

JOINT CONSULTATIVE PANEL

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 has developed the Employee Relations Policy. Included within the policy is a constitution for a Joint Consultative Committee and a re-established Joint Consultative Panel.

The Employee Relations 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. 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 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.

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 Policy) 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 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 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 Policy as the process by which employers and trade union 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 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 representatives believe there has not been appropriate consultation they can refer the matter to the Joint Consultative Panel. However, in doing so Trade Unions 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 will present the reasons why they have raised the dispute and the management representative will clarify the consultation process used.

Deliberation will take place and the Joint Consultative Panel will make a recommendation as to whether the consultation was appropriate or if they believe further consultation is required. The process for consultation is defined within the Employee Relations policy.

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 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 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.

Deliberation will take place and the panel will agree a recommendation to the Authority or Chief Fire Officer.

7. **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

8. **Confidentiality**

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

9. **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.

**West Midlands Fire Service
Joint Consultative Committee
Constitution**

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 & well-being 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 (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 having members employed within the Service (hereinafter referred to as the "Trade Unions")
- 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 shall consist of maximum 5 representatives appointed annually for the municipal year by the trade union 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.

- E. Regional officials of the trade union 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.

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 can appoint a secretary from amongst the trade union.

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. 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.
- D. 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/agenda of the next meeting prior to 7 working days before that meeting.
- E. The trade unions 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 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
- I. 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.