated control environment, independent scrutiny of the Authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, and overseeing the Authority's financial reporting process.
- 8.2.2 The appointment is reviewed on a three-year basis.
- 8.3 Role and Functions:-

### Statement of purpose

Our Audit and Risk Committee is a key component of the Authority's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.

The purpose of our Audit and Risk Committee is to provide independent assurance to the Members of the adequacy of the risk management framework and the internal control environment. It provides independent review of the governance, risk management and control frameworks and oversees the financial reporting and annual governance processers. It oversees internal audit and external audit, helping to ensure efficient and effective assurance

arrangements are in place.

### Governance, risk and control

To review the Authority's corporate governance arrangements against the good governance framework and consider annual governance reports and assurances.

To review the annual governance statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the Authority's framework of governance, risk management and control.

### *West Midlands Fire and Rescue Authority – Constitution*

To consider the Authority's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.

To consider the Authority's framework of assurance and ensure that it adequately addresses the risks and priorities of the Authority.

To monitor the effective development and operation of risk management in the Authority.

To monitor progress in addressing risk-related issues reported to the Committee.

To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.

To review the assessment of fraud risks and potential harm to the Authority from fraud and corruption.

To monitor the counter-fraud strategy, actions and resources.

**The review the governance and assurance arrangements for significant partnerships or collaborations**

### *Internal Audit*

To approve the internal audit charter.

To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.

To approve the risk based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.

To approve significant interim changes to the risk-based internal audit plan and resource requirements.

To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.

To consider reports from the head of internal audit on internal audit's performance during the year, including the performance of external providers of internal audit services.

These will include:

- Updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work;
- Regular reports on the results of the quality assurance and improvement programme;
- Reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards and Local Government Application Note, considering whether the non-conformance is significant enough that it must be included in the annual governance statement.

To consider the head of internal audit's annual report:

- The statement of the level of conformance with the Public Sector Internal Audit Standards and Local Government Application Note and the results of the quality assurance and improvement programme that supports the statement - these will indicate the reliability of the conclusions of internal audit.
- The opinion on the overall adequacy and effectiveness of the Authority's framework of governance, risk management and control together with the summary of the work supporting the opinion - these will assist the committee in reviewing the annual governance statement.

To consider summaries of specific internal audit reports as requested.

To receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.

To contribute to the quality assurance and improvement programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years.

To consider a report on the effectiveness of internal audit to support the annual governance statement, where required to do so by the Accounts and Audit Regulations.

To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the head of internal audit. To approve and periodically review safeguards to limit such impairments.

To provide free and unfettered access to the Audit and Risk Committee Chair for the Head of Internal Audit, including the opportunity for a private meeting with the committee.

To support the development of effective communication with the head of internal audit.

#### *External Audit (Grant Thornton)*

To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.

To consider specific reports as agreed with the external auditor.

To comment on the scope and depth of external audit work and to ensure it gives value for money.

To commission work from internal and external audit.

To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by PSAA or the authority's auditor panel as appropriate.

### *Financial Reporting*

To review and approve the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Authority.

To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

### *Accountability arrangements*

To report to those charged with governance on the Committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions.

To report to full Authority on a regular basis on the Committee's performance in relation to the terms of reference, and the effectiveness of the Committee in meeting its purpose.

**To publish an Annual Report on the work of the Committee.**

### *Pensions Board*

To have delegated responsibility as Scheme Manager for making decisions in the management and administration of the fire fighter pension scheme. The pensions board assists the Audit and Risk Committee in the role as Scheme Manager to secure compliance with regulations relating to Governance and Administration.

To submit its minutes and Annual Report to the Authority.

**Additions are Highlighted****Article 9 – Appointments, Standards and Appeals Committee**

The Authority has established an Appointments Standards, and Appeals Committee under which allegations of breach of the member Code of Conduct can be investigated and decisions on allegations can be made. The Committee also operates as a quasi-judicial body in determining appeals relating to pensions and superannuation matters and the appointment of Principal Officers. The Appointments, Standards, and Appeals Committee comprises seven members and at least one independent person in accordance with current proportionality requirements and to represent each of the seven constituent authorities.

**9.1 Standards Role and Functions:-**

To promote and maintain high standards of conduct and ethical governance by members and co-opted members of the Authority.

To assist members and co-opted members of the Authority to observe the Authority's Code of Conduct for Members and Co-opted Members.

