

## report

meeting	<b>NOTTINGHAMSHIRE AND CITY OF NOTTINGHAM FIRE &amp; RESCUE AUTHORITY</b>	
date	<b>3 June 2005</b>	agenda item number

### REPORT OF THE CHIEF FIRE OFFICER

#### SHIFT CHANGE NEGOTIATIONS

##### 1. PURPOSE OF REPORT

The purpose of this report is to bring Members' attention to the progress that has been made on implementing the 2004/5 Integrated Risk Management Plan (IRMP) objective of achieving true twenty-four hour working for station based personnel and achieving a more efficient and effective flexible officer system.

##### 2. BACKGROUND

- 2.1 In April 2003 the Fire Authority received a report on the need to establish the Authority's first IRMP. This report highlighted the fact that the Government intended to remove the National Standards of Fire Cover in favour of locally developed risk management plans. This was part of the Government's reform and modernisation programme for the Fire and Rescue Service. The report highlighted that the Office of the Deputy Prime Minister (ODPM) had produced Fire Service Circular 7/2003 which gave the reasons for introducing IRMPs, what Fire Authorities needed to do to produce the plans, the help Government would provide and future guidance they would make available. The Authority at its meeting decided that the Improvement and Development Board (IDB) should oversee the development of the IRMP.
- 2.2 After a number of meetings of the IDB and seminars involving all Fire Authority Members, the Authority's first draft IRMP was brought to the October 2003 meeting of the Fire Authority. This meeting authorised a twelve week consultation period, which closed on 27 January 2004. During this consultation period the Authority held a major stakeholder seminar, visited eighteen Fire Service locations to discuss the plans, in addition to consulting the general public. Feedback on the consultation process was received at the February 2004 meeting of the Authority. Members instructed Officers on the changes to be made to the IRMP, as a result of the public consultation.
- 2.3 On the issue of 24-hour working, the draft IRMP had contained a proposal for two twelve-hour shifts, with no stand down (stand down period from midnight – 07.00 hours). This shift pattern maintained the fabric of the current system, but was rejected by employees on all the station visits. Members, having listened to the comments of employees, amended the proposal in the final IRMP.

- 2.4 The IRMP was brought back to the Authority on 26 March 2004 for formal adoption. The Authority's plan established a corporate direction and the first year action plan.
- 2.5 Under the first year's action plan within the Human Resources section the following actions were directed :
- 2.5.1 Fire station staff currently undertake a shift system based on two-days, two nights and four days off. This incorporates a seven-hour stand-down period on the night shifts. The Authority takes the view that in order to meet its enlarged Community Safety agenda and the demands of the National Integrated Personal Development System, that it needs to adopt 24-hour working. There are a number of ways this can be achieved, so the Authority will continue negotiations with the Representative Bodies on the most appropriate system. These negotiations will conclude during the Autumn of 2004 so as to allow time to plan the implementation for 1 April 2005. In the interim the Service will reorganise its work routines so as to maximise the available time. This will involve revisions to existing daily work routines to maximise community safety engagement with the public.
- 2.5.2 Officers provide cover on a flexible duty system which aims to ensure cover for larger/complex incidents 24 hours a day, 365 days a year. The current system creates an over-provision of Officer's midweek with minimum cover at the beginning and end of the week, and at weekends. The system does not provide optimum office-based availability. The Service will review the system and the incident command requirements so as to negotiate the introduction of an alternative model.

### **3 FIRE STATION DUTY SYSTEMS**

- 3.1 Following the approval of the IRMP the Fire Brigades Union (FBU) was invited to engage with management in the development of proposals to achieve 'True 24hour Working'. This invitation was declined, as the Service was still in dispute at National level over Stage 2 and 3 pay awards, and the new National terms and conditions of employment. Management progressed the issue unilaterally as they were unable to engage in a partnership approach.
- 3.2 Analysis of the options identified that the current system was not viable without stand down periods, as two 15 hour night shifts with only 9 hours rest between them had unacceptable health and safety implications.
- 3.3 As the IRMP and the National Joint Council for Local Authority Fire and Rescue Services, Scheme of Conditions of Service (Grey Book) determined that any change in shifts had to be negotiated, three principles were established for negotiation: 1) 24- hour working, 2) Resources to match demand, 3) The first two were to be done within the current resource base. These principles were adopted. The other factors that any new system had to comply with are defined as principles within the Grey Book, and are :
- 3.3.1 Basic working hours should average forty-two per week (inclusive of three hours of meal breaks in every twenty-four hours) for full-time employees. Hours of duty should be pro-rata for part-time employees.

