



NOTTINGHAMSHIRE
Fire & Rescue Service
Creating Safer Communities

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

UPDATE ON THE TRANSFER TO THE REGIONAL CONTROL CENTRE

Report of the Chief Fire Officer

Agenda Item No:

Date: 10 October 2008

Purpose of Report:

To advise the Human Resources Committee of the current position in relation to the transfer of Control employees to the Regional Control Centre.

CONTACT OFFICER

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1. BACKGROUND

- 1.1 The provision of Regional Control Centres (RCC) was first declared in the inaugural Fire and Rescue Services National Framework 2005-2006. It stated that, through the functions of the Regional Management Board (RMB), Regional Control Centres should be established.
- 1.2 Since the establishment of the Regional Management Board (RMB), work has been ongoing in respect of the East Midlands Regional Control Centre which will be sited at Castle Donington. Through the RCC project issues such as technology, governance, and staffing issues are all being progressed.
- 1.3 The Regional Control Centre will become operational in September 2009 when the control function for Derbyshire is formally transferred; this transfer of functionality is referred to as the "cut-over date". This will be followed by the transfer of each East Midlands Control Room function to the new body, with Nottinghamshire scheduled to transfer its operations in March 2010.
- 1.4 Consultation has been ongoing with the East Midlands Fire and Rescue Control Centre Ltd. regarding the way that this transfer will be affected. A number of regional working groups have been established to manage workstreams associated with the transfer, one of which is the Human Resource Managers Working Group (HRMWG) which has been tasked to establish the process for the transfer of staff.
- 1.5 The transfer of staff in this circumstance is governed by the Transfer of Undertakings (Protection of Employment) Regulations 1981 and 2006 (TUPE).

2. REPORT

- 2.1 At its meeting on 4 January 2008, the Human Resources Committee considered a progress report which set out the decisions and actions which had been taken to date in relation to the transfer of staff to the Regional Control Centre. These included:
 - § A decision that the LACC (Local Authority Controlled Company) will be responsible for effecting any redundancies;
 - § Discussion around the establishment of an Initial Staffing Pool to undergo training prior to the first cut-over in September 2009
- 2.2 A significant amount of progress has been made on the HR workstream since this update. Formal consultation has commenced with the representative bodies, LACC policies have been agreed with representative bodies and endorsed by the Joint Partnership Forum (JPF), control staff have been notified of whether or not they will be required to transfer to the RCC, and local support policies have been implemented.

Consultation

- 2.3 In April 2008, the Regional Control Centre Director formally notified all five Chief Fire Officers in the East Midlands of the anticipated transfer and migration of control functions and all employees involved in the control functions from this FRS to the East Midlands Fire and Rescue Company Ltd. The proposed dates of transfer for Nottinghamshire being March 2010. The letter also set out the measures that they envisaged taking in relation to the transfer. This was provided in line with Regulation 13(4) of TUPE. This letter was subsequently sent to the representative bodies whose members are likely to be affected by the transfer and/or the measures within Nottinghamshire on 6 May 2008, and to Control staff themselves.
- 2.4 A further letter was sent from the Regional Control Centre Director to the Chief Fire Officer on 11 July. This letter set out further measures to be taken, including information about potential reductions in workforce, reasonableness criteria, employee involvement group, shift patterns and organisational structure and roles. This letter has again been shared with the representative bodies and with Control staff.
- 2.5 Regionally, the Joint Partnership Forum has endorsed the establishment of a sub-group which can consider common measures in relation to the transfer. The terms of reference for this group have yet to be agreed.
- 2.6 Locally, an Information-Sharing and Consultation group has been established to (i) allow consultation to take place between Nottinghamshire Fire and Rescue Service and appropriate trade union representatives regarding local measures associated with the transfer, (ii) provide relevant and appropriate information to the trade unions of affected employees and (iii) update the trade unions with progress made on the project that may affect the employees they represent. This meeting is chaired by the Chief Fire Officer and is held on a six-weekly cycle. Notes from the meetings held to date are attached as Appendix A to this report.