To advise the Authority on the adoption or revision of a Code of Conduct for Members and Co-opted Members.

To monitor the operation of the Authority's Code of Conduct for Members and Co-opted Members.

To advise, train or arrange for training for members and co-opted members of the Authority on matters relating to the Authority's Code of Conduct for Members and Co-opted Members.

To determine, monitor and review the arrangements for the local ethical standards regime and carry out any functions reserved to the Standards Committee under those arrangements.

To appoint Sub-Committees with delegated power to consider investigation reports and to conduct hearings on its behalf (including the imposition of sanctions).



To grant dispensations to members and co-opted members from requirements relating to interests set out in the Code of Conduct for Members and co-opted Members.

## 9.2 Appointments Role and Functions:-

To make the appointments of the Chief Fire Officer (CFO), Deputy Chief Fire Officer and Assistant Chief Fire Officer.

To make an appointment to act up to the post of Chief Fire Officer.

Following the consideration of a grievance, in respect of the CFO, by the Monitoring Officer and the appropriate application of the procedure set out in the relevant scheme of conditions, in line with the Fire Leader's Association (FLA) guidance and authority standing orders:

To consider any appeal arising by way of a review of the previous decision

To hear and decide upon appeals by the Deputy Chief Fire Officer and Assistant Chief Fire Officer against dismissal or other disciplinary action.

To oversee, consider and where appropriate make a recommendation to the Authority on dismissal in respect of the CFO, following the appropriate application of the procedure set out in the relevant scheme of conditions, in line with APFO guidance and Authority Standing orders

Pursuant to Section 28(7) of the Localism Act 2011, to shortlist and interview candidates for appointment as independent person of the Standards Committee, and to make a recommendation to the Authority as to the person/s to be appointed.

## 9.3 Appeals Role and Functions:-

To hear and decide upon:-

Appeals under the Firefighters Pensions Scheme, New Firefighters Pensions Scheme and the Firefighters Compensation Scheme.

Appeals under the Local Government Superannuation Regulations.

An appellant may attend a meeting of the appeals panel where their appeal is being heard.

To exercise any functions which the Authority may consider appropriate from time to time.

To meet at least annually and as and when appropriate.

To submit an Annual Report to the Authority regarding its activities in relation to its role

To submit its minutes to the Authority

## **West Midlands 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 JCP comprises of elected members of the West Midlands Fire and Rescue Authority (WMFRA) and recognised elected officials of the Trade Unions/Representative Bodies of West Midlands Fire Service as follows:

#### JCP

5 employers and

5 employee side\*

3 Fire Brigades' Union

1 Fire Officers' Association

1 UNISON

Fire Leaders Association by invitation as appropriate\* subject to having a locally appointed/elected representative

All Elected Members of the JCP 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 JCP.

If a member of the JCP ceases to be an Elected Member of WMFRA or an employee of the Service, he or she shall immediately cease to be a member of the JCP. 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 JCP and be responsible for issuing the calling notices for all meetings and the minutes.

The Clerk shall liaise with the representative from PSS on the compilation of the agenda. The PSS Manager will consult with the employee's representatives or their representative 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 of the JCP.

### **5. OFFICERS**

The Clerk, **Monitoring Officer**, Treasurer and Chief Fire Officer shall be entitled to attend all meetings of the JCP 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 JCP 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 elected members of the JCP to 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 elected members of the panel to 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 elected members of the JCP to 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 JCP 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 JCP agenda items are reviewed by the Chair of the JCP in consultation with the SET Member- People or their representative prior to finalising the agenda
- That the Elected Member group of the JCP, after due consideration, make recommendations back to the Service or the Fire Authority as appropriate
- Provision for four JCP 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 JCP shall be included in the agenda for the meeting. No other matters shall be raised
- The quorum of the JCP shall be one third of the total number of representatives appointed by each side subject to each Trade Union/Representative Body that has locally appointed representatives, being represented. However, where the JCP 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 elected member group of JCP being unable to arrive at an agreement or
- (b) The Authority or the Chief Fire Officer, as appropriate, disagreeing with the

recommendations of the elected member group of the JCP

The matters in dispute shall be referred to: -

- (a) ACAS or other suitable organisation to support the conciliation process and/or
- (b) The National Joint Council Joint Secretaries and/or
- (c) The National Joint Council Technical Advisory Panel

The JCP 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 JCP 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.

