

report

meeting	NOTTINGHAMSHIRE AND CITY OF NOTTINGHAM FIRE & RESCUE AUTHORITY	
date	21 October 2005	agenda item number

REPORT OF THE CHIEF FIRE OFFICER

TECHNICAL ADVISORY PANEL OUTCOME

1. PURPOSE OF REPORT

The purpose of this report is to bring Members' attention to the outcome of the Technical Advisory Panel (TAP).

2. BACKGROUND

- 2.1 The Fire & Rescue Authority approved its first Integrated Risk Management Plan (IRMP) after twelve weeks public consultation on the 26 March 2004. The first year's action plan within the Human Resources section directed the following action :

"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 re-organise 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."

- 2.2 Progress reports on the negotiations were brought to the Authority, the latest being in June 2005. This report indicated that there had been issues and disruptions to the negotiation process, which had commenced during the initial IRMP consultation period and that the discussions were ongoing.

3 REPORT

- 3.1 Negotiations continued following the June Fire Authority meeting, but unfortunately these reached a stage where management concluded that further progress could not be made without assistance. The mechanism for obtaining assistance is set out in the National Terms and Conditions of Employment and is known as the Technical

Advisory Panel. Management made an application to the TAP for this assistance on 3 August 2005.

3.2 The TAP met on 30 and 31 August 2005 under the Chairmanship of Professor Roy Lewis. The TAP process involves an examination of the proposal for shift change against the Fire Authority's IRMP and the conditions for shift change set out in the National Terms and Conditions of Employment. The TAP is required to try and broker an agreement and to make non-binding recommendations. The TAP's observations and recommendations are attached for Members information.

4 FINANCIAL IMPLICATIONS

There are no financial implications arising from this report, as it reports the outcome from the TAP process only. There are financial implications of shift change, but these will be considered in other papers to the Authority in due course.

5 PERSONNEL IMPLICATIONS

There are no personnel implications arising from this report, as it reports the outcome from the TAP process only. There are personnel implications of shift change, but these will be considered in other papers to the Authority in due course.

6 EQUALITY IMPACT ASSESSMENT

As this is a report on the outcome of TAP there has been no equality impact assessment undertaken at this time.

7 RISK MANAGEMENT IMPLICATIONS

There are no direct risk management implications arising from this report, as it is a report on the outcome of the TAP only.

8 RECOMMENDATIONS

That Members note the contents of this report.

9 BACKGROUND PAPERS FOR INSPECTION

- Fire Authority Reports April and October 2003, February and March 2004, June 2005 ;
- Fire Service Circular 7/2003 ;
- Integrated Risk Management Plan 2004/5.

Paul Woods
CHIEF FIRE OFFICER

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**To: Chief Fire Officers/Firemasters
Chief Executives/Clerks to Fire Authorities
Chairs of Fire Authorities
Directors of Human Resources**

Members of the National Joint Council

Date 1 September 2005

CIRCULAR NJC/11/05

Dear Sir/Madam

TECHNICAL ADVISORY PANEL (Nottinghamshire August 2005)

1. Section 4, Part A, paragraphs 3, 4, and 5 of the Scheme of Conditions of Service (Grey Book) outlines the principles on which Duty Systems should be based.
2. Where local agreement cannot be reached between the fire and rescue authority and the recognised trade union the difference can be referred to the NJC's Technical Advisory Panel (TAP) whose role is to seek agreement, but where that is not possible to make recommendations.
3. Professor Roy Lewis, who is assisted by the Joint Secretaries, currently chairs the panel.
4. The TAP met on 30th and 31st of August to consider a referral from the Nottinghamshire Fire and Rescue Service.
5. Nottinghamshire Fire and Rescue Service proposed a new duty system to support the Authority's Integrated Risk Management Plan for 2005/2006.
6. Both parties now have 14 days to consider the recommendations of the TAP, which are attached. (**Appendix A**). It is anticipated that these will form the basis of a collective agreement between the local parties.
7. The recommendations are applicable only to Nottinghamshire.

**Yours faithfully
MIKE WALKER
MATT WRACK
Joint Secretaries**

NJC FOR LOCAL AUTHORITIES' FIRE BRIGADES

TECHNICAL ADVISORY PANEL (TAP)

Parties:

**Nottinghamshire Fire & Rescue Service
Fire Brigades Union**

1. The TAP met at the Ambassadors Hotel, London on 30 August and at the Panel Chair's Chambers in Gray's Inn, London on 31 August 2005.
2. In accordance with the Grey Book, Section 4, Part A, paragraph 5, the TAP encouraged the parties to make a voluntary agreement in order to settle the differences between them concerning the introduction of a new duty system arising from the Authority's Integrated Risk Management Plan (IRMP).
3. In the absence of an agreement, the TAP is empowered to make recommendations having regard to the deployment of resources that the Authority has determined is necessary in order to implement its IRMP and the 4 principles set out in the Grey Book, Section 4, Part A, paragraph 3.
4. The Authority's proposed duty system was set out in its written submission to the TAP. Having given it the most careful consideration, in my view the Authority's proposed duty system follows the 4 principles set out in the Grey Book, Section 4, Part A, paragraph 3, and is compatible with the deployment of resources that the Authority has determined is necessary to implement its IRMP.
5. The Union's proposed alternative duty system was set out orally on 30 August and further refined on 31 August 2005¹. Having given it the most careful consideration, subject to one qualification, in my view it follows the 4 principles set out the Grey Book. Section 4, Part A, paragraph 3 and is compatible with the deployment of resources that the Authority has determined is necessary to implement its IRMP. The qualification is that there would need to be a collective agreement in order to satisfy the Working Time Regulations.
6. According to the Grey Book, Section 4, Part A, paragraph 3, an employer must discuss a proposed duty system with the recognised union. This point is developed in the general principles governing the operation of the TAP: "It is anticipated that there will have been the appropriate consultation and negotiation over the matter in line with the arrangements at Section 6 Part C of the Grey Book". In this case there was not, in my view, a full discussion of the Authority's proposed duty system prior to the matter being referred to the TAP. Both parties share responsibility for this.
7. In the light of the above, and in the interests of constructive industrial relations, my recommendation is that the Authority and the Union return to the negotiating table with a view to reaching an agreement on a new duty system.

Professor Roy Lewis
Panel Chair and Independent Expert to the TAP
31 August 2005

¹ The Union has been asked to confirm its proposed alternative duty system in writing to the Panel Chair and to the Authority.