



NOTTINGHAMSHIRE
Fire & Rescue Service
Creating Safer Communities

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

PRINCIPAL OFFICER DISCIPLINARY PROCESS

Report of the Chief Fire Officer

Agenda No:

Date: 20 March 2009

Purpose of Report:

To present to Members the proposal to adopt the draft Procedure and Guidance for Local Authorities' Chief Officer and Chief Executives to Strategic Directors/Brigade Managers employed by the Nottinghamshire Fire and Rescue Service.

CONTACT OFFICER

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1. BACKGROUND

- 1.1 The national conditions of service for Brigade Managers are set out in the NJC for Brigade Managers of Fire and Rescue Services (Gold Book). These are supplemented by local agreements and arrangements, as set out in individual contracts of employment.
- 1.2 As part of the 2006/07 negotiation process and subsequent amendment of Gold Book conditions, a number of recommendations were made which placed the onus on each Fire and Rescue Authority to introduce procedures at a local level based upon best practice guidance. This included the formulation of disciplinary processes.
- 1.3 It is being proposed that any arrangements agreed would be applied to all Strategic Directors/Brigade Managers, including those not covered by the Gold Book but operating at this level.

2. REPORT

- 2.1 In considering appropriate procedures for Officers at this strategic level of the organisation, due regard was given to the governance arrangements required to establish appropriate involvement by Elected Members in managing disciplinary issues in relation to Strategic Directors/Brigade Managers.
- 2.2 A view has been taken that the model procedure and guidance established under the "JNC for Chief Officers of Local Authorities" for posts designated below that of the Chief Fire Officer and the "National Salary Framework and Conditions of Service for Local Authority Chief Executives" for the Chief Fire Officer role, are an appropriate mechanism for managing disciplinary issues for Strategic Directors/Brigade Managers within the Nottinghamshire Fire and Rescue Service. A copy of these procedures will be circulated at the meeting.
- 2.3 There are local discretions within the procedures, and these will be addressed in terms of governance – the composition of sub-committees, as part of the administration of the procedure by the Clerk to the Fire Authority. The detailed application of the procedure for Strategic Directors/Brigade Managers below the role of Chief Fire Officer will be determined on an individual basis by the Chief Fire Officer with due regard to the guidance provided within the procedure.

3. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

4. HUMAN RESOURCES AND LEARNING AND DEVELOPMENT IMPLICATIONS

The procedure will form part of the contractual terms applied to Strategic Directors / Brigade Managers and the existing contract will be varied to incorporate the proposed arrangements for dealing with disciplinary issues. This will require the agreement of existing Strategic Directors / Brigade Managers.

5. EQUALITY IMPACT ASSESSMENT

An initial equality impact assessment has been undertaken and is attached at Appendix A.

6. CRIME AND DISORDER IMPLICATIONS

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

7. LEGAL IMPLICATIONS

The Disciplinary Procedure will form an explicit contractual term within individual employment contracts, which will establish a contractual obligation on all parties to comply with the procedure.

8. RISK MANAGEMENT IMPLICATIONS

A failure to incorporate and follow agreed disciplinary procedures within an individual's terms and conditions of employment exposes the Service to potential claims of unfair dismissal and the risk of substantial compensation payments.

9. RECOMMENDATIONS

- 9.1 That the Committee agree to the proposal to adopt the Draft Procedure and Guidance for Local Authorities' Chief Officer and Chief Executives (as circulated) to Strategic Directors / Brigade Managers employed by the Nottinghamshire Fire & Rescue Service.
- 9.2 That the Clerk to the Fire and Rescue Authority be authorised to administer the process as required.

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

None.

Frank Swann
CHIEF FIRE OFFICER

Initial Equality Impact Assessment Questionnaire

This questionnaire will enable you to decide whether or not the new or proposed policy or service needs to go through a full Equality Impact Assessment.

Title of policy or service							Brigade Manager Disciplinary Procedure								
Name of Employee completing assessment:				Department and Section:											
CFO Frank Swann				Strategic Management Suite											
1. State the purpose and aims of the policy or service. The aim of the procedure is to establish a formal procedure for the management of disciplinary issues at the level of Strategic Director/Brigade Manager.															
2. Who is responsible for implementing it? Chief Fire Officer.															
3. Who is likely to be disproportionately affected by the proposal? People from which of the equality strands? (please tick)															
Age	Disability	Family Status	Gender	Race	Sexual Orientation	Religion or Belief									
4. If no boxes are ticked – there is no need to continue the EIA															