This information is marked **Official - WMFS Public**. It is your personal responsibility to ensure it is distributed to the appropriate people only.

All parties agree, nevertheless, to use their best endeavours to explore evidence based joint solutions 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 JCP shall be submitted to the Authority.

**Appendix 6****WEST MIDLANDS FIRE AND RESCUE AUTHORITY****CALENDAR OF MEETINGS 2019/20** DRAFT

<b>Date</b>	<b>Time</b>	<b>Meeting</b>
<b>2019</b>		
<b>Monday 24 June</b>	11.00 am	Authority [Annual Meeting] [political groups at 10 am]
<b>Monday 29 July</b>	10.30 am	All Members Awareness Day
<b>Monday 15 July</b>	10.30 am	Audit and Risk Committee
<b>Monday 2 September</b>	10.30 am 11.30 am 13.30 pm	Chair's agenda meeting Policy Planning Forum Audit and Risk Committee
<b>Tuesday 3 September</b>	14:00 am	Scrutiny Committee
<b>Monday 16 September</b>	11.00 am 13.00 pm	<u>Authority</u> [political groups at 10 am] Joint Consultative Panel [pre meeting tbc]
<b>September</b>		Pensions Board
<b>Monday 7 October</b>	10.30 am 11.30 am 13.30 pm	Collaboration and Transformation Committee Policy Planning Forum Scrutiny Committee
<b>Monday 4 November</b>	10.30 am 11.30 am 13.30 pm	Chair's agenda meeting Policy Planning Forum Joint Consultative Panel (pre meeting tbc)
<b>Monday 11 November</b>	10.00 am 11.30 am 13.30 pm	Audit and Risk Committee Scrutiny Committee Collaboration and Transformation Committee
<b>Monday 18 November</b>	11.00 am	<u>Authority</u> [political groups at 10 am]
<b>December</b>		Pensions Board
<b>Monday 9 December</b>	10.30 am 11.30 am	Collaboration & Transformation Committee Policy Planning Forum



<b>2020</b>		
<b>Date</b>	<b>Time</b>	<b>Meeting</b>
<b>Monday 13 January</b>	10.30 am	Policy Planning Forum
	12.30 pm	Audit and Risk Committee
<b>Monday 27 January</b>	10.30 am	Collaboration and Transformation Committee
<b>Monday 3 February</b>	10.30 am	Chair's agenda meeting
	11.30 am	Policy Planning Forum
	13.30 pm	Joint Consultative Panel [pre meeting tbc]
<b>Monday 17 February</b>	11.00 am	<u>Authority</u> [budget and precept setting] [political groups at 10 am]
<b>Monday 24 February</b>	10.30 pm	Scrutiny Committee
<b>February</b>		Pensions Board
<b>Monday 23 March</b>	10.00 am	Chair's Agenda Meeting
	11.00 am	Collaboration and Transformation Committee
	12.00 am	Policy Planning Forum
	14.00 pm	Audit and Risk Committee
<b>Tuesday 24 March</b>	14:00 am	Scrutiny Committee
<b>Monday 6 April</b>	11.00 am	<u>Authority</u> [political groups at 10 am]
	13.00 pm	Joint Consultative Panel [pre meeting tbc]
<b>Monday 1 June</b>	10.30am	Collaboration and Transformation Committee
	11.30 am	Policy Planning Forum
	13.30 pm	Audit and Risk Committee
<b>Tuesday 2 June</b>	10:00 am	Scrutiny Committee
<b>June</b>		Pensions Board
<b>Monday 8 June</b>	10.00 am	Agenda Meeting
<b>NEW MUNICIPAL YEAR</b>	11.00 am	<u>Authority</u> [Annual Meeting] [political groups at 10 am]
<b>Monday 22 June</b>		

The Appointments, Standards and Appeals Committee will meet as and when required.

## **Appendix 7**

### **West Midlands Fire and Rescue Authority**

#### **Members' Allowances Scheme**

The West Midlands Fire and Rescue Authority, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003 hereby makes the following scheme:–

1. This scheme may be cited as the West Midlands Fire and Rescue Authority Members' Allowances Scheme and shall have effect for the period from 23 June 2008 until 31 March 2009 and in subsequent years from 1 April to 31 March.

