

DEVON & SOMERSET FIRE & RESCUE AUTHORITY



REPORT REFERENCE NO.	HRMDC/09/11
MEETING	HUMAN RESOURCES MANAGEMENT AND DEVELOPMENT COMMITTEE
DATE OF MEETING	27 OCTOBER 2009
SUBJECT OF REPORT	ELIGIBILITY FOR RETAINED DUTY SYSTEM (RDS) STAFF TO APPLY FOR WHOLETIME
LEAD OFFICER	Head of Human Resources Management and Development
RECOMMENDATIONS	That the report be noted.
EXECUTIVE SUMMARY	<p>On 11th March 2008, an Employment Tribunal ruled that all Fire Authorities should effectively treat RDS Firefighters as part-time Firefighters under the Part-Time Workers (Prevention of Less Favourable Treatment) Regulations. Fire and Rescue Services are therefore required to have processes in place to enable their 'part time' (RDS) staff to be considered for 'full time' (wholetime) roles.</p> <p>This issue has been considered by a working group, alongside the requirement to implement Assessment and Development Centres (ADCs) within the RDS, and proposals to make role specific selection processes more robust and consistent as all of these issues are inextricably linked.</p> <p>Having considered the relevant national and regional context, this paper therefore sets out some key principles and a model which incorporates all of these issues into existing systems and processes, identifying the key impacts and implications on Service policy and budget.</p>
RESOURCE IMPLICATIONS	Approximately £50-60,000 annually, plus one-off costs of approximately £5,000. Possibly additional resources (yet to be ascertained) subject to outcomes and recommendations of a fundamental review of support services.
EQUALITY IMPACT ASSESSMENT	The proposal will ensure favourable treatment across all sectors of staff

APPENDICES	Appendix A – Transferability Process Flowchart: Proposals
LIST OF BACKGROUND PAPERS	FSC EMP/04/08

1. **BACKGROUND**

1.1 In early 2008, a Working Group was established within DSFRS to consider four key areas in respect of their implementation or impact on staff working within the RDS. These were:

- Point of entry selection tests (National Firefighter Selection Tests)
- Implementation of ADCs within the RDS
- Eligibility to transfer between duty systems
- Initial (recruit) training

1.2 The group consisted of a range of Human Resources, Training & Development, RDS and Service Delivery practitioners, each with considerable experience and expertise within these areas. Having completed work on point of entry selection tests, the Group was asked to focus on the issue of eligibility issues in order to support the Service need to facilitate transfers at Firefighter level from the RDS to the wholetime duty system. As such, this was prioritised and the framework developed by the Group was largely used to support the process which ran in autumn 2008.

1.3 Following this process and a review of the Group's original terms of reference, it was then considered a priority to focus on the issue of transferability between duty systems at levels above Firefighter in light of the Employment Tribunal ruling on the part time workers regulations, and as a natural follow on from the work to date on transfers at Firefighter level. It was felt that the issue of ADCs within the RDS could not be considered in isolation as it was integral to transferability processes and there was a strong will to look at the issue holistically in order to fully consider the impacts and outcomes.

1.4 In light of regional work which was already looking at regional models and collaboration on Firefighter initial training, it was agreed that this would be removed from the terms of reference.

2. **LEGISLATIVE CONTEXT**

2.1 On 11th March 2008, an Employment Tribunal ruled that all Fire Authorities should effectively treat RDS Firefighters as part-time Firefighters under the Part-Time Workers (Prevention of Less Favourable Treatment) Regulations.

2.2 This ruling has key implications on a number of issues including remuneration and benefits (sick pay, annual leave, pensions) and transferability between RDS and wholetime duty systems (initial recruitment, transfers between duty systems, development and promotion). Essentially this means that, whilst RDS staff do not have an automatic entitlement to wholetime vacancies, in order to comply with the law Fire and Rescue Services must ensure that they have processes in place to enable their 'part time' (RDS) staff to be considered for 'full time' (wholetime) roles on an equivalent basis to any Wholetime colleagues.

- 2.3 Nationally some Fire and Rescue Services (FRS) have received legal notification that employment tribunal cases will be raised soon if they fail to implement appropriate transfer policies, and to date, Devon and Somerset FRS (DSFRS) has received one such claim which was heard on the 1st July 2009. The decision was in favour of the Service since the particular vacancy was initially ring-fenced to existing Wholetime Watch Manager A's. There are two other FRS who have cases that are not as far advanced as the DSFRS case and as yet we do not have a decision. However, it is clear that the Service needs to resolve this matter as a high priority ensuring that there is acceptance of the general principle for transfers from both management and the Representative Bodies.