Staff Briefings and Employee Participation

- 2.7 Regular staff briefings have been undertaken by the Regional Control Centre to encourage the participation of control staff on issues relating to their future employment and to provide information about the transfer process. Local briefings have also taken place with Watches to further clarify processes and provide information about local measures.
- 2.8 The RCC has also established an Employee Involvement Group, made up of Fire Control employees from each Fire and Rescue Authority. This group meets to discuss issues in relation to their new working environment – ie: room design, decoration, catering facilities etc. The Service has agreed to release employees to attend this group every 6-8 weeks. This does not form part of the formal consultation arrangements under TUPE, and participation is on a purely voluntary basis.

Initial Staffing Pool

- 2.9 Consultation has been on-going regarding the LACC decision to establish an Initial Staffing Pool (ISP) prior to the first cut-over date in September 2009. The ISP will be a team of up to 30 staff from regional control rooms who will be seconded to the RCC three months before cut-over to receive training on the new systems and to check work processes.
- 2.10 In order to maintain control room operations during this period, funds have been made available to Fire and Rescue Authorities to recruit additional staff who will be competent to operate as Control Room Operators during the transition period.
- 2.11 Since June, the Service has recruited 10 additional Control Room Operators on fixed-term contracts and they are currently undergoing initial training. This group of staff will transfer to the Regional Control Centre at the cut-over date.

Reasonableness Criteria

- 2.12 A draft Reasonableness Criteria procedure has been developed by the LACC in consultation with the representative bodies. This sets out the criteria under which the transfer of staff to the new Control Centre will be considered.
- 2.13 Under Stage 1 of the procedure, Control staff have been informed whether they fall within this criteria based upon their home postal address. Within Nottinghamshire, three staff have been defined as outside of the area in which it would be “reasonable” for them to transfer – ie: their round trip would be in excess of 30 miles or would add more than one hour to their travel time.
- 2.14 In this circumstance, the employees will either receive a redundancy payment on transfer or may seek a new position within the Fire and Rescue Authority prior to transfer (see “local measures”). If they wish to be considered for a role within the RCC, they may still express an interest in vacancies and will be included as part of the selection pool.
- 2.15 Under Stage 2 of the procedure, individual interviews are being undertaken with Control staff who feel that their personal circumstances make it unreasonable for them to transfer to the RCC. These interviews are ongoing and are being held with representatives from the RCC. Employees are supported at the interview by union representatives and by a HR Officer and Control Room Manager from the Service.
- 2.16 At the completion of this process the numbers of Control staff who will transfer to the RCC will be established and a one stage selection process will then commence

Selection for RCC Roles

- 2.17 Details of the selection process are currently being developed by the RCC, with advice from the HR Managers Working Group. A decision has been made, and agreed in principle by the representative bodies, that selection will occur at the same time for all Control staff in the East Midlands rather than separately at the point of transfer. This is to ensure that the same opportunities are available to all staff irrespective of their cut-over date.
- 2.18 A Relocation Policy is currently being drafted by the RCC to assist those staff who may wish to move house or require assistance with travel.
- 2.19 Where there are sufficient numbers of roles in the new structure for the direct transfer of staff, staff will be “slotted” into the new roles. Where there are more staff than roles available, a selection process will apply. Those staff who cannot be “slotted-in” or are not successful at selection, will transfer to the RCC at the point of cut-over and will then be given notice of redundancy.
- 2.20 Any redundancies will be made in line with local procedures.