2. In this scheme:–

‘Councillor’ means a member of the West Midlands Fire and Rescue Authority who is appointed by the City Councils of Birmingham, Coventry and Wolverhampton and the Metropolitan Borough Councils of Dudley, Sandwell, Solihull and Walsall;

‘Independent Member’ means a person who is not a member of the Authority but who is a member of a Committee or Sub-Committee of the Authority.

‘Year’ means the 12 months ending with 31<sup>st</sup> March.

3. **Basic Allowance and Independent's Allowance**

Subject to paragraph 6, for each year:–

- (i) a basic allowance of £3,500 shall be paid to each Councillor;
- (ii) an independent member's allowance of £350 shall be paid to each independent member on the Audit Committee.
- (iii) Co-optees will receive travel and subsistence expenses only

4. **Special Responsibility Allowances**

- (i) For each year a Special Responsibility Allowance shall be paid to those Councillors who hold the special responsibilities in relation to the Authority that are specified in schedule 1 to this scheme;

- (ii) Subject to paragraph 6, the amount of each such allowance shall be the amount specified against that special responsibility in that schedule;
- (iii) Where a Councillor holds more than one position for which a Special Responsibility Allowance is payable, only the higher allowance shall be paid to the Councillor concerned.

## 5. **Dependants' Carers Allowance**

- 5.1 A Dependants' Carers Allowance is payable to those elected members and independent members who incur expenditure for the care of their children or other dependants whilst undertaking particular approved duties as set out in paragraph 3 of this Scheme.
- 5.2 The amount of the dependants' carers allowances payable in respect of approved duties will be the actual costs incurred up to a total annual maximum amount of 10% of elected members' basic allowance.

## 6. **Renunciation**

A Councillor or an independent member may, by notice in writing given to the Clerk, elect to forego any part of his/her entitlement to an allowance under this scheme.

## 7. **Part Year Entitlement**

### Basic Allowance and Independent's Allowance

Where the term of office of a member begins or ends otherwise than at the beginning or end of a year, his/her entitlement shall be to payment of such part of the basic allowance as bears to the whole the same proportion as the number of days during which his/her term of office as a member subsists bears to the number of days in that year.

### Special Responsibility Allowance

Where a member does not have throughout the whole of a year any such special responsibilities as entitle him/her to a special responsibility allowance; his/her entitlement shall be to payment of such part of the special responsibility allowance as bears to the whole the same proportion as the number of days during which he/she has such special responsibilities, bears to the number of days in that year.

## Backdating

Where an amendment to this scheme is made which affects an allowance payable for the year in which the amendment is made, the entitlement of a member to such allowance, as amended, may at the discretion of the Authority, be backdated to apply with effect from the beginning of the year in which the amendment is made.

## 8. Subsistence Allowances

Members of the Authority and independent members may claim subsistence allowances in connection with or relating to the duties set out in Schedule 2 to this scheme.

Lead members [as identified in Schedule 1] may claim subsistence allowance for attendance at meetings and events in pursuance of their official duties outside of the West Midlands but within the UK.

Members shall only claim allowances for actual expenditure reasonably incurred in connection with approved duties.

Members must submit receipts to substantiate all claims for subsistence allowances.

For approved duties the following rates apply:-

- (i) Breakfast allowance (more than 4 hours away from normal place of residence before 11.00 am) £4.92
- (ii) Lunch allowance (more than 4 hours away from normal place of residence including the lunchtime between 12 noon and 2.00 pm) £6.77
- (iii) Tea allowance (more than 4 hours away from normal place of residence including the period 3.00 pm to 6.00 pm) £2.67
- (iv) Evening meal allowance (more than 4 hours away from normal place of residence ending after 7.00 pm) £8.38

The rates set out above shall be reduced by an appropriate amount in respect of any meal provided free of charge by the Authority.

Members who undertake duties involving an overnight stay should, wherever possible, ensure that their accommodation is pre-booked by officers in accordance with the Authority's normal administrative arrangements. If members book their own accommodation, this is subject to a maximum level of reimbursement as specified below:-

Allowance for absence overnight from the usual place of residence  
£79.82 per night

Allowance for such absence in London  
£91.04 per night

## 9. **Travelling Allowances**

Elected members of the Authority may claim travel allowances only in respect of 'approved duties' [as set out in Schedule 2 to this scheme] which involve travel outside the West Midlands but within the UK. Members holding a special responsibility allowance may claim travel allowance for attendance at meetings and events in pursuance of their official duties outside the West Midlands but within the UK.

