



NOTTINGHAMSHIRE
Fire & Rescue Service
Creating Safer Communities

Nottinghamshire and City of Nottingham
Fire and Rescue Authority
Human Resources Committee

REGRAIDING OF POSTS

Report of the Chief Fire Officer

Agenda Item No:

Date: 28 March 2008

Purpose of Report:

To propose that delegated authority be given to the Chief Fire Officer to authorise the permanent regrading of posts following job evaluation.

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1. BACKGROUND

- 1.1 In 2005 the Service agreed to implement the NJC Job Evaluation Scheme for those employees employed under the NJC Conditions of Service for Local Government Services. This was incorporated into respective Contracts of Employment.
- 1.2 The requirement to implement a job evaluation scheme arose as part of the pay agreement by the National Employers in 1997 as part of the Single Status Agreement, which made a commitment that all public sector employers represented by the National Joint Council for Local Government Services would have a job evaluation scheme in place by 2007.
- 1.3 The primary purpose of such a scheme was to undertake an equal pay review of all posts and to establish a process for ongoing job analysis. Details of the Principles of the NJC Scheme are attached as Appendix A.
- 1.4 The Human Resources Department undertook a review of all posts in 2005, and implemented a revised grading structure, following detailed negotiation with Unison.
- 1.5 Since 2005 a joint Job Evaluation Panel, comprised of representatives of management and Unison, have been responsible for evaluating job grades for new posts and for reviewing existing posts where there has been a significant, measurable and permanent change to the duties and responsibilities of the post-holder. Applications for regrading may be made by the employee or by management.

2. REPORT

- 2.1 Under the provisions of Section B4 (Personnel Regulations) of the Fire and Rescue Authority Personnel Handbook, decisions in relation to the permanent regrading of posts lies with the Human Resources Committee. A copy of the Personnel Regulations is attached as Appendix B. The Regulations were updated in 2007 to take account of the job evaluation process, but authority to approve grading decisions remained with the Human Resources Committee.
- 2.2 This has resulted in an anomalous situation whereby the outcomes of a negotiated process are referred to this Committee for approval.
- 2.3 Whilst the Committee has the power to over-turn a recommendation arising from the outcome of the job evaluation process, this would be likely to lead to a challenge from the representative bodies – ie: that the Service is not upholding a jointly agreed process for job analysis based upon the principles of equal pay for work of equal value. It may also lead to a civil challenge from the employee/s concerned on the basis that job evaluation forms part of their Contract of Employment and that the Service, as an employer, cannot unilaterally dismiss the outcome of an evaluation undertaken within the provisions of an incorporated contractual agreement.

- 2.4 Additionally, in view of the Committee cycle, the current decision-making process can lead to a delay of up to three months before any salary increase can be implemented.
- 2.5 It is therefore proposed that the authority to change post gradings be delegated to the Chief Fire Officer (through the Human Resources Department) subject to the outcomes of the Job Evaluation process, and that a report of changes to post grades is made to the Human Resources Committee on a quarterly basis to ensure that members of the HR Committee maintain an overview of grading decisions. This would necessitate a revision to governance arrangements, as set out in Recommendation 8.2.

3. FINANCIAL IMPLICATIONS

Provision for salary increases, arising from the job evaluation process, are already factored into the salaries budget as part of the budget setting process.

4. HUMAN RESOURCES AND LEARNING AND DEVELOPMENT IMPLICATIONS

The job evaluation process has been agreed following detailed negotiation with Unison and constitutes a collective agreement under the Contracts of Employment of employees covered by the NJC for Local Government Services. The adoption of the NJC Job Evaluation Scheme would be a mitigating factor in any equal pay claim.

5. EQUALITY IMPACT ASSESSMENT

An equality impact assessment has been undertaken as part of the consultation on the Grading Policy and is attached as Appendix C.

6. CRIME AND DISORDER IMPLICATIONS

There are no crime and disorder implications arising from this report.

7. RISK MANAGEMENT IMPLICATIONS

A failure to apply the outcomes of the jointly agreed Job Evaluation process may lead to challenge from the representative bodies or from the employee/s affected.