Local Measures

- 2.21 The Service has agreed a number of measures to support Control staff and to ensure the maintenance of services up to the point of cut-over. These include:
 - § Prior notification of vacancies and preferential consideration of individual applications. If the employee is successful in obtaining alternative employment within the Service, they are seconded back to the Control section and will commence their new role after cut-over.
 - § A training fund to assist staff who wish to update their skills or qualifications to enable them to apply for alternative roles within the Service or in the general job market.
 - § Assistance with applications and interview skills
 - § Additional fixed-term appointments to ensure the maintenance of services up to the cut-over date and to facilitate secondments to the Initial Staffing Pool (see para 2.9-2.10)
 - § The fixed term appointment of a Human Resources Officer to assist and support the HR workstream and act as a point of contact for Control staff.
- 2.21 Additionally, work is ongoing to identify “out of scope” activities (i.e. those tasks which will not be transferring to the RCC) and interface requirements after cut-over which will enable the Service to re-allocate tasks or to establish new roles.

3. FINANCIAL IMPLICATIONS

- 3.1 The appointment of additional staff to facilitate the establishment of an Initial Staffing Pool will be met from Communities and Local Government (CLG) funding. Redundancy costs will be funded by the East Midlands Regional Control Centre Ltd.
- 3.2 The appointment of a HR Officer will also be met through CLG funding.

4. HUMAN RESOURCES AND LEARNING AND DEVELOPMENT IMPLICATIONS

- 4.1 The TUPE regulations are complex and require adherence to specific consultation and employment protection legislation. The HR Department is working closely with regional HR colleagues to ensure that the Service meets its statutory requirements, and has sought legal advice to ensure that it complies with the legislation.
- 4.2 In order to secure the maintenance of the control room function through the transition period, and to allay any concerns that Control staff may have about their future employment, the Service will work to ensure that affected staff are supported and consulted on all aspects of the transfer and that information is shared regularly with staff and representative bodies.

5. EQUALITY IMPACT ASSESSMENT

All policies and procedures associated with the transfer will be equality impact assessed and scrutinised for any likely adverse impacts by the Regional HR Managers Working Group.

6. CRIME AND DISORDER IMPLICATIONS

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

7. LEGAL IMPLICATIONS

There are no legal implications arising from this report.

8. RISK MANAGEMENT IMPLICATIONS

Employees have a right to apply to an Employment Tribunal for compensation if the TUPE regulations have not been properly applied. The Service is working to mitigate this risk by consulting fully on any measures in relation to the transfer with individual employees and the representative bodies, participating in the Regional

HR Managers Working Group to oversee the transfer process and seeking legal advice as appropriate.

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| 9. RECOMMENDATIONS |
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That Members note the contents of this report.

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| 10. BACKGROUND PAPERS FOR INSPECTION (OTHER THAN PUBLISHED DOCUMENTS) |
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None.

Frank Swann
CHIEF FIRE OFFICER



NOTTINGHAMSHIRE
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Nottinghamshire Fire & Rescue Service
CONSULTATION ON THE MEASURES RELATING TO THE
TRANSFER OF THE CONTROL FUNCTION TO THE
LOCAL AUTHORITY CONTROLLED COMPANY

Friday 27 June 2008

SMT Conference Room

Present:

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| Frank Swann (Chair) | Chief Fire Officer |
| Andrew Beale | Assistant Chief Fire Officer |
| Tracy Crump | HR Manager (Corporate) |
| Mark Healy | Industrial Relations Officer |
| Steve Ainley | Fire Brigades Union |
| Steve Jenkins | Fire Officers' Association |
| Lea-Anne Abbiss | Notes |

Apologies: Keith Jones Fire Officers' Association

NB: Unison and the Retained Firefighters Union were also invited to the meeting but declined, given at this stage there were no impacts for their members. However, notes of this and subsequent meetings will be circulated to all Representative Bodies.

