

Notes of the Joint Consultative Panel

11th October, 2010, at 2.00 pm
at the Fire Service Headquarters, Birmingham

Present: **Members of the Authority**

Councillor O'Neill (Chair);
Councillor Chambers (Lead Member Human
Resources);
Councillors Jones, M Hill and Stevenson.

Employees Side

**Association of Principal Fire Officers
(APFO)**

Vacancy.

Fire Brigades Union (FBU)

A Dennis (representing M Bell) and R Moore
(observing).

Fire Officers' Association (FOA)

A Tranter.

UNISON

J Foster (accompanied by M New, Regional
Officer).

Apology: Councillor Hodgson.

9/10 **Declaration of Interest**

Councillor O'Neill declared a personal interest in that he is an out-of-trade member of the Fire Brigades' Union.

10/10 **Notes**

The notes of the meeting held on 12th July, 2010 were confirmed as a correct record.

It was noted that the Association of Principal Fire Officers was still not

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represented on the Panel. The Director Human Resources was asked to write to the Association to ask them to nominate a representative to attend Panel meetings.

11/10 **Submission of a matter referred from the Joint Consultative Committee relating to Facilities Time for Unison**

The Panel had before it a report of the Chief Fire Officer and the Clerk with regard to a matter referred from the Joint Consultative Committee relating to facilities time for Unison. The Chairman indicated that a further substantial set of papers submitted by Unison had been sent out after the agenda was despatched and that elected members of the Panel had not had time to consider the submission in depth. There were also legal and technical points with regard to the issue that required further investigation. He therefore proposed that consideration of this matter be adjourned to allow for a more informed discussion.

Resolved that this matter be adjourned to a meeting to be held on Monday, 8th November, 2010, commencing at 1 pm.

12/10 **Elected Member Appeal Panels**

With reference to Note No 8/10 (12th July, 2010), the Panel considered a further report with regard to the submission from the employees' side of the Joint Consultative Committee for the re-introduction of member appeals in respect of disciplinary and grievance cases. The report set out further information that had been requested by elected members at the last meeting of the Panel.

Details of the areas Unison, the Fire Brigades Union and the Fire Officers' Association felt should be dealt with by a member appeals panel were submitted. The Fire Officers' Association indicated a correction to the report with regard to their submission which was noted.

The report gave statistics on the number of disciplinary/grievance matters dealt with each year since 2004/05.

The report also indicated that members involved in disciplinary and grievance procedures would need to receive appropriate training on equality and diversity, fair hearings and the litigation process. Members of appeals panels, and particularly the Chairman, would need to be confident in their role as they could be called before an

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Employment Tribunal to account for their decisions.

Management presented its response to the submission from the representative bodies as follows:

- There was not a consistent approach from the representative bodies;
- The number of employment matters referred to Employment Tribunals (ET) was falling and those cases progressing to ET had been successfully defended;
- Guidance and advice to managers from Human Resources was improving the quality and consistency of the disciplinary and grievance process. The existing process was based on legislation, national conditions of service and guidance from the Advisory Conciliation and Arbitration Service and each case was decided on its merits;
- Elected members were not completely independent of the process as the Authority was the employer. Freeing up members from day to day operational matters allowed them to concentrate on their strategic role.
- The Service recommended that member involvement in appeals should be from a scrutiny and performance management perspective only.

The Chairman asked the representative bodies for their views.

The representatives of the Fire Brigades Union (FBU) asked for clarification of the total number of disciplinary and grievance cases dealt with since 2005. Only data relating to cases that had been referred to ETs was to hand. The FBU indicated that their concern was to ensure that all cases were monitored to ensure that the process was fair and that procedures were being followed correctly. They had concerns about a perceived lack of fairness, inconsistency in the process and a lack of appropriate management training.

The representatives of Unison clarified that in their view the elected member appeal should be a further stage of appeal following on from an appeal to the next stage of management.

The Fire Officers' Association representative pointed out that although the submission from each representative body was slightly different, all had concerns about the process which the employer should respond to.

Following an adjournment, the employers' side indicated that it could not support the representative bodies' call for the re-introduction of appeals to members, but in the light of the concerns expressed by the

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three unions, would be recommending to the Authority that the disciplinary and grievance process be subject to scrutiny by elected members. The Director of Human Resources was asked to draft an appropriate process for approval by the Authority.

Resolved to recommend to the Authority:

- (1) that no action be taken with regard to the submission of the representative bodies that a further appeal be allowed to the Appeals Committee at the exhaustion of the current internal appeals process as defined in Brigade Standing Orders in respect of the disciplinary and grievance procedures;
- (2) that a process for member-led monitoring and scrutiny of the disciplinary and grievance process be introduced.

(The meeting ended at 2.46 pm following an adjournment between
2.35 and 2.45 pm)

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