

<p><u>Notes of Joint Consultative Panel</u></p>
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13th April, 2015
at Fire Service Headquarters, Vauxhall Road, Birmingham

Present: Members of the Authority

Councillor Clinton (Chair);
Councillors Collingswood and Shackleton.

Apologies:

Councillors Douglas-Maul, Howells
and Yardley
Sarah Warnes

Employees Side:

Fire Brigades Union (FBU)

S Price-Hunt

UNISON

V Mallabar

Officers

Wendy Browning-Sampson
Kam Devi-Ahir
Pushpa Almeida-Pinto
Helen Sherlock

Observer: Councillor Skinner

1/15

Notes

The notes of the meetings held on 10 November 2014 and 2 February 2015 were received.

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Dispute Resolution Report – 1 July – 31 December 2014

Further to Note 5/14 (10 November 2014), the Panel received a report on the discussions and progress which had been continuing since the last meeting on the issues around the disciplinary and grievance process.

The report outlined the Formal Grievance and Appeal Cases received between 1 July and 31 December 2014; there had been 7 Grey Book cases and 1 Green book case. Thirteen disciplinary investigations had commenced, one Gross Misconduct investigation was still ongoing; 12 were Grey Book and one was a Green Book employee.

Fifteen Hearings and Appeal Cases had been heard during the reporting period. Fourteen of the hearings were managed as gross misconduct cases resulting in four Dismissals, of these there was one appeal raised. Of the remaining eleven (one being a misconduct case) hearings, there were four Final Written Warnings, three first written warnings and four cases where no formal action had been taken or a development plan had been put in place.

It was explained that in these cases, an allegation may have been dropped or there had been mitigating circumstances. Following discussions it was agreed that a training session would be arranged for the members of the Panel as it was felt important for members to have the background to cases.

The Appendices to the report showed analysis in respect of protected characteristics. There were no trends to report and the data was proportionally reflective of the Service.

There were three outstanding Employment Tribunal claims, which were not being supported by the Trades Unions.

The Lessons Learned were discussed. The Panel was advised that following a recent review of the People Support Services (PSS) and the implementation of the new structure from 1 January 2015, a business partner approach had been developed.

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A tailored approach had been introduced and PSS teams had spent more time on stations and with departments offering advice to managers and ensuring that managers fully understood their roles in managing cases at the earliest opportunity. PSS were working on a toolkit for managers which had been welcomed by the Trades Unions/Representative Bodies as it ensured consistency within the process.

PSS were working closely with the Trades Unions/Representative Bodies on the debriefing processes and local performance indicators would be shared with them.

A debrief had been held but unfortunately the Trade Union/Representative Body had not been available to attend. Business partners would meet with them separately to capture the learning and notes of the debriefings would form part of future reports to the Panel.

The number of Gross Misconduct cases continued to be monitored and discussions were ongoing with the Trades Unions/Representative Bodies and regular meetings were held to discuss any concerns raised. There had been no other/new areas raised.

The 'Effective Managers Series' provided Managers with additional training on a range of management issues including Discipline and Grievance, Capability and Attendance Management. These sessions were also attended by the Trades Unions/representative Bodies.

Dispute Resolution

The Fire Brigades Union had submitted a cause for concern relating to issues around health and Safety specifically relating to the Safety Critical checking of BA sets by operational crews during the periods of resilience cover. This matter had been resolved in March 2015 and the cause for concern had been withdrawn.

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The Fire Brigades Union representative stated that following the concerns raised about the number of discipline cases being raised, the PSS had worked with managers to bring about a change of culture. He felt that the debriefs were pivotal to these changes and he stated that Wendy Browning-Sampson and Helen Sherlock had been very proactive in reducing the number of cases and the work was now on a positive footing and that they were working well as a team.

The issue was raised at the Joint Consultative Committee and would be brought back in September.

3/15 **Update on the Revision of the Employee Relations Framework**

An update on the Revision of the Employee Relations Framework was provided. The Framework was approved by the Authority in 2009. It was a robust framework that was constantly reviewed. Following a request at the meeting of the JCC in August 2010, the Framework was reviewed and published in February 2012.

The Framework was due for its three yearly review cycle. The People Support Services Employee Relations Team was working collaboratively with the Trade Unions/Representative Bodies to carry out the review.

Cosmetic changes had been made to date including the Strategic Enabling Team.

The Framework would be compared against Advisory Conciliation Arbitration Service (ACAS) Code of Practice: Time off for Trade Union Duties and Activities and the Information and Consultation of Employees (ICE) Regulations.

Dialogue and discussion on approach and proposed changes had been shared with the Trades Unions/Representative Bodies. The last meeting being held on 5 March 2015. The Framework was a standing item on the Agenda at the Human Resources Joint Working Party.

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The UNISON representative stated that since the introduction of the Framework, industrial relations had been very good and only minor tweaks were required. It is one of the most important Policies and since its introduction relationships were more harmonious and smooth running. Other Brigades did not have a similar Policy and were keen to introduce Frameworks.

The Chair also felt that there was a better atmosphere at meetings.

4/15

Response to Concerns raised with the Dispute Resolution Report

A report was submitted in response to the concerns raised around the Dispute Resolution Report.

It was explained that during the period July/October 2010 a number of issues had arisen around dispute resolution and whilst it had been agreed not to re-introduce Member Appeal Panels following a request at the time by the Trade Union it was agreed that the Disputes Resolution Report would be produced on a bi-annual basis and submitted to the JCP for information.

People Support Services now acted as Business Partners to Managers and provided feedback and challenge to Managers. Improvements were being made in emotional intelligence and the training provided by Effective Managers Series encouraged Managers to intervene earlier in the process and Trades Unions/Representative bodies were involved in the debrief process.

The reporting process had been improved and local PSS performance indicators had been introduced which would report on both Formal and Informal resolutions and these would be included in the Disputes Resolution Report.

The Trades Unions/Representative Bodies had attended the 'Effective Manager Series' training, which had been provided by an external trainer, and felt it was very good. Improvements had been seen following the training and they felt sure that they would continue to see the benefits of this training with Managers.

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Wendy Browning-Sampson had attended the Regional HR Forum, where an Employment Law Barrister had given a presentation on current legislation. Feedback from the course had been given to the other members of the PSS team.

- 5/15 The FBU representative thanked the UNISON representative for raising the Living Wage issue and thanked the Authority for approving the introduction of the Living Wage. He felt that this was a good day for the Authority and that it was a good news story to be shared with the Press.
- 6/15 The FBU representative discussed the proposed changes and the Staffing Trials. He had written to Members of the FBU regarding a possible change of contracts and negotiations were being held for a collective agreement. He recognised the Authority's need to make budget cuts and hoped that the negotiations would be concluded shortly.
- 7/15 The Chair wished good luck to those members who were up for re-election in the forthcoming Elections.

The meeting closed at 12.50 pm.

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