

## Notes of the Joint Consultative Panel

5 November 2018

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

Officers:

Wendy Browning-Sampson, People Support Services

Sarah Warnes, Strategic Enabler People

### 11/18 Apologies

Karen Gowreesunker, Clerk to the Authority

Helen Sherlock

### 12/18 Declarations of Interest

None.

### 13/18 Notes of the JCP held on the 17 September 2018

The notes were received as an accurate record.

Steve Price-Hunt raised the issue of a Nomination for the position of Chair of the Cultural Review.

Sarah Warnes confirmed that discussions were continuing on the position. The snapshot had started and it would take two weeks to collate the themes and consideration was being given to appointing the best person to be the Independent Chair.

The Chair felt that it was taking too long and wanted the appointment to be sorted out as quickly as possible without further delay. The Chair was surprised that it had not been arranged.

Sarah Warnes proposed the Review should start in the New Year, allowing the elements of the snapshot of the review to be considered in developing the terms of reference and the future appointment of the Chair.

The Snapshot had commenced on 25 September 2018 and positive meetings had taken place. 200 Members of staff and a member of the Fire Authority would be contacted.

Steve Price-Hunt wanted the Independent Chair to be appointed as quickly as possible and had selected a University Professor in Human Resources and Industrial Relations who was independent to the Fire Brigades Union. The Professor had undertaken industrial reviews and had reviewed Fire Services.

References from Chief Fire Officers had been sought and the FBU wished to make an appointment by the end of the year.

It was confirmed that the Clerk had suggested Richard Bacon, who had Chaired the Governance review from Price, Waterhouse, Cooper plc as a possible name to be considered, and would look at another individual who was appropriately qualified.

Members were informed that a positive meeting had taken place two weeks previously where the snapshot, themes and the framework for appointing a joint chair had taken place.

Members discussed the amount of time taken to make an appointment, however, this needed agreement of both parties.

It was confirmed that the Service was not in a position to undertake the snapshot any earlier because of the background work to be undertaken and the process to go through. In reality this would take until 14 December 2018 but could not be achieved much earlier if it was to be done properly.

The Review would be looking at the culture of the whole organisation.

Members also discussed two qualified people undertaking the role as Joint Chairs.

It was hoped that within two weeks from the end of the snapshot, an appointment would be made and in place before the Christmas break.

The Chair confirmed that the Fire Brigades Union and Management should appoint a Chair.

The Members wanted staff to have confidence in the Review and did not want the Terms of Reference to be too limited.

All Members accepted.

Steve Price-Hunt stated that the Cultural Review was signed off as part of the Trade Dispute.

Sarah Warnes explained that a number of meetings had taken place in the 6 weeks since the signing of the collective agreement and they had worked well to get the latest position. The snapshot will help with the Terms of Reference and it was felt that the timeframe should be agreed between management and the FBU. Two weeks would not be sufficient to frame the Terms of Reference and to achieve an understanding of the organisation and did not believe that this would be getting the best out of the Cultural Review.

The Chair considered 6 weeks too long time to send out the questionnaire and wanted Management and Unions to agree a Chair, or two people if appropriate, and move forward as the special JCP had been held in July 2018 which was too long in his experience.

Councillor Edwards stated that the Review could not be started until the end of the Trade Dispute which was on 21 September and the JCP's role was to overview the process and not to carry the process out.

Both parties were requested to use their best endeavours to move as quickly as possible, in harmony and properly.

Members were aware of the pressures on staff and managers and the amount of work being undertaken in the organisation.

Councillor Miks had listened to both sides and suggested that short positive discussions should take place with those suggested to undertake the role of Chair to see how they would undertake the role.

Steve Price-Hunt stated that regular dialogue was taking place but not quickly enough and was concerned when the Review would be concluded if it did not start until the New Year.

Sarah Warnes confirmed that the organisation was working within realistic timeframes to achieve the best overall outcomes.

Members of JCP encouraged both parties as soon as is possible and practical to move on with the process.

The members requested that a report be presented at the next meeting of the JCP outlining the current position. If not resolved the Members of the JCP would wish to become involved in the process.

Wendy Browning- Sampson had agreed to provide information on the number of trained investigating officer and how many had been trained since April 2018.

There were:

59 Supervisory Managers and

6 Middle Managers

Effective Managers Training undertaken in May - June

Pre 46 people have undertaken

100 managers have been trained.

