



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: 22 January 2010

Purpose of Report:

To advise Members of the current position in relation to the transfer of Control employees to the Regional Control Centre.

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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 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 are all being progressed.
- 1.3 The RCC was originally due to become operational in September 2009, however Communities and Local Government (CLG) announced in July that transfer of functionality to the regional centres would be delayed by ten months. This means that in the East Midlands the first cut-over of the control function will be Derbyshire Fire and Rescue Service in May 2011. This will be followed by the transfer of each East Midland Control Room function to the new body, with Nottinghamshire scheduled to transfer its operations in November 2011. Full transfer to the RCC is scheduled for January 2012.
- 1.4 Consultation has been ongoing with the East Midlands Fire and Rescue Control Centre Ltd. regarding the way that this transfer will be effected. 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 employees in this circumstance is governed by the Transfer of Undertakings (Protection of Employment) Regulations 1981 and 2006 (TUPE). Employees will retain their existing conditions of service on transfer, including redundancy provisions.

2. REPORT

- 2.1 At its meeting on 10 October 2008, the Human Resources Committee considered a progress report regarding those decisions and actions which had been taken to date in relation to the transfer of staff to the RCC. These included:
 - § The establishment of formal information sharing and consultation forums with representative bodies as required under Regulation 13(4) of TUPE;
 - § Agreement to the establishment of an Initial Staffing Pool (ISP) to undergo training prior to the first cut-over;
 - § The recruitment of an additional ten Control Operatives to facilitate secondment to the ISP;
 - § Regular staff briefings to ensure that those employees affected by the transfer are kept informed and involved in the process;

- § Initial consultation between the Local Authority Controlled Company (LACC) and representative bodies on a draft Reasonableness Criteria procedure to establish the criteria for TUPE transfer to the RCC;
 - § Draft role-matching procedures under consultation between the LACC and representative bodies for transfer/selection to new roles in the RCC;
 - § Measures which had been taken locally to support staff through the transition period.
- 2.2 A significant amount of progress has been made on the HR workstream since this update.
- 2.3 **Consultation:** Since the last update, the Service has received ten formal measures letters from the Director of the RCC (East Midlands) in relation to the transfer of employees, as required under TUPE regulations. This makes 13 letters in total. These letters have set out proposals in respect of procedures for the transfer/selection of employees to the new RCC structure; support for employees transferring to the RCC; employment policies and procedures; shift arrangements; a timeline for the role matching process and information about job roles.
- 2.4 All measures letters received by the Nottinghamshire Fire and Rescue Service have been formally shared with the representative bodies by correspondence, and verbally through information sharing and consultation meetings. They are also made available to Control employees via a dedicated intranet site.
- 2.5 **Confirmation of transfers:** all Control employees have been notified by the LACC of whether they fall within reasonableness criteria for transfer to the RCC in due course. A number of criteria were used to determine this, and each individual employee was given the opportunity to meet with RCC representatives to discuss their personal circumstances prior to a decision being made, and given the right of appeal if they disagreed with the outcome. Of the 39.5 persons employed in the Nottinghamshire Fire and Rescue Service (NFRS) Control Room, 14 have been confirmed as meeting the reasonableness criteria and 25.5 as outside of the reasonableness criteria.
- 2.6 At the point of transfer (cut-over date), all current Control employees will formally transfer to the LACC. However those who do not fall within the reasonableness criteria and have not opted or been successful in transferring to a new role in the RCC, will be given notification of redundancy.
- 2.7 It should be noted that those who fall outside of the reasonableness criteria for transfer, may still opt to transfer to the RCC and will not suffer any detriment in the role-matching/selection process.
- 2.8 **Initial Staffing Pool :** Each Fire and Rescue Service has been asked to commit a number of employees to support the ISP at least three months before the first cut-over date (February 2011). This is to allow staff to be trained on the new mobilising systems. Nottinghamshire have committed in

principle to sending 10 employees (6 Control Operatives and 4 supervisory employees) at this time. All such transfers will be undertaken on a voluntary, secondment basis.

- 2.9 Over the last 18 months, ten additional control operatives have been recruited to ensure that they will have completed a minimum 12 month training programme prior to the ISP release date.
- 2.10 A recent survey of NFRS Control employees, has indicated that 24 current employees would be interested in forming part of the ISP at the appropriate time.
- 2.11 **Role Matching and Selection Process:** The role matching/selection process has so far been used by the LACC to fill the post of Senior Operations Manager, Training Advisor (x2) and Operations Managers (x6). Two people from NFRS have been successful in obtaining a Training Advisor and Operations Manager role. The Training Advisor has already commenced her secondment with the RCC from 1 October 2009.
- 2.12 The next selection process will be to the roles of Resource Leaders (x6) in February 2010. As there is no clear match between current roles and the new role, a selection process will apply. Those currently in the role of Station Manager, Watch Manager or Crew Manager may apply.
- 2.13 Below the role of Resource Leaders, it may be possible to slot straight into post, subject to there being less or an equal number of expressions of interest than number of posts available.
- 2.14 Further role matching/selection processes are scheduled for March 2010 for Team Leader posts (x13) and between May and July 2010 for Control Room Operatives (x53).
- 2.15 It is therefore anticipated that by the autumn of 2010, Control Room employees will be clear about their role in the RCC or will have been provided with estimated redundancy figures should they be outside of the reasonableness criteria, or have been unsuccessful in the slotting in/selection process. It should be stressed that the LACC, as the new employer, will be effecting redundancies and not the Fire and Rescue Authority.
- 2.16 **Employee Support:** A dedicated HR Officer has been recruited specifically to ensure that the HR aspects of the transition are properly managed and resourced. Human Resources will continue to work closely with Control employees to ensure that they are in the best position to apply for roles in the RCC, and that they fully understand the implications and options available to them, particularly if they are not going to transfer to a new role in the RCC.
- 2.17 A series of workshops on selection processes and interview skills have recently been held for all Control employees and have been well received. It is hoped that this will assist both those employees seeking to transfer to

RCC and those who may have to seek employment outside of the RCC to refresh their interview skills.

- 2.18 **Staff Briefings and Employee Participation:** Regular staff briefings have been undertaken by the RCC 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.
- 2.19 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.

3. FINANCIAL IMPLICATIONS

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

4. HUMAN RESOURCES AND LEARNING & DEVELOPMENT IMPLICATIONS

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

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.

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.

9. RECOMMENDATIONS

That Members note the contents of this report.

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

None.

Frank Swann
CHIEF FIRE OFFICER