| | | Action |
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| 1 | <p>PURPOSE OF MEETING</p> <p>CFO Swann outlined that the purpose of this meeting was to share information with the local RBs where members will be affected by the transfer of the control function to the LACC. Formal consultation will take place between RBs and the LACC on 'measures' that the LACC will be taking in respect of the transfer. The proposal to be put to the Joint Partnership Forum on 3 July is that this will be dealt with through a sub-group of the JPF. The lead RB on the RCC project will confirm at the JPF that it has permission to negotiate on behalf of the five Fire and Rescue Services regarding TUPE transfer.</p> | |
| 2 | <p>LOCAL MEASURES</p> <p>For the benefit of those present, Tracy Crump outlined details of local and regional actions taken to date:</p> <ul style="list-style-type: none"> § Formal consultation letter was sent out on 6 May 2008 – to date no formal response has been received. § Meetings with control staff have taken place – individually, as watches and in a meeting between all control staff and the CFO. | |

- § LACC have organised workshops/seminars to show people around the new site.
- § Locally, it has been agreed that details of non-uniformed vacancies will be sent to control staff before they are advertised. Control staff then have opportunity to express an interest. If someone is successful, they will be offered the job and then seconded back into the control room until cut over.
- § NFRS have been out to advert to recruit additional staff on fixed term contracts to provide resilience and allow staff to be seconded to the RCC on the creation of an initial staffing pool. Those appointed on fixed term contracts will be fully trained up to facilitate the backfilling of posts. FOA expressed concern and sought assurances that all the most experienced people will not be allowed to go at the detriment of NFRS. CFO Swann gave this assurance.
- § In terms of the LACC selection process – one group has started, with further groups following in the next couple of months.
- § NFRS has established funds for control staff to undertake training. This will be available for control staff to apply for via the Training Board, who will decide if funds are allocated. Clarity sought by FBU and confirmed that the Training Board referred to was the one which involved the RBs and is currently in its infancy. Additionally, Tracy Crump flagged up that the next round of PDRs would be likely to identify development/training needs.
- § NFRS will provide opportunity for control staff to attend workshops on interview skills, application techniques etc.
- § FBU sought further detail on the LACC selection process. As yet this is unknown, but the process will be consulted through the JPF. This will be largely where there are more people than posts. LACC will determine where people fit before the cut over.

3 FUTURE ACTIONS

Tracy Crump went on to provide detail of future actions to be taken:

- § NFRS have been advised they will be receiving a letter setting out the reasonableness criteria (which has been agreed following consultation regionally). Staff will then be able to be informed if they fall within stage one of the reasonableness criteria. Once the letter has been received it will be passed on to staff and copied to the RBs.
- § FOA expressed concern about the potential for those who fall into phase one, who don't want to go to the RCC and haven't secured employment, effectively terminating contracts.
- § Tracy Crump explained that phase two would be for the LACC to sit down within individuals to look at the personal reasons why they wouldn't want to go to the RCC. It would then be for the LACC to decide if they accept the reasons and transfer the individual to the redundancy group.
- § A lot of what will happen will be determined by the sub-group of the JPF, which will be management and RBs. In order for meetings of that group to be quorate, all five Services must be represented.

| | | Action |
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| 4 | CONSULTATION ON MEASURES AFFECTING NON-CONTROL EMPLOYEES <p>Tracy Crump outlined that there will be consequences to the transfer that will affect other staff not directly affected and that management will maintain dialogue with all the RBs in respect of the implications for job roles or changes to ways of working and the measures which will be taken to deal with this.</p> <p>It was additionally flagged up by Mark Healy that Unison had had a presentation at the last non-uniformed panel regarding the out of scope work.</p> | |
| 5 | FUTURE CONTACT/MEETINGS <p>It was agreed that initially these meetings will take place every six weeks, but that management or the RBs could call off a meeting if they felt there was no requirement for one, or in between times either could request a meeting if issues should arise. Management highlighted that this also didn't preclude contact being made in between meetings to discuss particular matters as they arise.</p> | |
| 6 | ANY OTHER BUSINESS | |
| 6.1 | FOA highlighted that they hoped (and sought assurance) that pressure was being brought to bear on the LACC to engage with the RBs. Management outlined that the LACC has this in hand and is engaging with the RBs via the JPF. Mark Healy also flagged up that there has been 3/4 meetings between the LACC and RBs since the beginning of the year. | |