#### 14/18 Dispute Resolution Report November 2018 Report

The Joint Consultative Panel noted the Dispute Resolution Report for the period 1 January 2018 and 30 June 2018. The report had been presented to the Scrutiny Committee. Information on debriefings will be included in the report that covers the next reporting period. The development of the report will include information from Trade Unions.

In the period 1 January 2018 to 30 June 2018, there were

5 Grievances

1 was Accepted

2 were Rejected

2 were outstanding during this reporting period would be reported in the next reporting period.

3 cases related to Bullying and Harassment – Management Enquiry

2 cases related to Terms and Conditions of Employment

There were most grievances from the 31 – 35 age group, all male.

All staff were supported throughout the process and appeals.

#### Disciplinary

There were 14 cases under the Discipline Regulations

11 cases investigated under Gross Misconduct

3 cases investigated under Misconduct

Cases align to the ACAS code of practice and the severity of action and whether there is a potential for dismissal means that they need to be raised under Gross Misconduct.

The Chair stated that this had been discussed at the last meeting and the legal precedent had been considered and how the ACAS Code would be looked at during an Employment Tribunal.

Steve Price-Hunt stated it was pleasing to hear that Managers were receiving training, but felt that there were high levels of disciplinary action. Relationships had irrevocably broken down and there had been two dismissals and one reinstated on appeal out of the 14 cases.

6 had received Final Written Warnings

1 had resulted in a 6 month written warning

There were a high number of Gross Misconducts with Low outcomes.

The Chair said that the Panel understood the legal position and Helen Sherlock as previously discussed the ACAS Code of Practice.

Wendy Browning Sampson stated that of the 11 cases, one case related to eight 8 individuals which required 8 Investigations into inappropriate discussions. Officers needed to be clear on the appropriate standards required.

The Chair agreed that any cases of Bullying and Harassment would not be accepted and formal processes should be followed. Over a period of time there had been a lot of gross misconduct cases and further discussions and education was required.

Steve Price-Hunt stated that of 30 Gross Misconduct cases, there had been 3 or 4 dismissals. 18 had led to no case to answer out of 39 disciplinary cases and anxiety had led to staff not being in the workplace

Sarah Warnes confirmed that the Standing Orders were clear and areas for consideration for Gross Misconduct were considered carefully by commissioning officers and conversations took place and the impacts considered.

The cases were not just a breakdown of relationships and it would be significant if every Gross Misconduct case led to dismissal. Hearings are balanced and areas of mitigations are listened to and in some cases result in there not being a dismissal.

Wendy Browning Sampson confirmed that the ACAS Code of Conduct is included in the Policy and is word for word picked up in Green and Grey book.

The Chair requested that the Panel look at the process at a future meeting to understand the cases.

Wendy Browning-Samson stated that of the two dismissals, one had been overturned and had received a final written warning instead.

13 male employees and 1 female had been involved and this was representative of the workforce. There were no concerns in the other protected characteristics.

Two Employee's had been dismissed and 1 decision was overturned at the Appeal.

There had been three Employment Tribunal Claims.

1 was a Collective Claim (85 employees) now withdrawn – due to Trade Dispute.

2 related to Grievances.

The data information gathering process had been updated, and the Panel were provided with historic data relating to disciplinary and grievances from September 2012 to October 2018.

### 15/18 Training

Member's received a Briefing on Employee Relations. It was agreed to provide information in bite sized chunks. Officers had been working with the Trade Unions on The Employee Relations Framework was out to consultation and further information would be brought to a future meeting of the Joint Consultative Panel.

Helen Sherlock would provide further training on discipline and grievance process rather than just the strategy.

The presentation covered the Core Values:

CV1 Community

CV2 Diversity

CV3 Improvement

CV4 People

Code of Conduct

Disciplinary

Grievance

ACAS

It was confirmed that the policy is in line with ACAS and also relates to Grey Book staff.

The Chair enquired about the Employee Relations Framework (ERF). It was confirmed that the Framework had gone through a consultation process and there would be no impact on the grievance procedures.

The ERF sets out how the Trade Unions and Management work together.

The Framework had been produced jointly with all of the Trade Unions involved and Steve Price-Hunt thanked Wendy Browning-Sampson and Julie Felton for their hard work on a good policy.

The Fire Brigades Union were happy to jointly present the ERF to the Panel at the next meeting. This was echoed by the representative of Unison.

The meeting finished at 1349 hours.

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