

## report

meeting	<b>NOTTINGHAMSHIRE AND CITY OF NOTTINGHAM FIRE AUTHORITY</b>	
date	<b>23 JULY 2004</b>	agenda item number

### TRADE UNION RECOGNITION

#### 1. PURPOSE OF REPORT

The purpose of this report is to seek Fire Authority recognition of the Fire Officers Association (FOA) and the Retained Firefighters Union (RFU) for negotiating purposes.

#### 2. BACKGROUND

- 2.1 Traditionally Nottinghamshire & City of Nottingham Fire Authority has only recognised the Fire Brigades Union (FBU) and Unison for negotiating purposes.
- 2.2 The White Paper "Our Fire & Rescue Service" sought a more inclusive arrangement, to negotiations at National Level. Paragraph 7.13 page 52 states "We also agree with the independent review that a new negotiating body should involve a representative from the Retained Firefighters Union, the Fire Officers Association and the Association of Principal Fire Officers".
- 2.3 There are members of Nottinghamshire Fire & Rescue Service who are members of the RFU and FOA.
- 2.4 The Service has established procedures for Trade Union activity in the work place, this includes, amongst other things, such items as, time off to undertake trade union activity.

#### 3. REPORT

- 3.1 The Service has received requests from both the RFU and the FOA, to be able to represent their members in negotiations on terms and conditions within the Service. The requests from both organisations are attached as Appendices A and B.
- 3.2 The RFU have asked for the Authority to enter into an agreement of recognition, which is quite detailed in its make up. The relationship between employers and trade unions are governed by the Trade Union and Labour Relations (Consolidation) Act 1992 (TULRCA), with ACAS codes of practice available to assist in that process. This Act, and the codes of practice are quite detailed, for example, the Act requires the employer to allow reasonable time off to undertake trade union activities (Paragraph 168). What is reasonable, needs to be determined by the Authority, taking into account the law and guidance. There is nothing new in this, as it applies to the current recognised Representative Bodies. The Authority, if it recognises the RFU for negotiating purposes, is not required to agree to the RFU agreement, as they have set it out. It should also be noted that Officers have not had the opportunity to contribute to the formation of this agreement. It is suggested

that the Authority should not enter into this agreement, at this time, but this need not stop recognition, if that is the decision of Members.

3.3 The Service has standing orders and procedures, that deal with trade union activities, these will need to be reviewed, if the Authority are to recognise a new representative body.

3.4 If the Authority should recognise the RFU, then Officers, would engage with their representatives in order to facilitate a mutually acceptable agreement that fits with revised Service procedures.

#### **4. FINANCIAL IMPLICATIONS**

4.1 There are no direct financial implications arising from this report. There are, however, indirect consequences and these relate to the provision of reasonable time off to undertake trade union activities and similar issues that are covered by TULRCA.

#### **5. PERSONNEL IMPLICATIONS**

5.1 The recognition of the RFU and FOA by the Authority would ensure that the views of staff, who belong to these two organisations would be heard during negotiations.

#### **6. RISK MANAGEMENT IMPLICATIONS**

6.1 There are no direct Risk Management Implications arising from this report.

#### **7. EQUAL OPPORTUNITY IMPLICATIONS**

7.1 There are no negative equal opportunity implications arising from recognising the organisations for negotiating purposes. By recognising other representative bodies it will ensure that alternative views are brought to the attention of the Service, so increasing the opportunity to achieve better equalities within the Service.

#### **8. RECOMMENDATION**

8.1 That Members note the contents of the report and recognises the RFU and FOA as bodies to be included in future negotiations arrangements within the Service.

8.2 Officers should work with representatives of the RFU to establish a mutually acceptable agreement for consideration, if one is required.

#### **9. BACKGROUND PAPERS FOR INSPECTION**

White Paper "Our Fire & Rescue Service"  
Trade Union and Labour Relations (Consolidation) Act 1992

Paul Woods  
**CHIEF FIRE OFFICER**



Fire Officers Association

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29 June 2004

Mr P Woods Chief  
Fire Officer  
Nottinghamshire Fire & Rescue Service  
Bestwood Lodge  
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NG5 8PD

Dear Mr Woods,

In recognising the degree of change to the fundamental working of the fire service currently being introduced, and the profound effect that is likely to have upon its employees, I felt it timely to write to you with regard to the relationship of this Association and Nottinghamshire Fire and Rescue Service.

It may help if I commence with a short explanation about the Association and what it wishes to achieve.

The Association was formed in 1994 in order to offer members of the fire service an alternative representative body which would seek to represent their views and further their aspirations in a non militant manner and without any particular political affiliation. A Certificate of Independence under the Trade Union and Labour Relations (Consolidation) Act 1992 was granted in June 1995.

Management of the Association is vested in the Chief Executive and the Executive Board which is made up of serving personnel from around the country. Membership is open to all ranks, but is currently predominantly middle / senior management related.

Since its formation the organisation has developed and improved the service it offers members and is now uniquely placed to accommodate those disillusioned by recent events. The Association accepted the opportunity to submit evidence to the Bain Review and was pleased to see agreement on many aspects, particularly the recommendation that the Fire Officers' Association should be included in a new negotiating forum. As you will be aware the White Paper contains the Government's declared intention for that to happen.

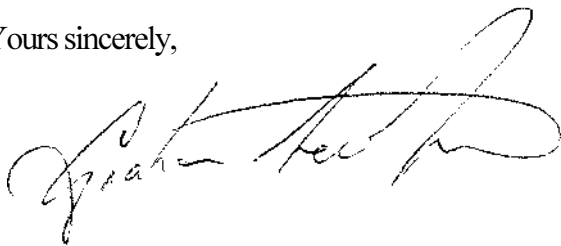
In order to ensure we continue to respond to the needs of our members relevant to the modernisation of the service, our Executive Board have agreed proposals which will further develop the Association by creating fully autonomous sections which will reflect the IPDS role-maps. In this way members will be sure that the issues which they are asked to comment or vote upon will not be influenced by other interests.

Another very important aspect of our work relates to representing our members' interests regarding professional matters. The Executive Board developed proposals which our members have now agreed which will bring about a shift from geographically based Executive Board members to the establishment of practitioner spokespersons. Whilst they will still have Executive Board member responsibilities we believe it important to utilise individuals' "practitioner expertise" to the benefit of not only our members but to the service as a whole. With this in mind we have established a membership "Register of Practitioners" and look forward to an active role in the Practitioners' Forum.

We believe that the Fire Officers' Association is now in a position to offer members of the service, particularly those in middle management, an organisation which will fulfil all their requirements in a responsible and modern way. We are having regular meetings with the Fire Service Implementation Team at ODPM and at another excellent meeting with the Fire Service Minister Nick Raynsford recently were very encouraged by his interest in the Association and support for our role in assisting driving forward the modernisation programme.

A growing number of Fire Authorities around the country now recognise the Fire Officers' Association for local negotiating purposes including most recently Greater Manchester, West Yorkshire and London. Our membership within Nottinghamshire Fire and Rescue Service is currently increasing and we have received many enquiries from people interested in joining. We consider that the views of all members of the service need to be taken account of in the local decision-making process and therefore request that Nottinghamshire Fire Authority consider recognising the Fire Officers' Association for the purposes of local negotiation.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Graham Setterfield', written in a cursive style.

Graham Setterfield  
Chief Executive