Independent persons may claim travelling allowances in respect of costs incurred in connection with or relating to the duties set out in Schedule 2 to this scheme.

### **Motor Mileage Allowances**

The rates for motor cars are as follows:-

Not exceeding 999cc – 34.6 pence per mile

1000 - 1199cc – 39.5 pence per mile

Over 1199cc – 45 pence per mile

After 10,000 business mile the rate becomes 25 pence per mile

Passenger Supplement - for passengers (not exceeding 4), a supplement of 5.0 pence per mile is payable

Claims for journeys undertaken by motor car may include any reasonable car parking fees and congestion charges if applicable.

## Public Transport

The actual cost of public transport used by members will be reimbursed by the Authority where such costs are reasonably and necessarily incurred in connection with approved duties. Receipts will be required to substantiate such claims based on the actual expenditure incurred.

Members who travel outside the West Midlands in connection with approved duties by rail, ship or air shall be required to have their travel arrangements pre-booked by officers under the Authority's normal administrative arrangements. The Clerk, in consultation with the Chair of the Authority, may authorise exceptions to this in cases where it is considered beneficial to the Authority for members to make their own transport arrangements. As a general rule, for members travelling by rail, standard class tickets should be purchased. Receipts will be required to substantiate any such claims based on the actual expenditure incurred.

## Taxis

Taxi fares (plus a reasonable gratuity) will be reimbursed only if the taxi was used in a case of urgency, or if there was no public transport reasonably available, or if taxi use was justified by the nature of the business on which the member was engaged.

## 10. Indexation of Allowances

The rates of allowances will be increased with effect from 1 April 2009, 2010, 2011 in line with the agreed pay awards to NJC Local Government Services.

## 11. Claims and Payments

- (i) All claims for travelling and subsistence allowances under this scheme shall be made within **three months** of the date of the approved duty in respect of which the entitlement to the allowance arises. Payment of late claims may only be made if the Clerk, in consultation with the Chair of the Authority, is satisfied that the lateness of the claim is justified.

- (ii) Any claims for travelling and subsistence allowances shall be signed by the Councillor claiming the allowance and shall include a statement that where the member is also a member of another authority, that member may not receive allowances from more than one authority in respect of the same duties.
- (iii) In certain cases, where overpayments have been made to any individual to which this scheme relates, the Authority may require repayment of the overpayment.
- (iv) In regard to the payment of basic and special responsibility allowances, payments shall be made as follows:–

(a) **Basic Allowance**

In instalments of one-twelfth of annual amount due, payable on the 25<sup>th</sup> day of the month (or nearest working day);

(b) **Special Responsibility Allowance**

In instalments of one-twelfth of the amount specified in this scheme on the 25<sup>th</sup> day of each month (or nearest working day) (except where specified otherwise in Schedule 1)

**Schedule 1****WEST MIDLANDS FIRE AND RESCUE AUTHORITY****Schedule of Special Responsibility Allowances 2018/2019**

<b><u>Responsibility</u></b>	<b><u>SRA (£)</u></b>
Chair	<u>24,500</u>
Vice-Chair	<u>12,250</u>
Leader of Principal Opposition Group	<u>7,350</u>
Collaboration and Transformation Chair	<u>8,575</u>
Collaboration and Transformation Vice Chair	<u>6,575</u>
Scrutiny Committee Chair	<u>8,575</u>
Scrutiny Committee Vice-Chair	<u>6,575</u>
Scrutiny Committee Member	<u>4,900</u>
Joint Consultative Panel Chair	<u>8,575</u>
Joint Consultative Panel Vice-Chair	<u>3,975</u>
Appeals, Standards and Appointments Chair	<u>8,575</u>
Appeals, Standards and Appointments Vice-Chair	<u>3,975</u>
Audit and Risk Committee Chair	<u>8,575</u>
Audit and Risk Committee Vice-Chair	<u>3,975</u>
<b>Elected Member Basic Allowance</b>	<u>3,500</u>
<b>Independent's allowances</b>	
<b>Independent Member of the Audit Committee</b>	<u>350</u>



