

**Notes of the Joint Consultative Panel**

**12<sup>th</sup> July 2010, at 1.30 p.m.**  
**at the Fire Service Headquarters, Birmingham**

**Present:**        **Members of the Authority**

Councillor O'Neill (Chair);  
Councillors Chambers (Lead Member Human Resources) and M Hill.  
Councillor Turner (observing).

**Employees Side**

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

Vacancy.

**Fire Brigades Union (FBU)**

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

**Fire Officers' Association (FOA)**

A Tranter.

**UNISON**

J Foster.

**Apologies:**    Councillors Jones and Stevenson.

5/10    **Declaration of Interest**

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

6/10    **Notes**

The notes of the meeting held on 15<sup>th</sup> February 2010 were confirmed as a correct record, subject to the start time of the meeting being amended to 1.00pm.

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7/10

**Lessons Learned from the Failure to Consult concerning the Replacement of Non-corporate Furniture on Fire Stations**

Further to Minute No. 4/10 (15<sup>th</sup> February 2010) the Panel considered a report on the learning points identified from the Failure to Consult, which had been submitted by the Fire Brigades Union (FBU) in relation to the replacement of non-corporate furniture on fire stations.

Following the meeting on 15<sup>th</sup> February 2010 discussions had taken place with the trade unions and the following points had been identified:-

- It was important that the service was consistent, particularly with its terminology, as to whether an issue was for discussion, consultation or negotiation.
- Managers and trade union representatives needed to ensure that appropriate discussion, consultation or negotiation took place to foster good employee relations.
- Items for collective bargaining (negotiation) were, in the main, undertaken on a national basis.
- It was recognised that there was provision for negotiation and consultation on the implementation of contractual changes and this would be determined locally.
- That trade unions and management representatives would make their presentations to the employers side of the JCP, who would make a recommendation to the Service, when the Panel was considering a Failure to Agree or Failure to Consult.
- When the JCP was considering a Failure to Agree or Failure to Consult, the presenter of the management case must not be the advisor to the Panel.

Management made a number of recommendations to address these points.

The Panel noted the concerns of the employees' side in relation to the Chair of the Joint Consultative Committee (JCC) having authority to determine the status of agenda items. It was also noted that a review of the Employee Relations Framework was due to commence and that these concerns would be addressed.

**Resolved:-**

- (1) that the Chair of the Joint Consultative Committee determines, in advance of its meetings, whether items are for information, discussion, consultation or negotiation;

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(2) that the Panel Chair, in consultation with the Director of Human Resources, agrees the agenda for future meetings of the JCP;

(3) **that the Authority be recommended to** amend the constitution of the Joint Consultative Panel to clarify that the employer's side makes recommendations to the Service or Authority, as appropriate;

(4) that management and trade union representatives take responsibility for ensuring necessary and appropriate discussion/consultation/negotiation takes place to foster improved employee relations.

8/10

**Matter referred from the Joint Consultative Committee relating to an Elected Member appeal panel**

The Panel was asked to consider a request for the resumption of elected member involvement in appeals panels made by the Fire Brigades Union, the Fire Officers' Association and Unison at the meeting of the Joint Consultative Committee (JCC) on 13<sup>th</sup> April 2010. The matter had not been agreed at the JCC but had been referred for consideration by the Panel.

At its meeting on 22<sup>nd</sup> November 2004 the Authority had approved revised disciplinary and grievance procedures. The new procedures harmonised the grievance, disciplinary and dismissal processes for uniformed and non-uniformed staff and were based on ACAS guidelines as set out in the 'Grey Book' and 'Green Book' conditions of service. The terms of reference of the Appeals Committee had been subsequently amended to reflect the new procedures. Consequently, appeals against the Chief Fire Officer's decision under grievance procedures and appeals against dismissal were no longer considered by elected members. The proposal would require consideration by the Authority as it would require constitutional amendments.

The employer's side heard the case for the proposal from representatives of the employees' side.

Following an adjournment, the employer's side indicated that it needed more information to make an informed recommendation, including the legal position, the role and expertise required by members of appeals panel and the types of cases that would come before the panel.

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**Resolved** that a further report be submitted to the Panel on 11<sup>th</sup> October 2010, setting out the implications of the resumption of elected member involvement in appeals panels, including the legal position, the role and expertise required by members of appeals panel and the types of cases that would come before the panel.

(The meeting ended at 2.35 p.m. following an adjournment between 2.16 and 2.22 p.m.)

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