

Joint Consultative Panel

16 April 2018
at Fire Service Headquarters, Vauxhall Road, Birmingham

Present: Councillor Clinton (Chair)
Councillors Allcock, Edwards, P Singh

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

Officers:
Gary Taylor
Satinder Sahota, Monitoring Officer
Wendy Browning-Sampson, People Support Services
Helen Sherlock, Senior Business Partner, People Support Services

1/18 **Apologies:**

CFO Andy Hickmott,
Association of Principal Fire Officers (APFO)
Cllr Booth
Cllr Douglas-Maul
Sarah Warnes
John Routley, Unison

2/18 **Declarations of Interest**

None declared.

3/18 **Notes of the Joint Consultative Panel held on
18 September 2017**

The notes of the Joint Consultative Panel held on 18 September 2017 were received.

Disputes Resolution Report

Helen Sherlock provided an overview of the Dispute Resolution Report, as presented to the Scrutiny on 26 March 2018, 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 July 2017 and 31 December 2017.

The Panel were also provided with comparison data from other Brigades who provided information on their Grievance and Disciplinary activity from January to December 2017.

4.1 Grievances

Six grievances had been received all from Grey Book male employees.

Four of the grievances were appealed but not upheld.

One grievance was appealed and a development plan has been put in place and the other appeal is scheduled to be heard.

There had been an increase in grievances from the last reporting period, when there were 2 grievances.

All grievance case information was discussed at the monthly Joint Working Party meeting with the Trade Unions.

Further “train the trainer” and employment law classes would be provided throughout the year to help train, coach and develop existing and newly appointed line managers.

4.2 Disciplinary Cases

There had been eight disciplinary cases during the reporting period, all male employees, six were Grey Book and two were Green book employees.

One case was investigated as misconduct and seven were investigated as gross misconduct.

One case did not reach a hearing, two cases resulted in resignation, four cases resulted in a 6 month written warning, one following a reduction on appeal. And one case resulted in dismissal.

It was agreed that Appendix 1 setting out plots out trends of Grievance and Disciplinary data would be a feature of future reports and produced in colour.

4.3 Comparison of Disciplinary Data with Metropolitan Brigades

Information had been received from Merseyside, West Yorkshire and Greater Manchester. It was difficult to obtain the data and to compare like with like.

Merseyside had two thirds of the employees West Midlands, had reported 18 grievances, 16 were male employees and 2 female. They reported 28 disciplinary hearings of which 25 were male and 2 female.

West Yorkshire had approximately half the number of employees compared to West Midlands and reported 8 disciplinary cases and 14 grievances but had not stated if they were male or female.

Greater Manchester who are slightly smaller than the West Midlands had reported 10 disciplinary cases and 2 grievances which covered both uniformed and non-uniformed staff.

Further work would be carried out with HR forums and across the national fire service.

5. **Failure to Agree/Consult**

The organisation had received 2 Failures to consult that were dealt with by the Strategic Enabling Team and arrived at a satisfactory resolution.

Steve Price Hunt stated that since 2014 both the FBU/Unison representatives have raised their concerns about the amount and severity of disciplinary hearings. Following the roll out of an education programme, there has been a reduction in the number of cases, however, the severity of the cases was still a concern.

He noted that from the data received from the Metropolitan Brigades that the severity of cases is not shown.

Over the previous six month period, of the five gross misconducts cases, four had resulted in a written warning.

He stated that most cases are treated as gross misconduct and not misconduct, which indicates a failure to resolve issues at station level and managers were allowing matter to escalate and they were not dealing with the issues early. Letter delivered at home, mentions dismissal, most members go sick.

5 gross misconducts ended up with written warnings, which was the usual outcome for a misconduct case and the FBU felt this should be the initial disciplinary.

Currently there were eight cases of gross misconduct from the same station. Helen Sherlock confirm that all cases involved the same issues but were being dealt with individually.

The current 8 cases are in the majority from the same station and it was confirmed that all 8 involved in the same issues but being dealt with individually. Initially these cases involved breaches of Health and Safety so would automatically be considered as gross misconduct but there were mitigating circumstances.

All 8 Members of staff had all received the same letter, but there was a potential different outcome dependent on personal involvement.

Helen Sherlock confirmed that business partners work with managers in looking at issues and addressing and supporting them.

FBU do not accept or understand this methodology. Gross Misconduct results in higher levels of stress and felt it better to start with misconduct, whilst an investigation is being taken and escalate to gross misconduct if required.

Cllr Paul Singh requested that a piece of work is conducted into this as a gross misconduct allegation can be both frightening and stressful and if this can be avoided it should.

The Chair accepted that some actions and their consequences are clearly set out for employees.

Andy Scattergood stated that he totally accept gross misconduct and conduct, but did not agree with what appeared to be the default of going to gross misconduct. An Investigation then carried out, followed by a hearing or lowered to misconduct. The FBU opinion was that most cases should commence with misconduct.

Andy Scattergood felt that the employment costs could be high and if the eight staff currently on a disciplinary charge were being covered by voluntary shifts the cover sickness, the costs can be high.

Helen Sherlock confirmed that due consideration is given to the impact on the service and the Service Delivery Model and resources would be put in place the cover the impact of this type of occurrence.

Helen Sherlock stated that the timeframe is 6 weeks.

Total notice
Line Manager

Gross misconduct cases as not always suspended but most go members of staff go on sick leave.

SPH stated that it was 2 -3 months or could be 12 months as cases were out of the organisations control.

Case by case timelines could be included in next report.

It was confirmed that each employee is allocated a welfare officer to maintain contact over and above line manager.

The Procedure for Disciplinary cases is:

Operations Commander

Review with Business Partner

If Decision is Misconduct– a Operations Commander is Commissioned to look at the case

If the decision is a charge of gross misconduct a Member of SET is commissioned to look at the case.

The Chair requested that further employment training is provided for members of the Joint Consultative Panel and their substitutes and this would be arranged for the September meeting.

The procedure for disciplinary cases could be added into the next report.

Andy Scattergood requested that work commenced to re-evaluate and alleviate stress and pressure on members so that they would not book sick.

All Members agreed with Cllr Paul Singh's suggestion that there should be continuous improvement on the present system.

ACO Gary Taylor stated that following conclusion of the internal process. There would be an Officers debrief on the judgement, decisions and effectiveness of the process.

The Chair requested that a report be presented to the September meeting of the Joint Consultative Panel on the trend or gap outcomes of the debriefs..

Cllr Singh thanked everyone and enjoyed his experience on the Fire Authority.

Steve Price Hunt thanked Cllr Singh for his help.

Chair thanked everyone.

The meeting closed at 1350 hours.