

report

meeting	NOTTINGHAMSHIRE AND CITY OF NOTTINGHAM FIRE & RESCUE AUTHORITY	
date	10 December 2004	agenda item number

REPORT OF THE CHIEF FIRE OFFICER

PAY PROTECTION FOR RETAINED PERSONNEL

1. PURPOSE OF REPORT

The purpose of this report is to inform Members of the actions taken by management to protect the pay of retained personnel following the implementation of the recent firefighters pay award.

2. BACKGROUND

- 2.1 Phase One of the firefighters pay award which was implemented from 1 November 2003 was introduced in two instalments of 3.5%. As part of the negotiations surrounding this pay award, retained personnel were supposed to gain parity of pay rates with their wholetime colleagues. However, the new conditions of service if applied strictly would not have had this effect in Nottinghamshire. In fact many staff, particularly those who were crew or watch managers, were actually losing money as a result of the application of the pay award and associated conditions.
- 2.2 The reasons why these reductions in pay occurred are quite complex, but largely relate to the volumes of calls. Across the country, retained firefighters do not attend a high volume of calls on average and the pay methodology placed all retained personnel on the same hourly rates as their wholetime colleagues. In order to compensate for these increases in hourly rates, the attendance fee and the turnout fee were both reduced and replaced with a single disturbance allowance. This meant that in effect if a retained firefighter did not attend many calls (as in most counties they do not) the retained would get parity of pay rates with the wholetime and a similar pay award.
- 2.3 In Nottinghamshire however, retained personnel attend far more incidents than the national average and therefore the reduction in the level of attendance allowances had a serious effect. Many retained Watch Managers for example would actually be up to £1,500 per annum worse off after the pay award than they were before.
- 2.4 Management were aware that there was a problem and had discussed this with the relevant trade unions and with a group of retained junior officers. All parties recognised the issue and the staff and their representatives were aware that management were seeking a solution.
- 2.5 Representations were made to the NJC in support of the retained personnel, but a view on protection was not given until the agreement on Phase Two of the pay award was reached. Even at this time the NJC were advising protection relating to

7% and not the then settled pay award of a further 4.2%. This situation has now been resolved and this report sets out the protection arrangements which have been agreed with both the Retained Firefighters Union and the Fire Brigades Union.

3. PROTECTION ARRANGEMENTS

- 3.1 The advice of the national employers is that retained personnel should have their pay protected to ensure that they enjoy the full percentage increases of the firefighters pay award based on the salary and payment structures in place at November 2003. This means in effect that two pay calculations need to be carried out for each firefighter, one at the old rates plus 7% and 4.2%, plus another on the actual rates currently in force. In some Fire Authorities this is being done every month, however it is not considered appropriate to do this in Nottinghamshire for two reasons :
- i) The increase in the workload of Payroll staff could not be contained within existing resources.
 - ii) Protection of this nature could easily result in a member of staff being protected in one month whilst being paid more than 11.2% in a subsequent month.
- 3.2 It has been agreed that a pay review will be carried out every six months to assess the level of protection required for each employee and that this amount will be paid over to individuals. This process has the advantage of minimising the administrative work involved and smoothing out the effects of the fluctuations in pay between months. There could still be some variations on a six monthly basis, but it is considered unreasonable to expect staff to wait longer than 6 months to receive their pay protection.
- 3.3 The first instalment of pay protection will be implemented and backdated to November 2003, with the second being carried out in March 2004 to ensure that the whole effect of pay protection is contained within a single financial year. Subsequent review dates will be September 2005 and March 2006 and six monthly thereafter to fit in with the financial year.
- 3.4 Another area where there are difficulties and where retained personnel are losing considerable amounts of money, relates to the issue of "follow on calls", where a pump returning to a station receives a second call. Previously staff were allowed to claim a second turnout fee for this second call. The new Grey Book makes no provision for this and therefore the implication is that a second disturbance fee cannot be claimed. This inconsistency has been recognised by the national employers, but as yet they have issued no guidance. Most Fire Authorities, including Nottinghamshire, have not implemented this part of the agreement and have carried on paying a second disturbance allowance. Irrespective of the logic or otherwise of this position, it nevertheless creates a situation where staff will lose money if this is not continued. As it is unlikely that there is to be a short term solution to this problem, it has been agreed that these payments will continue to be made until such time as there is national guidance on the matter.
- 3.5 The final remaining issue relates to promotions. If the pay protections recommended by the national employers are implemented, a Crew Manager being promoted to Watch Manager would actually lose money on promotion. Clearly this will discourage staff from taking promotions and would therefore endanger the provision of the service. Although the protection of a salary that an individual has

never received is somewhat unusual, it is considered that without doing this the Service will have extreme difficulty in recruiting junior officers. This protection would not apply to staff who have joined the Service after November 2003 and have therefore not had protected pay in their existing role.

3.6 The protection arrangements to be put in place will only apply until such time as the national employers devise a different payment methodology for the retained service or issue guidance that may affect issues such as follow on calls. In any case the whole protection arrangement will be reviewed after a period of three years.

3.7 It has been agreed with the Representative Bodies that a joint meeting will be held every six months to keep the arrangements under review.

4. FINANCIAL IMPLICATIONS

The financial implications of these protections cannot be calculated accurately, however it had always been expected that the true cost of the pay award for retained personnel would be the same as that for wholtime employees in percentage terms. Therefore in making provision for the pay award an appropriate amount was set aside for this to occur. Currently £274,000 remains in the contingency to cover these payments which are not expected to exceed this amount. When the full extent of costs are known a further report will be brought to a future Fire Authority meeting.

5. PERSONNEL IMPLICATIONS

The whole of this report has implications for retained personnel both in terms of retention and recruitment.

6. EQUAL OPPORTUNITIES IMPLICATIONS

There are no equal opportunities implications arising from this report.

7. RISK MANAGEMENT IMPLICATIONS

The main risk associated with this report is that the Service fails to retain or recruit staff to the retained service. It is clear that staff have placed a significant amount of trust in management in terms of their willingness to address these problems and the implementation of these protections will confirm management's commitment to this group of staff.

8. RECOMMENDATIONS

That Members note and approve the actions of management in implementing a scheme of protection for retained personnel in accordance with the guidance of the national employers and consideration of specific local conditions.

9. BACKGROUND PAPERS FOR INSPECTION

None.

Paul Woods
CHIEF FIRE OFFICER