



West Midlands Fire Service Branch
Vauxhall Road, Birmingham, B7 4HW

Winners of First Prize in the Region in 2006
For Services to members

Winners of Third Prize in 2007 for
Recruitment

Winners of Third Prize in 2008 for
Learning and Development

Chair **Vic Mallabar**
Secretary **Judy Foster**
Treasurer **Janet Matthews**

18 November 2010

Ref. UNI71611102/VMEJ

Dear Georgina

Facility Time Appeal – UNISON

As you are aware, a meeting of the full Fire Authority will take place shortly. One of the reports members will receive are the minutes of the JCP held on Monday 8th November which makes a recommendation in respect of facility time for UNISON.

UNISON will be writing to all Authority members to ask them to consider the following before acting on the recommendation.

1. The advisor to the JCP panel was the Director of Human Resources, to whom UNISON made its final appeal for reinstatement of full time facilities. In good faith the JCP accepted the reassurance that in his advisory role, this would not present a conflict of interest. However, what emerged in the verbal summing up (but not documented) were potentially misleading statements that could only have been based on advice given by the Director of Human Resources without the trade unions present and to which the trade unions have not had the opportunity to respond. This included a statement made about the facility time granted by other Metropolitan Authorities to their UNISON branches.
2. Regarding the offer to UNISON to fund 50% of the post, the reduction in facility time has never been about making savings. UNISON's submission demonstrated that the workload of the Branch and Branch Secretary merit a full time post and management is not disputing this. The invitation to UNISON to make a 50% contribution is a red herring – the Branch Secretary has a full time contract with West Midlands Fire Service, and there is no cost saving for the Fire Authority in respect of either 50% or 100% facility time.
3. That it has taken considerable effort to get the matter heard by the JCP as the following demonstrate;
 - 3.1 In March, UNISON appealed to the Director of HR. The appeal was unsuccessful. Consequently UNISON requested a further stage of appeal to Fire Authority members. This was refused.
 - 3.2 In May, UNISON met with former Fire Authority Chair Councillor Tony Ward, who undertook to arrange an appeal to members. Councillor Ward made an approach to the Chief Fire Officer for an appeal to be held and it was refused.

- 3.3 In June, following a meeting between UNISON and the new Chair, David Hinton and at his request, UNISON submitted evidence of the Branch Secretary's workload to him, following which a date to hear the matter was secured.
- 3.4 Leading up to the date of the original JCP in October, management did not consult with UNISON over the contents of the covering report for the documentation, and the version sent contained inaccuracies. In addition, none of the pieces of evidence that UNISON had presented at its original appeal to support its case had been submitted with the papers. Furthermore, management had included with the papers documentation that UNISON had not previously had sight of. UNISON was only made aware of these discrepancies when we received our copy of the papers one week before the meeting.
- 3.5 Consequently, UNISON had only a few days before the date of the meeting to rectify the situation. Therefore members did not receive the remaining papers from UNISON until the weekend prior to the Monday of the meeting. On the day of the meeting, members agreed that with insufficient time to consider the papers UNISON had sent, the specific agenda item should be postponed. The matter was eventually heard on 9th November.

UNISON will be appealing to members' sense of fairness and justice and will ask them to refrain from endorsing the recommendation at this stage, but to refer the matter back to the JCP and for the JCP to run a process that is fair and transparent and with appropriate independent advice.

As you know, the purpose of the appeal was to resolve a long standing dispute UNISON has registered regarding the allocation of facility time, and the way in which the allocation was orchestrated, specifically through a process of developing an employee relations framework that is misleading and ambiguous, and which now requires a full revision. However, the recommendation of the JCP has been made on the basis of that flawed framework and an appeal process that was not conducted in accordance with the rules of natural justice.

Consequently, UNISON remains in dispute with West Midlands Fire Service on this issue.

UNISON would ask that you convey our concerns to the Monitoring Officer and we look forward to an early response.

In the meantime, if you have any queries, please contact Branch Secretary, Judy Foster on 07525154493 or myself on 07734 284007.

Yours sincerely



Vic Mallabar
Branch Chair

Georgina Wythes
Democratic Services
Sandwell Council House
Oldbury B69 3DE