## **Schedule 2**

### **Approved Duties**

**The following are “approved duties” in connection with the payment of travelling and subsistence allowances:**

- 1) A meeting of the Authority or of any Committee or Sub-Committee of the Authority.
- 2) A meeting of any other body to which the Authority or any Committee or Sub-Committee of the Authority makes appointments, or nominations, or any Committee or Sub-Committee of such a body.
- 3) Any other meeting, the holding of which is authorised in advance by the Authority, or a Committee or Sub-Committee of the Authority, or a joint Committee of the Authority or one or more other Committees or a Sub-Committee of such a joint Committee provided that members of at least two political groups have been invited to attend.
- 4) A meeting of any association of authorities of which the Authority is a member.
- 5) Attendance as an appointed representative of the Authority, or of a Committee or Sub-Committee, at a conference, seminar or authorised meeting or visit or at any other meeting authorised by the Authority.

## **Appendix 8**

### **MEMBER ROLE DESCRIPTIONS 2018/2019**

#### **Chair of the Authority**

To provide overall political leadership and strategic policy direction to the Authority.

To ensure continuous improvement in service delivery and the implementation of best practice through the application of Authority policy and all relevant legislation, regulations, directives and statutory requirements affecting the work of the Authority.

To serve as a representative on other bodies as nominated by the Authority.

To represent the Authority at any meetings as may be required from time to time in connection with the work of the Authority at local, regional, national or international level.

To take overall political responsibility within the Authority for:

- Corporate Planning, the Corporate Strategy, the Annual Service Plan and The Plan;
- Policy and budgetary strategy formulation;
- Modernisation issues;
- Local, regional, national and international issues;
- Health and Safety;
- Implementing E-Governance (IEG) and the Freedom of Information Act 2000;
- Corporate Risk Management and the Integrated Risk Management Plan (The Community Safety Strategy);
- Procurement;
- Press and media relations and the promotion of the image of the Authority;
- Civic and ceremonial issues;
- Diversity, Inclusion, Cohesion and Equality;
- Sustainability;
- Any other initiatives as from time to time may be adopted by or imposed on the Authority.

To oversee the efficient and effective conduct of business within the Authority and to work with other Elected Members on issues that cut across or fall within the terms of reference or portfolios of other Members, Committees or Panels.

To ensure the proper implementation of decisions of the Authority and its Committees and to ensure that due consideration is given to any recommendations arising from those Committees.

To ensure the involvement of local people and communities in the decision making processes of the Authority, as necessary.

To champion the promotion and maintenance of high standards of conduct throughout the Authority.

To undertake his/her duties in accordance with the Authority's Code of Conduct and any other policies, procedures or protocols which may be adopted by the Authority from time to time.

### **Vice-Chair of the Authority**

To support and assist the Chair of the Authority to provide overall political leadership and strategic policy direction to the Authority.

To support continuous improvement in service delivery and the implementation of best practice through the application of Authority policy and all relevant legislation, regulations, directives and statutory requirements affecting the work of the Authority.

To chair the Authority, relevant Committees or other meetings as may be required, in the absence or inability to act of the Chair of the Authority;

To serve as a representative on other bodies as nominated by the Authority.

To represent the Authority at any meetings as required from time to time in connection with the work of the Authority at local, regional, national or international level.

To support and assist the Chair of the Authority to fulfil his/her overall political management responsibilities within the Authority for:

- Corporate Planning, the Corporate Strategy, the Annual Service Plan and The Plan;

- Policy and budgetary strategy formulation;
- Modernisation issues;
- Local, regional, national and international issues;
- Health and Safety;
- Implementing E-Governance (IEG) and the Freedom of Information Act 2000;
- Risk Management and the Integrated Risk Management Plan (Community Safety Strategy);
- Procurement;
- Press and media relations and the promotion of the image of the Authority;
- Civic and ceremonial issues ;
- Diversity, Inclusion, Cohesion and Equality
- Sustainability;
- Any other initiatives as from time to time may be adopted by or imposed on the Authority.

To take lead responsibility on any specific initiatives that may be required from time to time by the Authority, the Chair of the Authority or one of its Committees or Panels.

To assist and support the Chair in the efficient and effective conduct of business within the Authority and to work with other Elected Members on issues that cut across or fall within the terms of reference or portfolios of other Members, Committees or Panels.

To assist in ensuring the proper implementation of decisions of the Authority and its Committees and to ensure that due consideration is given to any recommendations arising from those Committees.

To assist in ensuring the involvement of local people and communities in the decision making processes of the Authority, as necessary.