8. RECOMMENDATIONS

- 8.1 That from 1 April 2008 the Human Resources Committee delegate authority to the Chief Fire Officer, through the Human Resources department, for the implementation of grading decisions arising from the application of the Job

Evaluation scheme and receive a quarterly summary report of regrading decisions, positive and negative, at subsequent meetings;

8.2 That governance arrangements be changed to reflect this delegation of authority, set out in paragraph 3.1 of the Personnel Regulations as follows:

“ 3.1 The grading of posts, including regrading applications, should be dealt with under the NJC Job Evaluation Scheme. The Chief Fire Officer has delegated authority to amend post gradings in line with the outcomes of the job evaluation process and will report such changes to the Human Resources Committee”; and

8.3 That the terms of reference for this Committee be amended to reflect this change.

9. BACKGROUND PAPERS FOR INSPECTION (OTHER THAN PUBLISHED DOCUMENTS)

- Grading Policy

Frank Swann
CHIEF FIRE OFFICER

**LOCAL GOVERNMENT SERVICES JOB EVALUATION SCHEME:
TECHNICAL NOTE NO. 2: THE PRINCIPLES OF THE NJC JES**

1. The Technical Working Group's Remit

The remit of the joint Technical Working Group (TWG) commissioned by the then negotiating groups was to:

- Design and develop a job evaluation scheme to cover all the jobs within the proposed NJC remit;
- Ensure that the scheme complied with equal value principles and practices.
- Adopt the proposed Agreement principles of jointness, openness and equality

2. Principles

In designing the scheme to comply with equal value principles and practices, the principles followed by the TWG were that:

- (1) All aspects of the scheme should be developed on the basis of *understanding of local government jobs and their demands*. This led to:
 - a. Development and testing of the factor plan, initially using already available job descriptions and other information, but subsequently through pilot testing of the scheme on questionnaires completed by jobholders for 150 jobs from a number of local authorities, using trained joint test evaluation panels.
 - b. Design of the scheme scoring and weighting systems on the basis of agreed principles, developed during the design process, rather than from any preconceived ideas about outcomes or reliance on statistical techniques, which might carry risk of re-incorporating historical discrimination.
- (2) All *significant features of all jobs* within the NJC remit should be *fairly measured* by the scheme. This is reflected in:
 - a. The relatively large number of factors, each intended to measure a discrete job demand
 - b. Inclusion of factors such as Interpersonal Skills, Physical Skills, Emotional Demand and Responsibility for People to ensure that features of jobs, which might have been undervalued in the past, were fairly measured

- c. The agreed minimum weighting of factors at 5% of total points (Effort and Working Conditions factors) to ensure that every factor could impact on outcomes
- (3) Adoption of the *principle of equality* throughout, unless there was clear justification for moving away from this. This can be seen in:
- a. The aim of having equal steps in demand between factor levels and then equal points steps to reflect this;
 - b. Similar factors being developed in parallel to each other, for example, Responsibility, Effort factors each with the same number of levels and the same weighting.
- (4) Agreement that all aspects of the scheme should be '*open*' and '*transparent*'. This led to:
- a. Publication of the factors, factor levels, scoring and weighting of the scheme, and a user guide on implementation, as the recommended model for carrying out grading reviews, in Part 4 of the Single Status Agreement
 - b. Development of a Job Description Questionnaire asking for detailed factual information about jobs, so that the information base for each evaluation would be clear.
- (5) Adoption of the principle of *joint working* and recommendation that this should also be followed for implementation. This resulted in:
- a. Joint working by the Technical Working Group in developing the scheme and by those involved in testing the factor plan
 - b. Inclusion of the principle of jointness in the user guide on implementation
 - c. Joint presentations and training on the scheme, wherever possible

3. External Verification

The Equal Opportunities Commission (EOC) were consulted regularly during the development of the scheme and made helpful comments, which were followed, particularly on implementation issues. The Commission for Racial Equality (CRE) were also consulted but declined to comment.

1 **Staffing Establishments**

The 'establishment' for a group of employees means the number and grades of posts and how they are structured. The Chief Fire Officer is responsible for maintaining proper records of the staffing establishments for all groups of employees within the Fire and Rescue Service maintained by Nottinghamshire and City of Nottingham Fire Authority. The Head of Human Resources will hold and monitor these records and provide information to external bodies.

2 **Changes in Staffing Establishments**

Staffing establishments are decided by the Fire Authority, and any changes will require Committee approval. The process is as follows:-

- 2.1 The Chief Fire Officer will consider any changes required in staffing establishments based on the Business Plan and aims of the Fire Authority.
- 2.2 Planned changes, e.g., additions, deletions and changes in grades, will be included in proposed annual budgets in broad outline.
- 2.3 Representative Bodies will be consulted on such changes with adequate opportunity for any views to be considered fully prior to decisions made.
- 2.4 In the light of subsequent business planning, the Chief Fire Officer will then submit the detailed proposals to Committee for approval.
- 2.5 At this stage the Chief Fire Officer will ensure that approved changes are made to the establishment records.
- 2.6 Any changes occurring between annual budgets will be submitted by the Chief Fire Officer to the Fire Authority for approval. A summary of these changes will be reported annually to the Fire Authority Committee for information.

3 **Grading of Posts/Roles**

- 3.1 The grading of posts, including regrading applications, should be dealt with under the NJC Job Evaluation Scheme. Regrading proposals should be submitted by the Chief Fire Officer to the Human Resources Committee for approval.
- 3.2 The grading of roles within the uniformed establishment will be subject to analysis under the Rank to Role process.

