

Notes of the Joint Consultative Panel
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4 February 2019

at Fire Service Headquarters, Vauxhall Road, Birmingham

Present: Councillor Brackenridge (Chair)

Councillor Barlow, Edwards, Iqbal and Miks

Employees Side:

Steve Price-Hunt – Fire Brigades Union (FBU)

Sasha Hitchins – FBU

John Routley - UNISON

Officers:

Wendy Browning-Sampson, People Support Services

Sarah Warnes, Strategic Enabler People

Karen Gowreesunker, Clerk to the Authority

Satinder Sahota, Monitoring Officer

Helen Sherlock, People Support Services

1/18 Notes of the Joint Consultative Panel held on the 5 November 2019

The notes of the Joint Consultative Panel held on the 5 November 2019 were received.

2/19 Verbal Update Cultural Review

Sarah Warnes confirmed that the snapshot for the Cultural Review had been completed. A Member of the Fire Authority, Trade Union Representatives and a cut across the organisation had been given the opportunity to respond to the questions.

39 Recipients responded out of 200

There had been differing levels of percentages of response.

The themes that had emerged were management, training, promotions, targets and communications.

Officers would be consulting with the Fire Brigades Union on the procurement document and timeframes.

The timeframes are agreed and a high percentage of the procurement document had been completed. With the paragraph referencing the collective agreement yet to be agreed.

The framework, principles and how it will be taken forward through a procurement process have been discussed and three individuals identified.

Neither of two initial names put forward will be considered to provide impartiality. However, three completely independent names have been identified that were not known to Sarah Warnes.

Councillor John Edwards enquired about the timescale and if the Unions would be involved in the interviews to choose the preferred person.

Sarah Warnes confirmed that Jackie Perkins, Contracts Manager and a member of the Management Team would undertake this work as a normal part of the procurement process. It was not appropriate for Representative Bodies to be involved.

A suite of assessment questions had been formulated and the FBU had been asked for comments and feedback on the questions.

Steve Price-Hunt confirmed that the FBU were content with process as long as it was open and transparent and conducted by an independent body. The timeline would be:

Closing dated 21 February 2019

Evaluation 7 March 2019

Contract awarded 14 March 2019

Individual carry out review March to June 2019 (6 weeks)

Report and Recommendations to CFO by September 2019

The FBU had agreed the procurement process and how an Independent Chair would be selected and the time scales. They would be meeting to start the process on Friday 8 February in order to meet the timescales.

The FBU had proposed some amendments to the Terms of Reference (TOR) written by Officers, but these were not agreed and the TOR had been amended.

One final paragraph which was a straight lift on the collective agreement was yet to be agreed and then the FBU would be content to have a robust process in place.

Sarah Warnes asked whether it was appropriate for the Joint Consultative Panel to be discussing the Terms of Reference for the Cultural Review.

The collective agreement was supported, the Terms of Reference would be a professional front facing document and it was suggested that a catch all statement, which supports the cultural review would be more appropriate than a straight lift from the collective agreement referring to Point 5 of the Trade Dispute.

Satinder Sahota, the Monitoring Officer, stated it would be highly unusual for the words to be lifted from the collective agreement in a procurement document.

Steve Price-Hunt also questioned whether the Fire Authority should have been consulted on the Terms of Reference as they commissioned the Cultural Review.

He stated that a collective agreement had been signed to end the trade dispute and a Cultural Review would take place, and it was felt that anyone carrying out the Review should understand the reason for it.

Sasha Hitchens felt that the direct lift of the collective agreement process should be a requirement of the document to go out to business and the FBU were only asking for one paragraph to be included rather than the three initially requested.

It was considered important the management and the FBU should be able to work together on the process.

Steve Price-Hunt was also conscious of time and thought the Cultural Review should have been up and running in 2018 as it had taken several months to reach agreement.

Councillor Edwards suggested that this did not constitute a failure to agree and that as long as the Terms of Reference were provided to the person who wins the tender, they should be able to understand the context of the Trade Dispute when they come into the organisation and would then have access to all the information needed to carry out the review.

Sarah Warnes agreed that the procurement document was 95% complete and they just needed to move forward with the recommended words. The Trade Union views had been recognised on the collective agreement and all relevant information would be provided to the appointed Chair. The trade unions would have the opportunity to discuss their position with the Chair.

John Routley, Unison, took the views on board but felt that whoever took on the contract wouldn't do so without looking at the small print and this would be included in the contract.

The Chair was keen to get things moving and wanted everyone to have confidence in the process. He took on board the FBUs comments about the changes. He wanted a fully independent, open and transparent Cultural Review of the organisation. He hoped the wording could be agreed at the meeting.

Steve Price-Hunt re stated earlier points and that the FBU had conceded on all other points on the contract and the situation wasn't helping industrial relations. The JCP were asked to consider the additional paragraph.

Karen Gowreesunker stated that the Members were not sufficiently prepared or cited on the Contract as the information had not been submitted using the recognised reporting framework to the JCP prior to the meeting, therefore there had not been time for it to be considered before the meeting.

Interested parties would also be able to contact the representative bodies.

Steve Price-Hunt stated that the Authority were tasked and could supercede the JCP if not agreed today. They had been waiting since July for the cultural review.

Satinder Sahota echoed Cllr Edwards point that the issue did not constitute a failure to agree.

It was confirmed that the Cultural Review was not just based on collective agreement, but across a range of key stakeholders.

Sasha Hitchens stated the FBU did not have an issue with the process but were trying to be reasonable and had only asked for one paragraph and were attempting to address the culture of the organisation.

Councillor Edwards stated the person carrying out the work would be conducting a whole organisation cultural review and would be looking at the Authority, Management and Trade Unions. This would be made clear from the outside and a generic statement would be set out.

It was considered that there had been some good suggestions from the comments received today and the management and union were not that far apart. And did not need Authority Members to negotiate.

Councillor Iqbal suggested that the small point should be accepted and they could carry on.

Karen Gowreesunker recommended that the matter should be discussed at the JCC, if it could not be resolved beforehand.

Sarah Warnes agreed that immediate discussions between the FBU and management could take place to resolve this and build on the work carried out so far.

Steve Price-Hunt stated that the FBU had waited a long time for the Cultural Review and were prepared to be patient for the small amendment to be included. The organisation had produced 95% of the document and didn't think it unreasonable for the paragraph to be included.

The Chair wanted the issue to be resolved as soon as possible and through the proper processes and asked for the matter to be discussed at the JCC scheduled for the 5 February 2019, if there

was not resolution beforehand. If there was still no resolution and they could not agree, he suggested a special meeting of the JCP be called to resolve the issue.

The next Fire Authority was scheduled for 18 February 2019 and they could be asked to agree to a special JCP to be held on the same day.

Cllr Miks agreed with Councillor Edwards but understood the concerns and was happy for the management to meet with the Unions.

It was confirmed that the Chair, Vice Chair and Cllr Barlow would be informed of the outcome of the discussions prior to and following JCC.

3/19 Employment Law Training Session

Wendy Browning Sampson presented an Employment Law Training Session and discussed managing a Disciplinary Process.

Timeframes and the cost to the organisation would be discussed at the next Joint Consultative Panel when the Dispute Resolution Report would be considered.

The meeting finished at 1421 hours.

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