3. **NATIONAL CONTEXT**

- 3.1 Nationally there are a number of FRS's who have developed and implemented processes and policies to support staff moving from the RDS to wholetime at Firefighter level, although there does not appear to be much consistency in the processes being used and very few have fully implemented ADCs within the RDS. Research undertaken in late 2008/early 2009 identified 6 FRS who had systems in place for facilitating transfers at Firefighter level but not at levels above this.

4. **CURRENT SITUATION IN DSFRS**

- 4.1 In order to assess the impact of the proposals that follow, it is important to understand the current processes and practices in place within DSFRS.

RDS Transfers to Wholetime – Firefighter Level

- 4.2 Historically the only way for RDS staff to join the wholetime duty system was for them to apply when the Service is recruiting for wholetime posts. Therefore this has meant they have had to compete with large numbers of members of the public and go through a selection process designed to identify those with potential to become a competent Firefighter, a role which they were already undertaking. In some cases, historically, successful candidates were required to complete a full 12 week recruit training programme.
- 4.3 In Autumn 2008, DSFRS invited applications from RDS staff wishing to transfer into the wholetime duty system at Firefighter level which resulted in 13 RDS staff being offered wholetime Firefighter posts. Successful transferees undertook an induction and integration programme prior to joining their allocated station and underwent a skills gap analysis to identify gaps in their competence in relation to the risk profile of their new Station.

Wholetime Firefighter Recruitment

- 4.4 In 2009/10 as a result of the current recruitment campaign, 31 people were recruited into wholetime Firefighter posts. Of these, 20 are new to the Fire Service, 9 are transferring from the RDS and 2 are from other Fire and Rescue Services. Successful non-FRS applicants will undertake a full recruits training course, whilst those who are either RDS or wholetime within another FRS will go through a shorter induction and integration programme as detailed above.

Wholetime Transfer Register (Firefighter Level only)

- 4.5 Currently this system does not involve any competitive selection process as it is managed on a 'first come first served' basis. Essentially this means that Firefighters can register a request to move watch or station on the list, and as vacancies arise, the register will be considered first in order to facilitate transfers which ultimately leaves a vacancy elsewhere within the Service. Inclusion on the register does not infer any guaranteed right to transfer, however custom and practice has meant that few transfer requests are not facilitated at the appropriate time.
- 4.6 The advantage of this system is that it reduces the recruitment activity and administration which would be involved in advertising every Firefighter vacancy, and whilst some Service Delivery managers would like a similar system introduced for Crew and Watch Manager posts, it is felt by HR that the system could be discriminatory and does not enable the 'best' person for a role to be identified.

Job Specific Selection Processes

- 4.7 Currently, vacant wholetime posts (for roles other than Firefighter) are advertised to those at the same substantive role level, and to those at the level below who hold a current and valid ADC 'pass'. It is accepted that the ADC process identifies those who have demonstrated the potential to undertake a role at a particular managerial level. Therefore, those who apply are then put through a selection process which is specific to the role, and not the role level, in order to identify the 'best person for the job' in terms of knowledge, skills, experience and aptitude.
- 4.8 For example, a selection process for a role of Trainer within the Training & Development department is likely to include the use of a presentation as this is a key requirement of the role, and questions will be related to that role and the local, regional and national issues relating to training and development. However, currently there is little use of the range of selection tools available to recruiting managers and inconsistencies in processes for similar level roles across the Service.

Firefighter Recruit (Phase 1) Training

- 4.9 Currently, wholetime recruits attend a 12 week training course at one of the Service's training centres. RDS recruits attend a modular phase 1 programme which runs over a period of 8 months made up of 7 modules (total of 20 days training input). At different stages in this 8 month period, they are able to operate with different levels of restriction following completion of some of the modules (eg. able to wear BA defensively, competent BA wearer etc.) On completion of their phase 1 training, they will complete a phase 2 logbook which is verified through station-based assessors and verifiers, and through the formal Stage Review process. This process is the same regardless of duty system.
- 4.10 Where existing Firefighters have transferred either into the wholetime duty system, or been recruited through the wholetime recruitment process, they will not attend a full recruits course, but will go through a skills gap analysis on an individual basis, and will attend an integration/induction process prior to taking up their post on their allocated station. Thereafter staff will complete an induction logbook which covers the areas identified within their skills gap analysis and may be different depending on the risk profile of the station they are based at.

