

Notes of Joint Consultative Panel

10 April 2017
at Fire Service Headquarters, Vauxhall Road, Birmingham

Present: Councillor Clinton (Chair)
Councillors Edwards and T Singh

Apologies: Councillors Allcock and Booth
CFO Andy Hickmott, Association of Principal Fire Officers (APFO)
Sarah Warnes, Strategic Enabler, People Support Manager
Wendy Browning-Sampson

Employees Steve Price-Hunt – Fire Brigades Union (FBU)
Side: Andrew Scattergood (FBU)
John Routley (UNISON)
Vic Mallabar (UNISON)

Officers: Helen Sherlock, People Support Services
Karen Gowreesunker

6/17 Notes of the Joint Consultative Panel held on 6 February 2017

With the exception of the word “years” at the top of page 5 of the minutes being changed to “months”. The notes of the Joint Consultative Panel held on 6 February 2017 were received.

The Panel noted that the West Midlands Fire and Rescue Authority had agreed to sign up to the Trades Union Congress “Dying to Work” Campaign at the meeting held on 10 April 2017.

7/17 Dispute Resolution Report

Helen Sherlock provided an overview of the Dispute Resolution Report, the purpose of which was to inform members of the Joint Consultative Panel (JCP) about the number, type and outcomes of discipline and grievance hearings and other dispute resolution including Employment Tribunal activity which had occurred during the period of 1 July 2016 to 31 December 2016. It was noted that at future meetings the report would be accompanied by a Powerpoint Presentation.

- 7.1 Appendix 1, Section A provided details of four grievances case during the period, decrease of seven from the previous reporting period. There were no collective grievances lodged during this report period.
- 7.2 There had been nine cases under discipline, eight were investigated under Gross Misconduct investigation and one case was investigated under Misconduct.

Seven of the gross misconduct cases went to a formal hearing and one investigation resulted in no formal action.

Following a hearing, there was no formal action in the case investigated under misconduct.

An analysis of protected characteristics were provided.

- 7.3 There are two outstanding Employment Tribunal claims from 2016.
- 7.4 Debriefs are continuing to take place after every case to capture the lessons learned. With the aim of achieving a consistency, a revised toolkit for managers, including template letters, is being produced. The Trade Unions are invited to attend all debriefs with the approach being approved by the Trade Unions.

- 7.5 Regular meetings continue to take place with the Trade Unions/Representative bodies at the Joint Working Party and regular updates will be provided to the Joint Consultative Panel.
- 7.6 A review of the grievances and disciplinary cases will be undertaken as they have increased in this period. The review will capture all of the learning to manages future cases appropriately.
- 7.7 One failure to consult complaint had been lodged within the reporting period. This has been dealt with before the Joint Consultative Panel. No collective grievances or failures to agree had been received.
- 7.8 There were eight Discipline Hearings during the reporting period, four of which had resulted in dismissals, this was higher than in the previous reporting period.

In response to a question from the Chair, it was confirmed that three of the cases were long standing and were from the previous reporting period and 1 case had been reported in the current period.

- 7.9 The FBU representative expressed concerns at the severity of the outcomes and two of the cases had resulted in Employment Tribunals and felt this was not where the organisation would want to be.

There had been three appeals that had not been overturned.

A total of four cases were outstanding, two Employment Tribunals

From the previous reporting period and two in the subsequent reporting period.

A debate followed on the number of recent dismissals and the Members were provided with a verbal update of the nature of the dismissals.

It was suggested that this information should be provided following the outcome of an Employment Tribunal as a final decision could result in two outcomes.

It was felt that the information would then provide patterns or trends.

This process would be reviewed.

8/17 Proposal for Presentation of Dispute Resolution Report

Helen Sherlock explained that the next meeting the Dispute Resolution Report would be accompanied by a Powerpoint presentation providing an overview of cases. This would be shared with the Unions prior to the JCP.

Further Employment Law training would be provided to members of the JCP following the Authority AGM when members are allocated to Committees.

The presentation was well received and was easy to understand. It was requested that the symbol for Religion and Belief be changed.

The Chair asked for information to be provided on contentious issues and it was confirmed that the People Support Service officers were available to provide details of the various contracts of employment to Members if they required further information.

John Routley suggested that Members should also be aware of the TUPE regulations as this may be required in respect of the direction of travel in respect of the Mayoral route to governance through the Combined Authority.

It was agreed to investigate training opportunities for the Members in respect of TUPE.

9. Recognition of Union Representative, Vic Mallabar

The Chair and Members thanked Vic Mallabar for his work as the Unison Representative for many years on the JCP and for his 42 years' service with West Midlands Fire Service. The Panel wished him a long and healthy retirement.

(The meeting closed at 1315 hours)

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