

Joint Consultative Panel

**18 September 2017
at Fire Service Headquarters, Vauxhall Road, Birmingham**

Present: Councillor Clinton (Chair)
Councillors Allcock, Booth, Douglas-Maul, Edwards, P
Singh

Employees Side:
Steve Price-Hunt – Fire Brigades Union (FBU)
Andrew Scattergood – FBU
Jacqueline Jones, Unison

Officers:
Karen Gowreesunker, Clerk
Sarah Warnes, Strategic Enabler, People Support
Services
Helen Sherlock, Senior Business Partner, People
Support Services

10/17 **Apologies:**

CFO Andy Hickmott,
Association of Principal Fire Officers (APFO)
John Routley, Unison

11/17 **Declarations of Interest**

None declared.

12/17 **Notes of the Joint Consultative Panel held on
10 April 2017**

The notes of the Joint Consultative Panel held on 10
April 2017 were received.

Steve Price-Hunt made a request to add items to the agenda under Any Other Business (AOB) from the Unions as there were no facilities to do this.

The Clerk stated that the items that could be discussed were within the agreed Framework.

Any Other Business is not allowed under the Terms of Reference of the Panel.

It was noted that the Union have an opportunity to discuss issues through the Joint Working Party and the Joint Consultative Committee, but do not have the opportunity to raise urgent issues, e.g. pay dispute, directly with Elected Members,

The Strategic Enabler (People Support) and Strategic Enabler (Strategic Hub)/Clerk to the Authority agreed that a response to a request which had been raised previously would be provided outside of the JCP.

It was agreed that Employment Law Training would be arranged for the Members of the Joint Consultative Panel on the 6 November 2017 and all Members of the Authority would also be invited to join the panel as part of the Member's Training and Development Plan.

Helen Sherlock would agree the content of the training session with the Chair of the Joint Consultative Panel.

13/17

Disputes Resolution Report

Helen Sherlock provided an overview of the Dispute Resolution Report, the purpose of which was to inform members of the Joint Consultative Panel about the number, type and outcomes of discipline and grievance hearings and other dispute resolutions including Employment Tribunal Activity which had occurred during the period 1 January to 30 June 2017. Lessons learned are also taken into account and regular meetings are held with the Trade

Unions/Representative Bodies at Joint Consultative Committee and monthly Joint Working Party meetings.

13.1 Grievances

It was noted that information is gathered in respect of nine protected characteristics. Two grievances had been received, from Grey Book employees. The first of which was resolved and no appeal lodged. The second grievance was a collective grievance lodged following on from a station investigation that involved all 4 watches. The grievance was in respect of organisational change, this case was appealed but not upheld.

13.2 Disciplinary

There were 13 cases investigated under the Disciplinary Procedure:

A single incident from one station that resulted in 10 disciplinary investigations; these were fully investigated and resulted in no formal action.

Two hearings resulted in a 6-month written warning and did not go to appeal.

The third hearing resulted in no formal action.

All but one disciplinary involved male employees with different ages, race and religion and there had not been any impact on any particular group.

No employees have been dismissed and there were no outstanding Employment Tribunals.

One claim, that had been within the cases for the last 18 months, was due to be heard by the Employment Tribunal Service in October 2017.

13.3

It was noted that this was a joint report and through the day to day close working with the Trade Unions and Representative Bodies the report included the key

concerns including the number of cases that are escalated to gross misconduct. Theft, assault, malicious damage were given as examples of where gross misconduct would be considered, each case was dealt with individually.

This can result in a variety of outcomes including no case to answer and written warning.

Steve Price-Hunt stated that although there had been a hearing and appeal of which is reported as being resolved, his view was that this was resolved for the management however the grievance had not gone away for his Members.

It was accepted that the level of disciplinary hearings had reduced however, concern was expressed by both the FBU and Fire Officers Association that cases are escalated to Gross Misconduct at all times.

The current method of two officers visiting employees at their home address with a letter indicating that an investigation would take place and may result in dismissal was resulting in employees booking off work with anxiety and stress and he had witnessed the distress caused when accompanying his Members on visits to Occupational Health.

He considered that matters were escalated too quickly and Managers, although receiving disciplinary training via the effective manager series were falling into the old trap of using gross misconduct and then reducing the allegation.

It was requested that a comparison was carried out with other metropolitan Brigades regarding the number and level of investigations that have been conducted.

Sarah Warnes stated that through the joint work with the Trade Unions and managers via policy and education, managers had received training enabling

them to nip wrong behaviours in the bud to reduce the level of grievances and disciplinary hearings as indicated in this reporting period.

Only 2 grievances and 3 investigations (taking into consideration the 10 investigation for one of the investigations) had been conducted in this reporting process. This was considered a low number within the organisation and wanted to provide assurance that a Commissioning Officer always takes all information into account before taking further action and understands the seriousness of an allegation of gross misconduct.

If a Manager has an issue, this is discussed with a Member of SET who makes the decision to commission a gross misconduct if they deem it appropriate after considering all of the facts and information.

The Chair noted the Trade Unions concern at the high level of disciplinaries that were started at gross misconduct level and then reduced and felt it appropriate to look at the Metropolitan Brigades and other organisations to look at their procedures.

It was agreed that the People Support Services Department would contact other Metropolitan Fire Brigades and carry out the comparison

Cllr Douglas Maul agreed and thought this was a good idea and there could be two extremes and suggested a definitive guide could be issued to staff with an interpretation of the boundaries. Grouping different actions.

Cllr Edwards agreed that a comparison should be sought, although he thought the figures in this six monthly period had been skewed by the unique nature of the occurrence at one station. He stated that the letter issued would include statutory requirements of the potential outcomes and the narrative had been agreed in the past with the Trade Unions.

It was confirmed that the letter followed the ACAS Code of Practice and had been produced following the disbandment of the 2003 Disciplinary Regulations from the Grey Book. It states that one of the potential outcomes could be dismissal.

There had been one case where a disciplinary had been escalated from misconduct to gross misconduct in these cases another letter is sent out to the employee explaining the reasons for this.

It was confirmed that the outcomes are based on the information and mitigations are taken into account and alternative awards can result. Each case is individual.

Steve Price-Hunt stated that 20 of his members were still aggrieved following a grievance and suggested that disciplinary cases could begin with a charge of misconduct and following an investigation could be escalated to gross misconduct, it was suggested that the current method could be seen as influential to the Investigating Officer. Following a thorough fact finding investigation, Investigating Officers would be more confident of the charge

It was agreed that the People Support Services Department would contact other Metropolitan Fire Brigades and carry out the comparison and share the information with the Unions.

The meeting closed at 1350 hours.