- 3.3.2 There should be at least two periods of twenty-four hours free from duty each week.
- 3.3.3 It should comply with relevant United Kingdom and European law, including the Working Time Regulations 1998, and Health, Safety and Welfare at Work legislation.
- 3.3.4 It should have regard to the special circumstances of individual employees and be family friendly.
- 3.4 The options identified were limited and the best workable alternative subsequently identified was a 3 x 8 hour shift system. Other alternatives were feasible, like annualised hours, but were very complicated and would require specialist help and a full partnership with the recognised trade unions to implement. At that time the latter was not available. In regard to the family friendly element, research was conducted into what this actually meant for our employees. This work was conducted on our behalf by Opinion Research Services (ORS).
- 3.5 On 14 July 2004, Management tabled a proposal for the start of negotiations. The FBU refused to engage in this process as the Service was still in a National dispute situation around Stage 2 and 3 pay rises and the new Grey Book. To aid the employers in determining if the stage pay rises were to be paid, the Service was being assessed via the Pay Verifications 2 audit to see what progress had been made against its IRMP.
- 3.6 The National dispute was resolved on 26 August 2004 and the invitation to engage in negotiations was extended once again. The FBU agreed to engage in the process.
- 3.7 Between the end of the dispute and 16 February 2005, Management and the FBU were in formal and informal discussions. These discussions were prolonged and Management had some concerns about the level of progress being made. On 16 February the FBU agreed to engage with consultants to look at the annualised hours system or other systems that may be appropriate. This commitment gave Management confidence to commit to a tendering process and engage specialist consultants to assist the negotiations. The consultants would assist by providing additional analysis of incident data and the construction of an appropriate rota.
- 3.8 The consultants appointed to aid in the construction of an annualised hours or other system are SMART Human Logistics. They have considerable experience in this field. SMART have worked in the private and public sector and with other Emergency Services. The first joint meeting took place on 4 May 2005. The FBU have recognised that the implementation date will be 1 January 2006. A project plan to achieve this date, which shows all project alternatives is currently being discussed.
- 3.9 In the interim period the Service has re-organised its working routines to maximise Community Safety engagement. These practises are being kept under constant review to ensure that the Service meets the communities' needs as best it can in the interim period.

## **4 OFFICER DUTY SYSTEMS**

4.1 Representatives of the FBU Officers section, the Fire Officers Association (FOA) and Management successfully concluded negotiations on a replacement duty system for Flexible Duty Officers. This agreement was signed on 19 January 2005 by all parties. The agreement gives greater freedom to Officers to control their own working time, so as to meet family and work commitments, within a framework that benefits the Service and ensures that Officers are available when they can be most productive. This system is in effect an annualised hours system with a degree of self rostering. It assists the Service and the individual to meet their respective needs.

4.2 The system is currently being implemented. This implementation has meant some changes to the Command and Control system, which unfortunately have taken longer than expected. The new duty system will be fully implemented in the near future.

## **5 FINANCIAL IMPLICATIONS**

There are no direct financial implications from this report as the report concentrates on progress against an established objective.

## **6 PERSONNEL IMPLICATIONS**

There are no direct personnel implications arising from this progress report. There are clearly personnel implications arising from the change of duty systems, but these have been addressed elsewhere.

## **7 EQUALITY IMPACT ASSESSMENT**

There are no immediate equal opportunities implications arising from this report as it is a report on progress, therefore no equality impact assessment has been carried out. The change to duty systems is intended to produce practices and procedures which are family friendly and allow greater diversity in the workforce.

## **8 RISK MANAGEMENT IMPLICATIONS**

There are no direct risk management implications arising from this report.

## **9 RECOMMENDATIONS**

That Members note the contents of this report.

## **10 BACKGROUND PAPERS FOR INSPECTION**

- Fire Authority Reports April and October 2003, February and March 2004
- Fire Service Circular 7/2003
- Integrated Risk Management Plan 2004/5

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