4 **Pay Arrangements**

Pay policies, including the manner in which gradings/rates of pay are determined (subject to Nationally Agreed Conditions of Service), shall be the responsibility of the Fire Authority.

5 **Redesignation/Conversion of Posts**

5.1 This is a matter for the Chief Fire Officer to decide in consultation with relevant recognised representative bodies.

6 **Temporary Additions to the Establishment**

6.1 The Chief Fire Officer has discretion to authorise temporary additions to the formal establishment or an overlap of appointment where in his/her judgement this is consistent with Business Plans and the efficiency of service provision. Such changes will be entered onto the formal establishment by the Chief Fire Officer and notified to Committee as appropriate.

7 **Employment**

7.1 The appointment to the post of Chief Fire Officer, Deputy Chief Fire Officer, and any other Officers at second tier level shall be decided by the Fire Authority (Appointment Committee). The recruitment process for such appointments will be co-ordinated by the Head of Human Resources. The termination of employment contracts for these post shall be decided by the Fire Authority, and in accordance with the relevant national agreements and any legal provisions. The Head of Human Resources will be consulted about the process.

Appointment to, and the termination of employment contracts for all other posts, including the recruitment process, is the responsibility of the Chief Fire Officer.

8 **Salary Progression**

8.1 The Chief Fire Officer has discretion to decide commencing salary points within the grade, subject to the provisions of national and local service conditions. The Chief Fire Officer also has discretion to approve the acceleration within the formal grade for the post, if in his/her judgement this is justified by the performance of the employee in relation to the Business Plan and the efficiency of the service provision.

9 **Exercise of Discretion - Corporate Standard**

9.1 In exercising their discretionary powers, the Chief Fire Officer and Fire Authority will at all times operate within the corporate standards and policies.

10 **Personnel Implications of Committee Reports**

10.1 In any report to the Fire Authority or a Sub-Committee thereof, the Officer responsible for the report, in consultation with the Head of Human Resources, will include a section headed 'Personnel Implications' which will assure the Committee that all personnel matters have been addressed, e.g., Trade Union consultation, redundancy, redeployment, corporate considerations.

11 **General**

11.1 The Head of Human Resources will advise the Chief Fire Officer and Fire Authority Members on the interpretation of these Personnel Regulations.

11.2 Reference in these Regulations to the Chief Fire Officer means either the Chief Fire Officer or his/her designated representative.

11.3 All changes referred to in these regulations are subject to budgetary provision being available and the source identified.

INITIAL EQUALITY IMPACT ASSESSMENT

POLiCY. REF. NO. **Index C**
2041

Section Human Resources	Manager Human Resources Manager	Date of Assessment May 2007	New or Existing New
Name of Policy/Service/Procedure to be assessed		Grading Policy (Local Government Services)	
1. Briefly describe the aims, objectives and purpose of the policy/service/procedure		To detail the process to be followed by the Service in establishing appropriate grades for posts on the non-uniformed establishment	
2. Who is intended to benefit from this policy and what are the outcomes?		Employees and service managers are clear about the grading process and the procedure by which post grades are determined and may be reviewed	
3. Who are the main stakeholders in relation to the policy/service/procedure?		Employees, service managers, members of the Combined Fire Authority	
4. Who implements and who is responsible for the policy/service/procedure?		<p>The HR Support Officer is responsible for co-ordinating the job evaluation process</p> <p>The HR Manager (corporate) is responsible for reviewing and updating the Policy and for implementing changes to the grading structure in line with changes to national conditions of service, and local agreements.</p>	

5. Please identify the differential impact in the terms of the six strands below. Please tick yes if you have identified any differential impacts. Please state evidence of negative or positive impacts below.

STRAND	Y	N	NEGATIVE IMPACT	POSITIVE IMPACT
Race	X			The application of the Policy ensures that there is no scope for direct or indirect discrimination during the grading process on the grounds of race
Gender	X			The application of the Policy ensures that there is no scope for direct or indirect discrimination during the grading process on the grounds of gender
Disability	X			The application of the Policy ensures that there is no scope for direct or indirect discrimination during the grading process on the grounds of disability.
Religion or Belief	X			The application of the Policy ensures that there is no scope for direct or indirect discrimination during the grading process on the grounds of religion or belief
Sexuality	X			The application of the Policy ensures that there is no scope for direct or indirect discrimination during the grading process on the grounds of sexual orientation
Age	X			The application of the Policy ensures that there is no scope for direct or indirect discrimination during the grading process on the grounds of age.

6. Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group?	Y	N	7. Should the policy/service proceed to a full impact assessment?	Y	N
	X				X