Role Development Programmes

- 4.11 Role development programmes for staff progressing into the next role levels is the same for staff on both the wholetime and RDS duty systems. The programme is modular with identified risk critical modules which are required to be completed first and before individuals can 'act up' or be temporarily promoted to the next level.
- 4.12 It is worth noting, however, that this has only been the case for DSFRS since combination, as previously there were different systems in place in the two former FRS's, and these were not consistent between duty systems in both FRS's.
- 4.13 Staff in development are not currently able to apply for other roles until they have completed their development programme and are signed off as competent.
- Restrictions on Moving Role

5. **PRINCIPLES**

- 5.1 In developing the proposals that follow for addressing these issues, it was necessary to identify a number of principles which applied to the range of processes and policies which need to be in place to support the issue of eligibility to transfer between duty systems. These have been challenged within the Working Group and now form the basis upon which the proposed model should operate. They are:
- That processes are the same for transfer between duty systems in either direction (regional policy);
 - That processes will be consistent across duty systems and geographical locations within DSFRS;
 - That progression through roles will use the national ADC toolkit;
 - That all processes will use recognised/validated tools and appropriately trained assessors;
 - That National Fire Service tests are not used other than for non-FRS applicants entering DSFRS at Firefighter level (national Chief Fire Officers' Association (CFOA) guidance);
 - That selection for role is a competitive process designed to select the best candidate(s) for posts;
 - That movement between duty systems at the same role does not include any test of 'competence' (already deemed competent in role – 'firefighter is a firefighter' principle) and that the processes apply to all staff regardless of whether or not they are in receipt of Continuous Professional Development (CPD) payments;
 - That any movement between roles or duty system will include a skills gap analysis post-selection in order to identify the relevant development needs;
 - That internal and external applicants applying for promotion to posts above Firefighter within DSFRS must have completed the relevant national ADC;
 - That Fire Control staff are not included within this model;
 - That eligibility for movement between duty systems requires individuals to be in date with their core skills.

6. **ASSESSMENT AND DEVELOPMENT CENTRES (ADCs) FOR RDS STAFF**

- 6.1 It is proposed to invite RDS staff to apply for the ADC processes alongside wholetime staff as and when they are run at the different levels in accordance with workforce planning needs. Arrangements will be made to enable RDS staff to access the ADCs taking into account their availability.
- 6.2 There may be an issue if there are no staff on a particular RDS station who apply for/pass the ADC and therefore nobody eligible to fill a higher level vacancy on that station, however it is felt that the opportunity to apply for higher level posts within the wholetime duty system would encourage more staff to go through the ADC process, as opposed to simply implementing it for career progression within the same duty system.
- 6.3 There are a number of options for dealing with the potential issues this may raise which will be detailed within the resulting policy, but include:
- Possible temporary promotion with risk critical development and limitations on transfer 'rights';
 - Use of Wholetime resources to support station;
 - Additional FDS support for the station at operational incidents;
 - Targeted development;
 - Flexibility in practical and scheduling arrangements for ADCs;
 - Briefings and support for ADC preparation.
- 6.4 There will be need to improve succession planning as far as possible to support this. It is anticipated that the impact on RDS vacancies would be mitigated by the expectation that most staff would opt to retain their RDS contract under the Secondary Contract policy.

7. **JOB SPECIFIC SELECTION PROCESSES**

- 7.1 A cornerstone of these proposals is the introduction of a robust and thorough job specific selection process (JSSP). This will act as both the method for identifying the 'best' candidate for a particular role, and as a 'safety net' to address any underlying concerns stemming from the fact that candidates for a role will have arrived there through a variety of different routes, having been through different initial selection/promotion processes, and having undergone different types and duration of training and development. A robust role specific selection process will ensure that the best person for the job can be identified.

8. **STAFF IN DEVELOPMENT**

- 8.1 There has been much debate about whether staff should be able to apply to move sideways whilst in their development phase, but it is recommended that to provide more stability for the Service, competence in all existing roles is a pre-requisite for applying for posts at the same level. It will be necessary to ensure that the audit and verification systems to support this are working as intended and are given the appropriate level of importance by the workplace assessor and verifier network.

9. **BUDGETARY IMPLICATIONS**

9.1 Implementation of these proposals will inevitably have a significant impact on budgetary requirements. Whilst not exact, these are very approximately estimated to be in the region of:

- Implementation of ADC's for RDS – approx £50-60,000 per year, plus a cost in terms of Severn Park training points (used as a venue for ADCs)
- JSSP proposal – approx £1,000 for the purchase of additional hardware/software to support CPS, possibly an additional £2-3,000 for purchase/upgrade of ICS software which are likely to be one-off costs
- Budgetary implications will be minimised through robust management of Workforce Planning.

9.2 In addition there will be additional resource implications for the ADC team, Assessors and a number of HR and T&D staff to implement the proposals.

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TRANSFERABILITY PROCESS FLOWCHART: PROPOSALS