Nottinghamshire Fire & Rescue Service



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**INFORMATION SHARING AND CONSULTATION ON THE
MEASURES RELATING TO THE TRANSFER OF THE
CONTROL FUNCTION TO THE LOCAL AUTHORITY
CONTROLLED COMPANY**

Wednesday 10 September 2008

SMT Conference Room

Present: Frank Swann (Chair) Chief Fire Officer
Tracy Crump HR Manager (Corporate)
Mark Healy Industrial Relations Officer
Steve Ainley Fire Brigades Union
Keith Jones Fire Officers' Association
Steve Jenkins Fire Officers' Association (*Present for Items 1-4*)
Peter Clement UNISON (*Present for Items 8-10*)
Jo Cooper Notes

Apologies: Andrew Beale Assistant Chief Fire Officer

| | | Action |
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| 1 | APOLOGIES Andy Beale. | |
| 2 | PREVIOUS MINUTES AND MATTERS ARISING Steve Ainley wanted to clarify the nature of the meeting as the title was confusing, it was agreed this would be amended to the above and at future meetings agenda items would be identified as consultation or information as appropriate. Also Tracy informed the group that a person in Control had been appointed to a vacant post and seconded back into Control, and 10 fixed term contracts had been filled with a further two planned. | |
| 3 | RECEIPT OF PROPOSED MEASURES FROM LACC The date was highlighted as there were different versions of the letter in circulation. In a meeting the day before Tracy and Steve had spoke to Sean Burns about the confusion around a meeting which was perceived to take place between Stage 1 and 2, which was not the case. It was clarified that all information would be directed through the Service not direct from the LACC to employees. | |

| | | Action |
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| 4 | <p>INDIVIDUAL MEETINGS WITH LACC – REASONABLENESS CRITERIA</p> <p>All members of Control have been written to, individual meetings are in the process of taking place to ascertain if individuals are within or outside the reasonableness criteria. Steve Ainley attended a meeting where he highlighted some issues with the meetings not being minuted, he did accept that representative bodies were notified but would like time to brief staff on what was going to happen. Tracy agreed to ask Fiona Flewitt for the dates of the meetings.</p> | |
| 5 | <p>EARLY RECRUITMENT FOR STAFF FOR SINGLE SELECTION PROCESS</p> <p>Tracy Crump informed the group that as there would be a single selection stage for all five Fire & Rescue Services that local measures would be put in place as the cut-over dates were all different. Coaching for staff would be available but until Stage 2 is complete there wasn't much firmness on how big the pool of people would be.</p> | |
| 6 | <p>RCC CONTROL ROOM SEMINARS</p> <p>Tracy Crump presented a copy of the letter giving detail of a further set of seminars, it was highlighted that this was a Q&A session and staff were being encouraged to attend, representative bodies are welcome also.</p> | |
| 7 | <p>EMPLOYEE INVOLVEMENT GROUP</p> <p>This has been to JPF and will discuss other issues such as refreshments, security etc. They are looking for volunteers to participate in the group; any attendance will be facilitated where the Service can.</p> | |
| 8 | <p>INITIAL “OUT OF SCOPE” WORK – NFRS</p> <p>It was commented that the table was unclear as the titles for each column were ambiguous. The table states items when the Service has an interface with the RCC. A piece of work is being undertaken for truly out of scope work by RCC Project Board which will be ready for local scrutiny soon. Solutions for our out of scope will be progressed through the RCC Working Group, early indications and work to commence on this as soon as possible was asked for by Peter. Business Rules with the RCC are being drawn up through another group led by David Horton, these will lead to changes to Brigade Orders.</p> | |
| 9 | <p>DRAFT TERMS OF REFERENCE</p> <p>Any comments to be forwarded to Tracy for amendment.</p> | All |
| 10 | <p>ANY OTHER BUSINESS</p> <p>Steve asked that the meetings be coincided with the LACC ones as the information he received today would have been more useful before the meeting he attended yesterday.</p> | |