To undertake his/her duties in accordance with the Authority's Code of Conduct and any other policies, procedures or protocols which may be adopted by the Authority from time to time.

## **Chair of the Scrutiny Committee**

To lead the work of the Committee in conjunction with the Vice-Chair.

To agree with the Committee at the start of each year a programme of reviews.

To maintain the independence of the Committee and ensure that scrutiny develops as an open and transparent process.

To chair meetings of the Committee ensuring that topics for review are properly scoped and that reviews are completed within agreed timescales.

To ensure that scrutiny is carried out on a non-party political basis and that all members of the Committee participate in the work of the Committee.

To ensure that recommendations from the Committee are evidence based and objective and based on SMART principles (specific, measurable, attainable, realistic and timely).

To present the outcomes and recommendations of reviews to the Authority.

To oversee the implementation of recommendations that are accepted by the Authority.

To ensure that members of the Committee have access to training and development on the principles of good scrutiny, equalities and diversity and relevant human resources issues.

To ensure that the Committee acts as a 'critical friend' to non-scrutiny members and officers of the Authority.

To have responsibility, in consultation with the Director of Resources, for the Committee's scrutiny budget.

## **Vice-Chair of the Scrutiny Committee**

To chair the Committee in the absence of the Chair.

To represent the Chair in her/his absence at other Authority meetings.

To support the Chair in review meetings by assisting in the development of appropriate evidence-based recommendations.

This information is marked **Official - WMFS Public**. It is your personal responsibility to ensure it is distributed to the appropriate people only.

## **Appendix 9**

### **ROLE OF THE COMMITTEE CHAIR**

#### **PURPOSE**

To preside at meetings of the relevant Committee of the West Midlands Fire Authority and exercise any power or duty of Chair as permitted in terms of the West Midlands Fire Authority Terms of Reference

To ensure democratic decision making (as required) and the orderly conduct of meetings. Where a sub-committee or panel is established then this Article shall apply.

#### **APPOINTMENT PROCEDURE**

Committee Chairs are appointed on an annual basis at the Annual General Meeting of the West Midlands Fire Authority.

#### **KEY ROLES**

A Committee Chair will:-

- (a) In consultation with relevant Officers of the West Midlands Fire Authority, Ensure the Committee acts only within the Scheme of Delegation and complies with the West Midlands Fire Authority Procedure Rules, Financial Procedure Rules, West Midlands Fire Authority Policies and relevant legislation.
- (b) Preside over Committee meetings in a manner that encourages contributions and achieves the objectives of the meetings, including resolving conflict;
- (c) Be accountable to the West Midlands Fire Authority for the efficiency and effectiveness of the Committee meeting;
- (d) Present Committee recommendations to the West Midlands Fire Authority as appropriate;
- (e) Be consulted on matters within the Committee's jurisdiction, liaising with the Chair of the West Midlands Fire Authority and relevant Officers as appropriate;

- (f) Work within the West Midlands Fire Authority's Scheme of Delegation with Officers to enable efficient and effective decision-making.
- (g) Ensure the overall integrity of the decision-making process within the Committee, and that the process operates fairly and openly;
- (h) Work with the relevant Officers to confirm/set the agenda for meetings and sign the minutes of the preceding meeting, once these have been approved by the Committee; and
- (i) When consulted, agree aspects of the draft minutes of meetings prior to circulation.

#### ABSENCE OF CHAIR AND VICE CHAIR AT COMMITTEE

Should at any Committee meeting the Chair and Vice Chair not be present, then the Members present shall elect a Chair from those Members present for the duration of that meeting.

## **Responsibilities of Elected Members of the Joint Consultative Panel**

### **1. Background**

West Midlands Fire and Rescue Authority (WMFRA) 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 WMFS and the supervisory body which ensures that WMFS performs efficiently and in the best interest of the public and community it serves.

In order to have in place a formal consultation mechanism WMFS, 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 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 WMFS and Trade Union/ Representative Body representatives who are representatives of WMFS 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.

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. WMFS 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 Strategic Enabler (People Support Services) or 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 adviser 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 Trade Union representatives outside of the Joint Consultative Panel. Confidentiality should be maintained at all times.

10. Decision Making

The General Principles underlying within the Code of Conduct outline the considerations for elected members 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 Service's core values in respect of their communications with the Trade Unions/ Representative Bodies.



