

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

24 JUNE 2019

1. REVISION OF THE EMPLOYEE RELATIONS FRAMEWORK

Report of the Chief Fire Officer

RECOMMENDED

THAT the members note the agreed amendments that have been made to the Employee Relations Framework (ERF) and terms of reference for Joint Consultative Panel (JCP).

2. PURPOSE OF REPORT

This report is submitted to the members to provide an update on the progress made to review the ERF and to note the amendments to both the ERF and terms of reference for the Joint Consultative Panel.

3. BACKGROUND

3.1 Since its joint development between managers of the Service and the recognised Trade Unions, the ERF (Appendix A) has been the agreed framework that governs how the Service and its Trade Unions engage on issues of change.

3.2 The ERF draws from several sources including:

- ACAS Code of Practice on Trade Union Activities
- Collective Agreement Industrial Relations 2018 (Appendix 1 of ERF Appendix A)
- NJC Joint Protocols for Good Industrial Relations in the Fire and Rescue Service. (Appendix 2 of ERF Appendix A)
- dialogue and agreement between local Trade Union officials and management representatives.
- consideration of Fire Authority Constitution and Service policy.

- 3.3 That members note that the People Support Services Manager - Employee Relations has met regularly with the Trade Unions to consider and agree revisions to the Framework. The amendments were either agreed as an outcome of the trade dispute or agreed locally with the Services recognised Collective Agreement.
- 3.4 Fire Authority members' attention is drawn to the amendment to JCP Terms of Reference (Appendix 3 of ERF Appendix A) which provides an additional seat to the Fire Brigades' Union at this meeting. Increasing their number from 2 to 3 representatives. This increase was agreed as part of the resolution to the trade dispute. The Monitoring Officer position has been added to the list of Officers eligible to attend meetings of the JCP.
- 3.5 Members are also asked to review the 'Responsibilities of Elected Members for Employee Relations' document (Appendix 4 of ERF Appendix A).
- 3.6 The main changes agreed for inclusion into the ERF are outlined in the 'overview of amendments' section of the revised policy. More detailed amends are identified below:
- Section 4.1 Inclusion of the Services Core Values (new);
 - Section 5.3.6 Dispute Resolution (new);
 - Section 5.3.7 External Assistance section (amended);
 - Section 5.5.2 Misconduct of Officials/Representatives (new);
 - Section 5.5.3 Officials and Representatives - Time off Provision (amended);
 - Section 5.5.11 Notification of Officials - amended
 - Appendix 1 - Collective Agreement 2018 (new).
 - Appendix 3 - Terms of Reference for JCP (amended);
 - Appendix 5 - Terms of Reference for JCC (amended);
 - Appendix 6 - 8 Appendices outlining the process for raising either a Cause for Concern, Failure to Consult or Failure to Agree (new).
 - Appendix 9 - Consultation Flowchart (amended)
- 3.7 This amended framework and associated appendices, is available to review on MESH and will be embedded throughout the organisation through training via Ecademy, line managers, PSS Business Partners, Trade Union Officials and representatives and linked with the Effective Manager Series.

The approach to training for new entrants and existing employees has been agreed with the recognised Trade Unions as part of the review process.

4. **EQUALITY IMPACT ASSESSMENT**

In preparing this report an initial Equality Impact Assessment is not required and has not been carried out. However, an Equality Impact Assessment was carried out jointly between management and the recognised Trade Unions at the development of the ERF and all parties have the opportunity to review to ensure it remains fit for purpose.

5. **LEGAL IMPLICATIONS**

- 5.1 Information and Consultation of Employees Regulations 2004: these regulations set out the employer's legal responsibility to inform and consult with employees.
- 5.2 Sections 181 and 182 of the Trade Union and Labour Relations (Consolidation) Act 1992 sets out the duty of employers to disclose information requested by a union representative for the purposes of collective bargaining.

6. **FINANCIAL IMPLICATIONS**

There are no financial implications to this report.

BACKGROUND PAPERS

- ACAS Code of Practice on Trade Union Activities
- Collective Agreement Industrial Relations 2018
- NJC Joint Protocols for Good Industrial Relations in the Fire and Rescue Service.

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